



<b>COMPLAINTS HANDLING POLICY</b>	
<b>Policy Number</b>	GCS 2.4
<b>Prepared by</b>	Clare Ruxton, Director of Corporate Services
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## OSPREY COMPLAINTS HANDLING POLICY STATEMENT

*Osprey Housing believe that effective and efficient complaints handling is vital to the success of maintaining good quality services for all our tenants and provide value for money.*

We embrace quality people management and this is encompassed in our Core Values:

- **Ambition and Achievement** – we are a high performing organisation delivering through innovation and challenge
- **Equality and Respect** – we recognise and celebrate the unique value in everyone
  - **Quality and Professionalism** – we strive to deliver high standards
- **Agile and Responsive** – we are flexible and quick to deal with change without diminishing our delivery

# 1. Introduction

Our Complaints Handling Procedure reflects Osprey's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure was first developed by the Scottish Public Services Ombudsman, working in partnership with an advisory panel of housing associations and a high level group of key stakeholders.

The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to this sector. As far as is possible we have produced a standard approach to handling complaints across Scotland's public services, which complies with the SPSO's guidance on a MCHP. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff across Osprey must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve our services.

Handling complaints early creates better customer relations. Handling complaints close to the point of service delivery means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure.

Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer.

The Complaints Handling Procedure will help us do our job better, improve relationships with our customers and enhance public perception of Osprey. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## 2. Policy Principles

### 2.1 What is a Complaint?

Osprey's definition of a complaint is 'an expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action or about the standard of service

provided by or on behalf of Osprey '.

For clarity, where an Osprey team member also receives a service from the organisation as a member of the public, they may complain about that service.

A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- delays in responding to enquiries or requests
- unfairness, bias or prejudice in service delivery
- lack of provision or the provision of misleading, unsuitable or incorrect advice or information
- a repair that has not been carried out properly or in an agreed timeframe
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves: see Complaints about contracted services); or
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

A complaint **is not**:

- a routine first-time request for a service (see Complaints and service requests)
- a request for compensation only (see Complaints and compensation claims)
- issues that are in court or have already been heard by a court or a tribunal (see Complaints and legal action)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests) or an established appeals process followed throughout the sector
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf: see Complaints about contracted services).

We will not treat these issues as complaints and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why. See What if the

complaints policy does not apply.

## **2.2 Who Can Make a Complaint?**

Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our tenants. It also includes a member of the public who could have access to or be affected by our services, including our anti social- behaviour/neighbour nuisance services. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

We also accept complaints from the representative of a person who is dissatisfied with our service. See Complaints by (or about) a third party.

### **2.2.1 Supporting the customer**

All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.

We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:

- the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

Examples of how we will meet our legal duties are:

- proactively checking whether members of the public who contact us require additional support to access our services
- providing interpretation and/or translation services for British Sign Language users; and
- helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups) helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen's Advice Scotland); and
- providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).

These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

### **2.2.2 How complaints may be made**

Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.

Where a complaint is made verbally, we will make a record of the key points of complaint raised. Where it is clearly a complex complaint it will be immediately considered at stage 2 (investigation). It may be helpful to complete a complaint form with the customer's input to ensure full details of the complaint are documented. However, there is no requirement for the person to complete a complaint form, and it is important that the completion of a complaint form does not present a barrier to people complaining.

Complaint issues may also be raised on digital platforms (including social media). Where a complaint issue is raised via a digital channel managed and controlled by Osprey (for example official Facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.

We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a YouTube video or post on a private Facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.

We must always be mindful of our data protection obligations when responding to issues online or in a public forum.

### **2.2.3 Time limit for making complaints**

The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).

Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:

- within six months of when they first knew of the problem; or
- within two months of receiving their stage 1 response (if this is later).

We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.

We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## **2.3 Particular Circumstances**

### **2.3.1 Complaints by (or about) a third party**

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child if the child is considered to have capacity to make decisions for themselves.

The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the customer to deal with a third party and would normally follow up in writing to confirm this. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

See also [Part 1: Maintaining confidentiality and data protection](#).

### **2.3.2 Serious, high-risk or high-profile complaints**

We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2.

We define potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to our operations
- present issues of a highly sensitive nature, for example concerning: immediate homelessness
- involve a particularly vulnerable person; or
- involve child protection.

### **2.3.3 Anonymous complaints**

We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by an appropriate manager.

If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

#### **2.3.4 What if the customer does not want to complain?**

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through this process. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

#### **2.3.5 Complaints involving more than one area or organisation**

If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.

If a customer complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.

If a complaint relates to our service and the service of another organisation or public service provider and we have a direct interest in the issue, we will handle the complaint about Osprey through this process. If we need to contact an outside body about the complaint, we will be mindful of data protection.

Such complaints may include:

- a complaint to us about rent arrears that is partly caused by problems with a claim for Housing Benefit to the local authority, or
- a complaint to us about anti-social behaviour that relates to our service and a local authority service.

#### **2.3.6 Complaints about contracted services**

Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet Osprey's standard (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to the SPSO.



We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

Osprey has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

### **2.3.7 Significant performance failures**

The Scottish Housing Regulator (SHR) has a duty to consider issues raised with them about 'significant performance failures'. A significant performance failure is defined by the SHR as something that a landlord does or fails to do that puts the interests of its tenants at risk, and which the landlord has not resolved. This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. A significant performance failure happens when:

- a landlord is not delivering the outcomes and standards in the Scottish Social Housing Charter over a period of time; or
- a landlord is not achieving the regulatory standards on governance or financial management.

Significant performance failures are not dealt with through this procedure. Information about SHR can be found on their website: [www.scottishhousingregulator.gov.uk](http://www.scottishhousingregulator.gov.uk).

### **2.3.8 Complaints about senior staff or board members**

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff or committee members, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

The SHR specifies that a serious complaint against senior staff or the board of an RSL is a 'notifiable event', and as such the regulator must be informed immediately. It has also drawn up 'regulatory expectations' for the handling of serious complaints against the Chief Executive. These can be found on the SHR website. We also have arrangements for handling minor complaints against senior staff and the Board. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial.

## **2.4 Complaints and Other Processes**

Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### **2.4.1 Complaints and service requests**

If a customer asks Osprey to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

### **2.4.2 Complaints and disciplinary or whistleblowing processes**

If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether Osprey failed to meet our expected standards and what we have done to improve things, in general terms.

Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

The SPSO's report *['Making complaints work for everyone'](#)* has more information on supporting staff who are the subject of complaints.

### **2.4.3 Complaints and compensation claims**

Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

### **2.4.4 Complaints and legal action**

Where a customer says that legal action is being actively pursued, this is not a complaint. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler [and/or the line manager] and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.

However, if an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

### **2.4.5 What to do if the Complaint Process does not apply**

If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.

Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

## 2.5 What is a Complaint?

Osprey's definition of a complaint is: *'an expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of Osprey'.*

For clarity, where an employee also receives a service from Osprey as a member of the public, they may complain about that service.

A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- delays in responding to enquiries or requests
- unfairness, bias or prejudice in service delivery
- lack of provision, or the provision of misleading, unsuitable or incorrect advice or information
- a repair that has not been carried out properly or in an agreed timeframe
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves: see Complaints about contracted services); or
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

A complaint **is not**:

- a routine first-time request for a service (see Complaints and service requests)
- a request for compensation only (see Complaints and compensation claims)
- issues that are in court or have already been heard by a court or a tribunal (see Complaints and legal action)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment  
a concern raised internally by a member of staff (which was not a service received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf: see Complaints about contracted services).

### 2.5.1 Anti-social behaviour complaint

We will not treat these issues as complaints and will instead direct customers to use the

appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why. See at if the CHP does not apply.

### **2.5.2 Roles and responsibilities**

#### **All staff will be aware of:**

- the Complaints Handling Procedure (CHP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

#### **Senior management will ensure that:**

- Osprey's final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of Osprey's and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in Osprey; and
- complaints information is used to improve services, and this is evident from regular publications.

#### **Board**

As the governing body with responsibility for overseeing our work, our Board provides leadership and strategic guidance. It also ensures compliance with our policies and procedures. In relation to complaints, its role is threefold:

- to approve the adoption of the CHP
- to ensure that staff keep to this CHP and associated internal processes (through involvement with senior management or directly)
- to ensure that information and learning from complaints are used to improve our understanding of, and to steer, our policies and practices.

Particularly important is the board's role in developing and fostering a culture that values complaints. The board must ensure that recording and reporting of complaints is thorough and effective, so that reports to committee reflect a true picture of all complaints.

A governing body that values complaints will:

- support all staff in handling complaints locally, quickly and effectively, to reduce the potential for a complaint to escalate
- encourage frontline staff to be 'active listeners' and to understand and act on the information

they receive

- set out how complaints data will be reported and used to promote continual improvement
- ensure that tenants and other customers are kept informed about how we have used feedback to improve services.]

### **Chief Executive**

The chief executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints procedure with a robust investigation process that demonstrates how we learn from the complaints we receive. The chief executive may take a personal interest in all or some complaints or may delegate responsibility to senior staff. Regular management reports assure the chief executive of the quality of complaints performance.

The chief executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between the organisation and contractors
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide the organisation with an overview of how the contractor is meeting its objectives

### **Senior Managers**

On the chief executive's behalf, senior managers may be responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints; and
- deputising for the chief executive on occasion.

They may also be responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, senior managers may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, senior managers should retain ownership and accountability for the management and reporting of complaints.

### **Complaints Investigator**

The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team and will be involved in the investigation and in coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

### **Director of Corporate Services**

Responsible for ensuring all new staff receive training on the complaints process as part of the induction process, and that refresher training is provided for current staff on a regular basis.

### **The Organisation's SPSO Liaison Officer:**

Our SPSO liaison officer's role may include providing complaints information in an orderly,

structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

## **2.6 Recording, Reporting, Learning from and Publicising Complaints**

Complaints provide valuable customer feedback. One of the aims of this process is to identify opportunities to improve services across Osprey. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this policy.

### **2.6.1 Recording complaints**

It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

- the customer's name and contact details
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable); and
- the underlying cause of the complaint and any remedial action taken.
- the outcome of the SPSO's investigation (where applicable).

If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.

Individual complaint files will be stored in line with our document retention policy as part of the tenancy filing system.

### **2.6.2 Learning from complaints**

We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence; and
- systematically review complaints performance reports to improve service delivery.

Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

Where we have identified the need for service improvement in response to an individual

complaint, we will take appropriate action.

Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

### **2.6.2 Reporting of complaints**

We have a process for the internal reporting of complaints information within the housing database system, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We will report at least **quarterly** to the board on:

- performance statistics, in line with the complaints performance indicators published by SPSO and the requirements of the SSHC.
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

### **2.6.3 Publicising complaints information**

We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services.

This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

We will publish an **annual** complaints performance report on our website in line with SPSO requirements and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- complaint trends and the actions that have been or will be taken to improve services as a result.

These reports must be easily accessible to members of the public and available in alternative formats as requested.

## **2.7 Expected Behaviours**

We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required; and
- responding to reasonable requests for information.

We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.

Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us.

If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO.

### **3. Maintaining Confidentiality and Data Protection**

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information.

### **4. Equality and Diversity**

Osprey shall strive to ensure equality of opportunity, and by definition, that all individuals are treated fairly regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Osprey opposes, and shall adopt a zero tolerance stance towards, all forms of unlawful discrimination, harassment and victimisation.

In this regard, Osprey acknowledges the protected characteristics and types of unlawful behaviour defined within the Equality Act 2010. As a minimum all practices shall aim to ensure compliance with the legislative provisions therein.



## 5. Monitoring and Reporting

The following areas will be subject to monitoring on a continuing basis:

- Outcomes expected from the Scottish Social Housing Charter
- Risk management – Strategic risk matrix and Key Performance Indicators
- Training and information for staff

The Housing Committee and Board will receive and review the following Key Performance Indicators on a quarterly basis as follows:

### *KPI and Social Housing Charter Indicators*

- Number of complaints – stage 1 and stage 2
- Number of complaints upheld – stage 1 and stage 2
- Average number of days to complete complaints - stage 1 and stage 2

## 6. Review

This policy will be reviewed every 3 years unless the following criteria dictate that it would be best practice to review sooner:

1. applicable legislation, rules, regulations and guidance, both those which affect O s p r e y directly and those which affect the resources available to significant numbers of our customers to enable them to sustain tenancies
2. changes in the organisation
3. continued best practice

## Appendix 1

<p><b>Osprey Housing</b>  <b>Equality Impact Assessment Tool</b>  <b>PLEASE READ THE GUIDANCE FOR COMPLETION: <a href="#">Equality Impact Assessment Guidance.doc</a></b></p>	
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<b>Name of the policy / project proposal to be assessed</b>	Complaints Handling Policy HR 5.10	<b>Is this a new policy / proposal or a revision?</b>	Revision
<b>Person(s) responsible for the assessment</b>	DCS		
<b>1. Briefly describe the aims, objectives and purpose of the policy/proposal</b>	The Complaints Handling Policy outlines the arrangements for Osprey to follow in order to manage any complaints that we receive.		
<b>2. Who is intended to benefit from the policy/proposal? (e.g. applicants, tenants, staff, contractors)</b>	Tenants, Contractors, Osprey and Osprey team members		
<b>3. What outcomes are wanted from this policy/proposal? (e.g. the benefits to customers)</b>	A fair process to enable the fair and consistent processing of complaints		

<b>4. Which protected characteristics could be affected by the proposal? (tick all that apply)</b>
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X Age	X Disability	X Marriage & civil partnership	X Pregnancy/maternity	
X Race	X Religion or belief	X Sex	X Gender reassignment	X Sexual orientation
<p><b>5.</b> If the policy / proposal is not relevant to any of the <b>protected characteristics</b> listed in part 4, state why and end the process here.</p>				
<p><b>6.</b> Describe the <b>likely positive or negative impact(s)</b> the policy/proposal could have on the groups identified in part 4</p>	<p><b>Positive impact(s)</b></p> <p>Ensures a fair and reasonable approach to a potentially emotionally negative situation.</p>		<p><b>Negative impact(s)</b></p> <p>Complainers may be upset. Decisions on upholding a complaint may be inappropriately influenced by individual's protected characteristics through unconscious bias.</p>	
	<p><b>7.</b> What <b>actions</b> are <b>required</b> to address the impacts arising from this assessment? <i>(This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</i></p>			<p>SLT members have been made aware of unconscious bias and how to mitigate it.</p>

Signed:     Clare Ruxton     (Job title):     Director of Corporate Services      
Date the Equality Impact Assessment was completed:     15 January 2024