



Homes Plus Complaints Policy

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Foreword

Our Complaints Handling Policy reflects our commitment to valuing complaints as part of our People First Promise and is fully aligned with the Housing Ombudsman Services complaints handling code (England) and Scottish Public Service Ombudsman Service (Scotland). 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.

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.

This policy is part of our induction process and refresher training delivered to ensure colleagues are confident in identifying complaints, empowered to resolve complaints and familiar with how to apply this policy.

Complaints provide us with valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Policy will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again.

The Complaints Handling Policy will help us to improve our service delivery, improve our relationship with our customers and enhance public perception of Homes Plus. 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.

Places for People Group companies put people first. We treat everyone honestly, courteously and fairly. We Listen, we Learn, we Deliver, at every step of the journey.

Part 1: Overview of the complaints policy

1. We will ensure that our customers know how to make a complaint to us, and to feel heard and understood. We will ensure the information on how to make a complaint is easily accessible, in plain English and offers customers different ways to make a complaint.
2. Anyone can make a complaint, we will try to resolve complaints at the first point of contact wherever this is possible. Where this isn't possible, we will give the customer a clear and comprehensive response. We will always respond as quickly as we can.
3. Our complaints policy has two stages. We expect the majority of complaints to be handled at stage 1. If the customer remains dissatisfied after stage 1, we will help them request that we look at it again, at stage 2.

	Stage 1	Stage 2	Independent External Review
England	'On-the-spot' put it right within 48 hrs. If unable to resolve, the complaint will be triaged at stage 1 to be acknowledged within 5 working days	Acknowledge 3 working days	Where customer is not satisfied with the stage 2 response self-referral can be made to the Independent Complaints Panel or The Housing Ombudsman. HO will assess where there is evidence if service failure or maladministration by the service provider.
	Response 10 working days from receipt	Response 20 working days from receipt	
Scotland	No acknowledgement	Acknowledge 3 working days	Where customer is not satisfied with the stage 2 response.
	'On-the-spot' put it right within 48 hrs, if unable to resolve, continue to investigate as stage 1 with a verbal response within 5 days	Response 20 working days	SPSO will assess where there is evidence if service failure or maladministration by the service provider.

4. To support excellent complaints handling we will engage with the Housing Ombudsman Service (England) and the Scottish Public Service Ombudsman (Scotland), providing information as and when requested.
5. We will use the insight and learning from complaints, customer feedback, customer scrutiny and Independent Complaints Panel (England) or Ombudsman Service determinations to either establish trends or service improvements which will support effective prevention and service improvements to our customers.
6. We will ensure effective governance and will report on complaints to our Board and Senior Leadership Team.

Expected behaviours

7. 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.
8. 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.

9. 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 may apply our policies to protect staff from unacceptable behaviour 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 an agreed format to communicate that decision where we will notify the customer, ensure they are aware of their right of appeal, and commit to review any decision to restrict contact with us.
10. If we decide to restrict a customer's contact, we will minimise any restrictions on the customer's access to the complaints process and continue investigating a complaint even where contact restrictions are in place. Where access to the complaint process is restricted, we will signpost the customer to the Scottish Public Service Ombudsman or the Housing Ombudsman.

Maintaining confidentiality and data protection

11. 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.
12. 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.
13. 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.
14. Some responses to a complaint may be limited by confidentiality, such as:
 - where a complaint has been raised against a staff member and has been upheld – we will not share specific details affecting staff members, particularly where disciplinary action is taken.
 - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with, we would not share any details of our findings in relation to the safety concern.

Part 2: When to use the complaints policy

1. What is a complaint?

1. The definition of a complaint is: 'an expression of dissatisfaction' about the standard of service, actions, or lack of action by the organisation, our staff, or those acting on our behalf, affecting an individual customer or group of customers.
2. For clarity, where an employee also receives a service from Homes Plus as a member of the public, they may complain about that service.
3. In England, the Housing Ombudsman Service reviews complaints from anyone who is or has been in a landlord/tenant relationship, including leaseholders and applicants, or their authorised representatives.
4. 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, policy 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: or
 - disagreement with a decision, (**except** where there is a statutory policy for challenging that decision, or an established appeals process followed throughout the sector).
5. A complaint **is not**:
 - a routine first-time request for a service
 - a request for compensation only
 - issues that are in court or have already been heard by a court or a tribunal
 - disagreement with a decision where there is a statutory policy 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 Act or Freedom of Information (Scotland) Act.
- 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
- a concern about the actions or service of a different organisation, where we are not involved in the issue (**except** where the other organisation is delivering services on our behalf).

Who can make a complaint

6. Anyone who receives, requests, or is affected by our services can make a complaint. This obviously includes our customers. 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.
7. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

Supporting the customer

8. All members of the community have the right to equal access to our complaints policy. It is important to recognise the barriers that some customers may face when raising a complaint. 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. Our approach to this is given in the Homes Plus Equality Diversity and Inclusion Policy.
9. We have a legal duty to ensure our complaints service is 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.
10. 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
11. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints policy. Actions that we may take include:
- helping vulnerable customers identify when they might wish to make a complaint
 - helping customers access independent support or advocacy to help them understand their rights and communicate their complaints and
 - providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).
12. These lists are not exhaustive, and we must always consider our commitment and responsibilities to equality and accessibility.

How complaints may be made

13. We will accept a complaint unless there is a valid reason not to. The Homes Plus Complaints Customer leaflet on our website, provides further information on what is and what is not a complaint.
14. We recognise that customers have their own preferred way of contacting us, and we want to provide choice to our customers on how they communicate with us, complaints may be made by:
- verbally or in writing
 - face-to-face
 - by phone
 - letter or email
 - online
 - on social media.
15. We will be mindful of our data protection obligations when responding to issues online or in a public forum.

Time limit for making complaints

16. 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).
17. 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).
18. 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.
19. We will also take account of the time limit within which a member of the public can ask the SPSO or a tenant can ask the THO to consider complaints (normally one year). The SPSO and THO 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).

Particular Circumstances

Complaints by (or about) a third party

20. 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. We will 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.
21. The provision of a signed mandate (Permission to Act form) 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.
22. 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.
23. See also [Maintaining confidentiality and data protection](#).

Serious, high risk or high profile complaints

24. 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 in Scotland (see Part 3: Stage 2: Investigation). Complaints from customers living in England will be logged at stage 1, with the option to escalate to stage 2 once the stage 1 has been responded to.

Anonymous complaints

25. 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.

What if the customer does not want to complain?

26. If the customer insists, they do not wish to complain, we are not required to progress the complaint under this policy.
27. We will 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).

Complaints involving more than one area or organisation

28. 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.
29. 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 through the policy. If not, we will advise them to contact the appropriate organisation directly. We will be mindful of data protection if we have to contact an outside body about the complaint.

Complaints about contracted services

30. 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 our standard.

Care complaints

31. Anyone receiving care services from us has the right to either complain direct to the Care Inspectorate or to us.

32. Customers may also receive care or support from other agencies under a contract with us. They may complain about these services either to us (just like complaints about any of our other services) or directly to the Care Inspectorate.

The Care Inspectorate's contact details can be found on their website:
www.careinspectorate.com

The Care Quality commission for England <https://www.cqc.org.uk>

If a complaint is relating to the support provision provided and the complainant is still dissatisfied after Stage 2, complainants can contact their Local Authority Supporting People Team or their local Adult Social Care Team.

33. Due to different commissioning arrangements across different Local Authorities, we will advise customer as to the specific contact details for their Local Authority should they remain dissatisfied.

Significant performance failures

34. 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 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 policy. Information about SHR can be found on their website: www.scottishhousingregulator.gov.uk.

35. In England The Housing Ombudsman (THO) and Regulator of Social Housing are working together. This means the Housing Ombudsman investigates beyond the initial complaint or landlord to establish evidence of service failure or systemic failing. Where this is the case the matter will be referred to the appropriate regulatory body under paragraph 50 of the Scheme. This Includes;

- complaint handling failure orders issued by THO
- Non-compliance with the THOs orders including repeated patterns of delay.
- a finding of severe maladministration has been made, or where an investigation raises a potential breach of a regulatory standard
- information with THO in relation to actual or contemplated regulatory action where such action may affect the carrying out of the Housing Ombudsman functions.

Complaints about senior staff or committee members

36. The Regulator of Social Housing (RSH) in England sets out clear expectations in the Consumer Standards that providers will ensure that complaints are resolved promptly, politely and fairly.
37. The Scottish Housing Regulator (SHR) specifies that a serious complaint against senior staff in Scotland is a 'notifiable event', and as such the regulator must be informed immediately.
38. We also have arrangements for handling minor complaints against the Group Chief Executive and for complaints against other senior staff and the governing body. These arrangements take account of the need to ensure that the final decision is fair, objective and impartial. These arrangements, including how they link to our Whistleblowing Policy, are set out in the Homes Plus internal Complaints Procedures.

Complaints and other processes

39. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we will respond to the complaint and will focus on whether we failed to meet our service standards or expected standards and what we have done to improve things.
40. All MP, MSP and Councillor correspondence is to be treated as an enquiry, unless specifically identified as a formal complaint.
41. 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.