

*Making homes and lives better*  
wheatley-group.com

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# Group Complaints Policy and Complaints Handling Procedure

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**Effective from:** June 2017  
**Review Date:** June 2020

## 1. Introduction

- 1.1 The Wheatley Housing Group (“the Group”) is committed to ensuring that concerns from our tenants, factored homeowners, service users, people we work for and stakeholders are acknowledged and appropriately and timeously responded to.
- 1.2 The Group is also committed to learning from them and using the concerns raised as an opportunity to continuously refine and improve our services.
- 1.3 This policy is a Group policy and applies to all operating entities within the Group.

## 2. Group Policy Position

- 2.1 The Group handles **all complaints** under the Scottish Public Services Ombudsman’s (SPSO’s) Model Registered Social Landlord (“RSL”) Complaints Handling Procedure (“the Model”). Whilst the Model is only a statutory requirement for RSLs, we consider the Model to be appropriate for the handling of complaints in relation to our care and commercial activity.

## 3. Objectives of the policy and complaints handling procedures

- 3.1 The core objectives of our policy are to:
  - clearly define what we do and do not consider to be a complaint
  - transparently set out our complaints handling process, including:
    - who will handle complaints received
    - the timescale in which we will respond to complaints
    - how and to whom complainants can appeal within the Group
    - how and to whom complainants can appeal to when they have exhausted the Group’s complaints process
  - clearly set out for complainants or prospective complainants the legal and regulatory obligations we have, and are accountable for, in handling complaints
  - set our approach to learning for complaints and recognising the value of complaints as a source of valuable feedback which can be used to inform the refinement and continuous improvement of our services

## 4. Group Complaints Handling Process

- 4.1 We handle all complaints under the Model and adopt, so far as is possible, the Model wording and definitions. The details of our Complaints Handling Procedure are set out below, as well as summarised at Appendix 1.

### *What is a complaint?*

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

### *What can I complain about?*

You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- dissatisfaction with our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

Complaints may involve more than one of our services or be about someone working on our behalf.

### *What can't I complain about?*

There are some things we can't deal with through our complaints procedure. These include:

- a routine first-time request for a service, for example reporting a problem that needs to be repaired or initial action on anti-social behaviour.
- requests for compensation
- our policies and procedures that have a separate right of appeal, for example, if you are dissatisfied with the level of priority you have been given when applying for a house with one of our Registered Social Landlords, you may have the right to appeal against the decision.
- issues that are in court or have already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision following a stage 2 investigation. If you are still not satisfied, you can ask for an external review of the complaint from the Scottish Public Services Ombudsman, the First-tier Tribunal for Scotland (Housing and Property Chamber) or the Care Inspectorate for any care issues.

If other procedures or rights of appeal can help you resolve your concerns we will give information and advice to help you.

### *Who can complain?*

Anyone can make a complaint to us, including the representative of someone who is unhappy with our service. In the case of a representative, we will require a representation mandate so we can respond to the complaint. Please also read the section on 'Getting help to make your complaint'.

We value all complaints, including those made anonymously. Staff must therefore consider anonymous complaints if there is sufficient information to allow them to make further enquiries. If the complaint does not provide enough information staff may decide not to

pursue it. Any decision not to pursue an anonymous complaint should be authorised by a Director or other line manager.

### *How do I complain?*

You can complain: in person; at any of our offices; by phone; in writing; email; online; or by using our complaints form.

It is easier for us to resolve complaints if you make them quickly and directly to the service concerned.

When complaining, please tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

### *Getting help to make your complaint*

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance or Citizens Advice Bureau.

**Scottish Independent Advocacy Alliance**

Tel: 0131 524 1975 Fax: 0131 260 5381 Website: [www.siaa.org.uk](http://www.siaa.org.uk)

**Citizens Advice Scotland**

Website: [www.cas.org.uk](http://www.cas.org.uk)

Or check your phone book for your local bureau.

### *How long do I have to make a complaint?*

Normally, you must make your complaint within six months of:

- the event you want to complain about, or
- finding out that you have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

### What happens when I have complained?

We will always provide you with a named person who is dealing with your complaint. We handle all complaints via our complaints procedure which has two stages:

#### **Stage one – frontline resolution**

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong and immediate action to resolve the problem.

We will give you our decision at Stage 1 within five working days or less, unless there are exceptional circumstances.

If we can't resolve your complaint at this stage, we will clearly explain why. If you are still unhappy you can ask for your complaint to be investigated further through Stage 2. You may choose to do this immediately or some time after you get our initial response.

#### **Stage two – investigation**

Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation.

When a complaint is escalated to stage 2 we will:

- acknowledge receipt of your complaint within two working days
- have a senior member of staff, designated by the Group Chief Executive, handle your complaint
- where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- give you a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will advise you as soon as possible and provide a full explanation as to why. We will agree revised time limits with you and keep you updated on progress.

#### *What if I'm still dissatisfied after I have exhausted the complaints handling process?*

Where the complaint has been through both stages, the potential options are dependent on what your complaint relates to. The options for each type of complaint are set out below:

## Housing

After we have fully investigated your complaint and provided a stage 2 response, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (**so please make sure it has done so before contacting the SPSO**)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

You can contact the SPSO:

In Person:  
SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

By Post:  
Freepost SPSO  
*(you only need to write this,  
No Stamp is required)*

Freephone: 0800 377 7330  
Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

## Factoring

The SPSO does not normally look at complaints about our factoring services. The First-tier Tribunal for Scotland (Housing and Property Chamber) will try to resolve complaints and disputes between home owners and property factors. After we have fully investigated and given you a final response to your complaint, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the First-tier Tribunal for Scotland (Housing and Property Chamber) to consider it.

Before considering a complaint, the First-tier Tribunal for Scotland (Housing and Property Chamber) will expect you to advise them that we have refused to resolve your concerns, or have unreasonably delayed attempting to resolve them. They will also expect you to have notified us in writing why you consider we have failed to carry out our duties.

For more details on the First-tier Tribunal for Scotland (Housing and Property Chamber):  
4th Floor  
1 Atlantic Quay  
45 Robertson Street  
GLASGOW

G2 8JB

Tel: 0141 302 5900

Fax: 0141 302 5901

Email: [HPCadmin@scotcourtsribunals.gov.uk](mailto:HPCadmin@scotcourtsribunals.gov.uk)

Online: [www.housingandpropertychamber.scot](http://www.housingandpropertychamber.scot)

### Care complaints

If your complaint relates to care or support services, you can choose whether to complain to us or directly to the Care Inspectorate. If the care or support service has been commissioned by a Local Authority, then you can also choose to complain directly to the Local Authority.

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

You can find out more about the Care Inspectorate complaints procedure, or make a complaint, by contacting the Care Inspectorate.

Information about their complaints procedure, contact details and offices around Scotland, and information about how to complain are all on their website:

<http://www.scswis.com/>

Or you can contact them by:

telephone 0845 600 9527

fax 01382 207 289

Online [complaints form](#)

email [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

### Reporting a significant performance failure to the Scottish Housing Regulator

The Scottish Housing Regulator (“SHR”) can 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 systematic problem that does, or could, affect all of a landlord’s tenants. If you believe you are affected by a problem like this, you should first report it to us. If you have told us about it but we have not resolved it, you can report it directly to the SHR.

A complaint between an individual tenant and a landlord is not a significant performance failure. Significant performance failures are not, therefore, dealt with through this complaints handling procedure. You can ask us for more information about significant performance failures. The SHR also has more information on their website:

<http://www.scottishhousingregulator.gov.uk/>

Or you can phone them on: 0141 271 3810

### **Getting help to make your complaint**

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance or Citizens Advice Bureau.

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#### **Citizens Advice Scotland**

Website: [www.cas.org.uk](http://www.cas.org.uk)

Or check your phone book for your local bureau.

## **5. Monitoring, reporting and learning from complaints**

Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure enables us to address a customer's dissatisfaction and will help to prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the service user's 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.

The detail of complaints are analysed for trend information to ensure we identify any service failures and take appropriate action as soon as possible. We report on complaints performance within our governance structure as follows:

- Group Executive Team – Monthly performance and quarterly analysis
- Subsidiary Boards – Quarterly performance and bi-annual analysis
- Group Board - Quarterly performance and bi-annual analysis

On a quarterly basis we will also:

- publish in our subsidiary newsletters statistical data on complaints
- Publish on our websites statistical data and analysis of complaints
- Publish in our newsletters and on our websites what actions we are taking as a direct result of our complaints

In addition, we also report our performance in handling complaints to the Scottish Housing Regulator through the Annual Return on the Charter. This includes performance information showing the volume of complaints and key performance details, for example the time taken to resolve complaints at each stage in the procedure. This information is publically available via the SHR's website.

## **6. Regulatory and legislative requirements**

- 6.1 We adopt and regularly review best practice in the effective management of complaints. We recognise our duty to comply with the Scottish Public Services Ombudsman (SPSO) model complaint handling procedures as outlined in the SPSO Act 2002 and that of undertaken by Scottish Housing Regulator, in conjunction with SPSO. In addition, we recognise requirements on complaint handling outlined by the Care Inspectorate in the National Care Standards and our duties to factored home owners outlined in the Property Factors (Scotland) Act 2011.

## **7. Related policies**

- 7.1 This policy is supported by the operational complaint handling procedure, the Social Media Policy and the Unacceptable Actions Policy.

## **8. Policy review**

- 8.1 This policy may only be changed or varied with the specific authority of the Group Board.
- 8.2 We will review this policy every three years. More regular reviews will be considered where, for example, there is a need to respond to new legislation/policy guidance. Reviews will consider legislative, performance standard and good practice changes.
- 8.3 We will publish this policy on our website. A hard copy is available on request. Customers can also get a copy of the policy on tape, in Braille, in large print or in translation on request.

## **9. Equal opportunities statement**

- 9.1 This policy complies fully with our Equal Opportunities Policy. We recognise our proactive role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adapting and promoting fair policies and procedures.
- 9.2 We are committed to providing fair and equal treatment for all our stakeholders including tenants and will not discriminate against anyone on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, sex, sexual orientation, gender realignment, disability, marital status, pregnancy or maternity. We will positively endeavour to achieve fair outcomes for all.

- 9.3 We carry out Equality Impact Assessments when we review our policies. We check policies and associated procedures regularly for their equal opportunity implications. We take appropriate action to address inequalities likely to result or resulting from the implementation of the policy and procedures.

## Quick guide to our complaints procedure

### COMPLAINTS PROCEDURE

You can make your complaint in person, by phone, by e-mail, online or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.



### STAGE 1: FRONTLINE RESOLUTION

We will always try to resolve your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.



### STAGE 2: INVESTIGATION

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within **two working days**. We will give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.



### INDEPENDENT EXTERNAL REVIEW

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO, the First-tier Tribunal for Scotland (Housing and Property Chamber) or Care Inspectorate (where appropriate) to review your complaint. We will tell you how to do this when we send you our final decision.

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