

Clydebank Housing Association Ltd

To: Management Committee

From: Sinéad Farrell, Communications Officer

Subject: Revised Factoring Complaints Handling Procedure

Meeting: 30 March 2021

Date: 26 March 2021

Purpose of Report

The purpose of the report is to bring the Factoring Complaints Handling Procedure to the Management Committee for approval as it has been updated to take account of the new Model Complaints Handling Procedures to be adopted by all RSLs by 01 April 2021. These were adopted for general customers in October 2020 with an implementation date of 01 December. The Code of Conduct for Property Factors has also been referred to.

Potential impact on tenants and service users/Tenant Consultation requirements

There is no adverse impact on tenants and other service users as a result of information in this report. No Tenant Consultation is required on this report.

Value for Money

CHA considers Value for Money in all aspect of its business including: -

- Managing our resources to provide quality services and homes to meet the needs of customers and the local community.
- Delivering the right service at the right time at the right cost.
- Planning for and delivering year on year improvements on our services based on customer priorities.
- Getting the most out of our assets and staff by operating efficiently and effectively.

Risk

This is a risk if the Association does not comply with the legal/consultation implications below. The Association could be declared by the Scottish Public Services Ombudsman (SPSO) as non-compliant. This could result in reputational damage/potential national media attention and a possible notifiable event. This has been added to the risk register.

Legal/constitutional Implications (Reference to Model Rules)

All RSLs are required to comply with the Model Complaints Handling Procedures (MCHP) under the SPSO Act 2002 (as amended). Public bodies are required to implement the revised version of the MCHP by 01 April 2021.

Relevant CHA Objectives:

- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To provide a first class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction.

- To ensure local decision making and community control, we will encourage our tenants and other customers to influence our policy and participate in decisions, which may affect them.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Relevant Scottish Social Housing Charter outcomes:

- Equalities - Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
- Communication - Social landlords manage their businesses so that tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.
- Neighbourhood and community - Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that tenants and other customers live in well-maintained neighbourhoods where they feel safe.

Relevant SHR Regulatory Standards of Governance and Financial Management:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.
- The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The RSL conducts its affairs with honesty and integrity.

Equalities

No protected group is adversely affected by information contained within this report. Our commitment to equal opportunities and fairness applies irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

1. Background

In October 2020, the Management Committee adopted new Complaints Handling Procedures for Customers, with an implementation date of 01 December. The new procedures largely brought the Association into line with the new Model Complaints Handling Procedures (MCHPs), published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 on 31 January 2020 to give RSLs time to implement any changes by April 2021.

The Factoring Complaints Handling Procedure is the final piece required to comply and a review has now been carried out based on the October 2020 Customer Facing procedure (Part 5 of 5 of the Complaints Handling Procedures for Customers) and reflection on the Code of Conduct for Property Factors.

The Scottish Public Services Ombudsman is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities.

Full information on the MCHPs was provided to the Management Committee in August 2020, including the significant updates, key changes and overview of new parts, and the report remains available on the Intranet for review. A summary is also contained with the Communications/Consultation report presented in October 2020.

2. Recommendation

It is recommended that the Management Committee adopt the enclosed Factoring Complaints Handling Procedure as presented to be implemented straight away, in advance of the 01 April 2021 deadline.



"Offering our community more than a home"

Factoring Complaints Handling Procedure

(Based on Part 5 of 5 of our full Complaints Handling Procedure for our Customers)

Management Committee submission:	30 March 2021
Last Review Date:	27 November 2018
Approved:	
Review date:	March 2024

CHA Objectives:

- To provide quality, affordable housing that meets the changing needs of our customers and to ensure fair access to housing within our area.
- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To provide a first class maintenance service which offers value for money and ensures the comfort and safety of our residents while achieving high levels of satisfaction
- To work in partnership with others, supporting our tenants and other customers, to maximise opportunities for physical and socio-economic regeneration in Clydebank.
- To ensure local decision making and community control, we will encourage our tenants and other customers to influence our policy and participate in decisions, which may affect them.
- To ensure that our resources are adequate to deliver our objectives by investing in our people, increasing digitalisation, demonstrating value for money and through robust procurement practices.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Regulatory Standards:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

- The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The RSL conducts its affairs with honesty and integrity.

This procedure is based on Version 2 of the Scottish Public Services Ombudsman Model Complaints Handling Procedure, published January 2020. It also takes account of the Code of Conduct which property factors are required by law to comply with in terms of Section 14(5) of the Property Factors (Scotland) Act 2011



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Clydebank Housing Association is committed to providing a high-quality factoring service. It is important to the Association that owners are satisfied with the factoring service that it provides.

We value complaints and use information from them to help us improve our services.

1. If something goes wrong or you are dissatisfied with our services, please tell us. This procedure describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a complaint?

2. 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?

3. You can complain about things like:
 - 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); 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).
4. Your complaint may involve more than one of the Association's services or be about someone working on our behalf.

What can't I complain about?

5. There are some things we can't deal with through our complaints handling procedure. These include:
 - 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 (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- 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 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 where such actions would be covered by our Unacceptable Behaviours Policy and Procedure; or
- 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).

6. 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?

7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below.

How do I complain?

8. You can complain in person at our office, by phone, in writing, by email or via our complaints form <https://www.clydebank-ha.org.uk/about-us/making-a-complaint/making-a-complaint-online/>.
9. It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of our Factoring Team. Then they can try to resolve the issue.
10. When complaining, please tell us:
- your full name, property address and contact details
 - as much as you can about the complaint
 - what has gone wrong; and
 - what outcome you are seeking.

Our contact details

Clydebank Housing Association

77-83 Kilbowie Road, Clydebank G81 1BL

Tel: 0141 941 1044

Web: www.clydebank-ha.org.uk/about-us/making-a-complaint/making-a-complaint-online/

Email: info@clydebank-ha.org.uk

How long do I have to make a complaint?

11. 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.

12. 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?

13. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline response

14. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

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

16. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

17. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage 2: Investigation

18. Stage 2 deals with two types of complaint: where the customer remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.

19. When using stage 2:

- your complaint must be made in writing per the requirements of the Code of Conduct
- we will acknowledge receipt of your complaint within three working days
- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for

- we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- whether or not we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

20. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

What if I'm still dissatisfied?

21. After we have given you our final decision, 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 look at it.

One of the main elements of The Property Factors (Scotland) Act 2011 was the introduction of a dispute resolution mechanism for homeowners – now known as the Housing and Property Chamber. They will work to resolve complaints and disputes between homeowners and property factors. So if you are still dissatisfied after our investigation stage, you can go to their service, First Tier Tribunal for Scotland (Housing and Property Chamber).

To take a complaint to the Housing and Property Chamber, homeowners must first notify Clydebank Housing Association in writing of the reasons why they consider that we have failed to carry out our duties, or failed to comply with the Code of Conduct. Clydebank Housing Association must also have refused to resolve the homeowner's concerns, or have unreasonably delayed attempting to resolve them. When making a complaint to the Housing and Property Chamber, you must include with your application:

- written evidence that you have notified the Association of the complaint and that we have either refused to resolve the complaint or have unreasonably delayed resolving the complaint
- copies of any correspondence which you have sent to us and correspondence you have received from us regarding the complaint, including our response to the notification of the complaint
- a copy of the Written Statement of Services
- an inventory listing the documents included, if numerous documents are being produced

You can contact the Housing and Property Chamber by telephone, e-mail or letter.

Housing and Property Chamber
First-tier Tribunal for Scotland
Glasgow Tribunals Centre
20 York Street
Glasgow
G2 8GT

Telephone: 0141 302 5900

Email: HPCAdmin@scotcourtribunals.gov.uk

<https://www.housingandpropertychamber.scot/apply-tribunal/property-factors>

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.

22. The Scottish Public Services Ombudsman (SPSO) does not normally look at complaints about our factoring service. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber) detailed above. However, there may be some aspects of the complaint that the SPSO can consider (for example, if the customer is dissatisfied with how we have handled their complaint, or if a private owner is impacted by the actions of the organisation).

The SPSO's contact details are:

Their freepost address is: FREEPOST SPSO
Freephone: 0800 377 7330
Online contact www.spsso.org.uk/contact-us
Website: www.spsso.org.uk

23. There are some complaints about housing that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

Getting help to make your complaint

24. 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.
25. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: www.siaa.org.uk

26. You can find out about advisers in your area through Citizens Advice Scotland:

Citizens Advice Scotland

Website: www.cas.org.uk or check your phone book for your local citizens advice bureau.

The Clydebank branch is based at 63 Kilbowie Road, Clydebank G81 1BL and is available on 0141 435 7590.

27. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format,

such as large font, or Braille, please tell us in person, contact us on 0141 941 1044 or email us at info@clydebank-ha.org.uk.

Our contact details

28. Please contact us by the following means:

Clydebank Housing Association

77-83 Kilbowie Road, Clydebank G81 1BL

Tel: 0141 941 1044

Web: www.clydebank-ha.org.uk/about-us/making-a-complaint/making-a-complaint-online/

Email: FactoringGroup@clydebank-ha.org.uk

We can also give you this Procedure in other languages and formats (such as large print, audio and Braille).

Appendix 1: Quick guide to our factoring complaints procedure

