



Part 2: When to use this procedure

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What is a complaint?

1. [*The organisation'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 [*the organisation*].
2. For clarity, where an employee also receives a service from [*the organisation*] as a member of the public, they may complain about that service.

[If the organisation has a set of published service standards, consider providing a link to them here to help clarify what standards customers can expect].
3. 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).
4. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.
5. 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 where such actions would be covered by our [*Unacceptable Actions Policy or equivalent*]; 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: see **Complaints about contracted services**).
6. **Appendix 2** gives more examples of 'what is not a complaint' and how to direct customers appropriately. This includes an example of when an anti-social behaviour complaint may and may not be considered a complaint.
 7. 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.
 8. 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 CHP does not apply**.

[The organisation may provide further guidance or examples in relation to what is and what is not a complaint. This can be inserted here or alternatively it can be included in an annex to this document.]



Who can make a complaint?

9. 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.
10. 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

11. 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.

[Where organisations have a separate policy or document setting out how they will meet their equalities obligations and support vulnerable groups in accessing services (including the complaint procedure) they may signpost to this document instead of repeating the content below. Organisations should take care to ensure that their existing policy or document meets the standards below in relation to complaint handling].

12. We have legal duties to make our complaints service accessible under equalities and mental health legislation. *[Organisations may wish to refer to relevant legislation, but should make sure that this is kept up to date and in line with any changes to legislation. Suggested text]:*
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.*
13. Examples of how we will meet our legal duties are: *[The types of reasonable adjustments organisations may need to provide will depend on the organisation's services and customer base, and organisations should carefully consider what to include in their own CHP. As part of this, organisations may need to conduct an Equality Impact Assessment. Examples of actions could include:*

- *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).]*

14. 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: *[Organisations should go beyond equality legislation in considering more widely what factors may impact on people’s access to complaint handling (for example, bereavement or homelessness). There may also be users (or a specific group of users) who are subject to additional barriers to raising a complaint which goes beyond the support required for accessing day-to-day services. For example, neutral points of contact/ advocacy where the relationship between front-line staff and users is significant and ongoing. Organisations should consider consulting with relevant third sector organisations in completing this section. An example of the vulnerable groups identified by the SPSO is available **online**. An example of appropriate actions may 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).]*

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

How complaints may be made

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

17. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised. *[Organisations may add, if desired]: Where it is clear that a complex complaint 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.*

18. Complaint issues may also be raised on **digital platforms** (including **social media**).

*[Organisations may choose whether to accept or respond to complaints on social media. However, organisations must at least acknowledge complaints that are raised in this way. As a **minimum**, organisations must adopt the following approach]:*

19. Where a complaint issue is raised via a digital channel managed and controlled by *[the organisation]* (for example an official Twitter address or facebook page), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.

[Alternatively, if organisations wish to accept or respond to simple

complaints on social media, they may amend this section to provide further guidance. An example is below]:

20. *Where a complaint issue is raised via a digital channel managed and controlled by [the organisation] (for example an official Twitter address or Facebook page):*

- *we will normally respond by explaining that we do not normally take complaints on social media and telling the person how they can complain;*
- *in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response (for example, an apology for a cancelled repair affecting multiple customers).*

21. *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.*

[Organisations may wish to include more detail on local arrangements, such as where automated responses are in place for social media contact, or details of manager sign-off for social media contact].

22. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part 1: Maintaining confidentiality and data protection.**

Time limit for making complaints

23. 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).
24. 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).
25. 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.
26. 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).

Particular circumstances

Complaints by (or about) a third party

27. 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.
28. *[Organisations will have their own processes in place for dealing with and recording consent, which should be detailed or signposted to here. For example]: 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.*

29. 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.
30. See also **Part 1: Maintaining confidentiality and data protection**.

[The organisation may provide further guidance or examples in relation to issues around capacity, providing and gaining consent and information sharing, for example in relation to Power of Attorney or Guardianship arrangements. This can be inserted here or alternatively it can be included in an annex to this document.]

Serious, high-risk or high-profile complaints

31. 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 (see **Part 3: Stage 2: Investigation**).

32. 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*
 - *a particularly vulnerable person;*
 - or*
 - *child protection.*

[The organisation may amend these examples, or provide further guidance or examples in relation to high-risk/high-profile complaints. This can be inserted here or be included in an annex to this document.]

Anonymous complaints

33. 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 *[organisations may include more information on local arrangements – e.g. any manager, the complaints manager etc.]*.

34. 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.
35. 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.

What if the customer does not want to complain?

36. 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 the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.
37. 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).

38. Please refer to the example in **Appendix 1** for further guidance.

Complaints involving more than one area or organisation

39. 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.
40. 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.
41. 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 [*the organisation*] through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See **Part 1: Maintaining confidentiality and data protection**.

42. 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.

Complaints about contracted services

43. 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 *[the organisation'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.
44. 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.
45. *[The organisation]* has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

Care complaints

[Some RSLs provide care services as well as housing services, and will therefore be registered with the Care Inspectorate. This section applies only to those RSLs that are registered care providers – please delete if this is not applicable]:

46. *Anyone receiving care services from us has the right to either complain direct to the Care Inspectorate or to us.*
47. *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.]*

Contact details for the Care Inspectorate can be found on their website: www.careinspectorate.com

Significant performance failures

48. 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.

49. Significant performance failures are not dealt with through this procedure. Information about SHR can be found on their website: www.scottishhousingregulator.gov.uk.

[The RSL may provide further guidance or link to their approach to resolving significant performance failures.]

Complaints about senior staff or committee members

50. 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.

51. The SHR specifies that a serious complaint against senior staff or the governing body 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. *[Organisations may wish to include more detail on the specific arrangements and processes in place for investigating these complaints in line with the SHR requirements].*

52. We also have arrangements for handling minor complaints against the 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. *[Appropriate measures for dealing with such complaints will depend on the RSL's size. Larger RSLs may find it easier to allocate the complaint to a suitably senior member of staff not involved in the complaint. However, RSLs with a small staff team may wish to come to an agreement with another, similar RSL to provide reciprocal arrangements for investigating complaints where a conflict of interest is a concern. Alternatively they could seek advice from an employer's support organisation.]*

[The organisation may provide further guidance or examples in relation to the process for handling complaints about senior staff members. This can be inserted here or can be included in an annex to this document.]

Complaints and other processes

53. 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.

Complaints and service requests

54. If a customer asks [*the organisation*] 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.
55. 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.

Complaints and disciplinary or whistleblowing processes

56. 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.
57. 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 [*the organisation*] failed to meet our [*service standards, where relevant, or expected standards*] and what we have done to improve things, in general terms.

58. 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).

59. The SPSO's report **Making complaints work for everyone** has more information on supporting staff who are the subject of complaints.

Contact from MPs, MSPs or Councillors [Optional section]

[Organisations may complete this section in line with local procedures. Organisations may provide guidance on distinguishing between elected member enquiries and complaints brought by elected members (on

behalf of constituents). However, where a matter is being dealt with as a complaint, it must be handled in line with this CHP. Organisations should be careful not to operate a ‘two-tier’ complaint system with preferential treatment for some customers.

Organisations may also wish to refer to special arrangements for elected members in relation to seeking third party consent (the Information Commissioner’s Office has guidance on this: <https://ico.org.uk/media/for-organisations/documents/1432063/constituency-case-work-of-mps-and-the-processing-of-sensitive-personal-data.pdf>.)]

Complaints and compensation claims

60. 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.

Complaints and legal action

61. Where a customer says that legal action is being actively pursued, this is not a complaint.
62. 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 complaints 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.

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

What to do if the CHP does not apply

64. 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.
65. 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. We may also consider whether we need to take action under our [*unacceptable actions policy (or equivalent)*].
66. The SPSO has issued a **template letter for explaining when the CHP does not apply**.

Appendix 1 – Complaints at frontline response

The following table gives examples of complaints that may be considered at the frontline stage, and suggests possible actions.

Complaint	Possible actions
The customer complains that her rent payment direct debit has been set up wrongly.	<ul style="list-style-type: none"> • Apologise to the customer and update the direct debit details. • Record the complaint on the complaints database.
The customer complains that a worker did not attend to carry out a housing repair as we had agreed.	<ul style="list-style-type: none"> • Speak to the worker, the service or the service manager to explain the customer’s complaint and to agree how to address the issue, for example by arranging a new time and date to do the repair. • Explain the reasons for the failed appointment and apologise to the customer. • Record the complaint on the complaints database.
The customer complains that the quality of a repair carried out by us or our contractor is not satisfactory.	<ul style="list-style-type: none"> • Ask the service department to examine the repair to assess whether or not it is acceptable. • If it is not acceptable, agree that the service department should do more work. • Explain and apologise to the customer. • Record the complaint on the complaints database. • Obtain a report from the service or contractor to confirm that the repair is now complete. • Feed back the lessons learned from the complaint into a service improvement plan.
The customer complains that his support worker turned up late and was smoking.	<ul style="list-style-type: none"> • Contact the care service to discuss the matter with a service manager. • The care service checks the timetable for visits and discusses with the home carer the complaint about smoking. The care service should let you know the outcome. • You in turn contact the customer to explain the policy, confirm the timing of visits (for example: between 8am and 12 noon) and where appropriate apologise for the inconvenience. • Record the complaint on the complaints database.

Complaint	Possible actions
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says she doesn't want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> • Tell the customer that we value complaints because they help to improve services. Encourage her to submit the complaint. • To improve our service and learn from mistakes, we need to record, evaluate and act upon customer feedback like this. Therefore, if the customer still insists she does not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that she will not be contacted again about the matter.
<p>Dissatisfaction with a planned maintenance programme</p>	<ul style="list-style-type: none"> • Take details of the complaint and pass them to the team involved in planned maintenance. Tell the customer about the timescales for planning such work, and that we will take their views into account for future work. • Record the complaint on the complaints database.

Appendix 2 – What is not a complaint?

1. A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep asking for service.
2. A customer may also be concerned about the various decisions we make. These decisions may have their own specific review or appeal procedures, and, where appropriate, we should direct customers to the relevant procedure. However, if a customer expresses dissatisfaction with the administrative process we have followed to arrive at a decision, we should treat this as a complaint. This distinction is shown in the example below about how an allocations policy applies.
3. The following paragraphs provide examples of the types of issues or concerns that should not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.

Example 1: Housing allocation decisions

4. Decisions about the allocation of homes follow a specific internal policy, in line with legal requirements. You should steer customers who are dissatisfied with an allocation decision towards the associated appeals process.

Customer A complains that they were not given enough priority for housing, given their current housing circumstances and health needs.

5. Steer the customer towards the appeals process for allocation decisions.
6. However, if the customer is dissatisfied about how we applied the policy or administered the process, the complaint can go through this CHP.

Customer B complains that a home was allocated to someone else, who they knew were in less need than them, and had not been on the waiting list as long.

7. Record the customer's complaint. Explain that personal details are not disclosed, so we cannot discuss the other applicant's details. The customer will also need to be clear that we will review the basis for the decision to see if we are at fault.
8. If we find that the decision was based on sound evidence of need, inform the customer of the outcome. But if there is evidence that there was maladministration (fault) in the process followed to reach our decision, we must take suitable action and inform Customer B.
9. Update the complaint as appropriate and consider whether to report the case to senior management/the management committee.
10. Customer B can also request a review of their circumstances or may appeal their points through the appeals process.

Example 2: Claims for compensation

11. A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you should not handle them through the complaints handling procedure. However, where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to delay consideration of the complaint pending the outcome of the claim for compensation. If you do this, you should notify the customer and explain that the complaint will be fully considered when the compensation claim has been resolved.

[The RSL may provide further guidance or examples in relation to dealing with complaints pending the outcome of a claim for compensation. This can be inserted here or included in an annex to this document.]

12. If you receive a compensation claim, you should explain to the customer the process for claiming compensation in line with our policy on these claims.

*[Some organisations may have a policy on making time and trouble payments. If so, organisations should clarify that this is distinct from compensation (so complaints where the customer is asking for a time and trouble payment **can** be handled under the CHP). Example text:*

13. *You can still make ‘time and trouble’ payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.*

Example 3: Anti-social behaviour complaints

14. We must respond well to concerns or dissatisfaction about our tenants’ behaviour from a neighbour or a member of the public (for example, a home owner living near by). We initially handle such concerns through our [*anti-social behaviour or neighbour relations*] policy. However, someone may complain about the way we have handled an anti-social behaviour complaint.

Mr A complains that his neighbour has been playing music late at night for the last three nights. This is the first time he has phoned to complain.

15. We should handle this through our anti-social behaviour policy. We should fully explain our process to Mr A, and say what he should do if the situation continues.

Ms B complains she has reported her neighbour’s barking dog several times over the last year, and nothing has been done about it.

16. We should handle this as a complaint and pass it to the right team to establish what has happened so far and update Ms B. We should consider whether we applied our policy properly, and whether we could do anything else to address the situation. We should record the complaint on the complaints system.

SPSO
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Web www.spsso.org.uk

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