



Complaints Handling

(following the SPSO model policy)

Approved by the Assurance sub-Committee:
Latest review date:

February 2025
February 2028

1. Introduction

- 1.1 Cernach Housing Association is committed to providing high-quality customer services. We value complaints and use information from them to help us improve our services.
- 1.2 If something goes wrong or you are dissatisfied with our services, please tell us. This document sets out 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.

2. What is a complaint?

- 2.1 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.

- 2.2 What can I complain about?

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).

2.3 Data protection complaints

The Data (Use and Access) Act 2025 provides individuals with the right to complain directly to data controllers, such as ourselves, if they consider that, in connection with the personal data relating to an individual, a data controller has infringed UK data protection law. As such data protection complaints will be considered in line with this policy.

2.4 Your complaint may involve more than one of Cernach's services or be about someone working on our behalf.

2.5 What can't I complain about? 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) 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
- Abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Behaviour Policy; 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).

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

3. Who can complain?

- 3.1 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.

4. How do I complain?

- 4.1 It is easier for us to address complaints if you make them quickly and directly to us. You can complain in person at our office, by phone, in writing or by email. When complaining, please tell us:

- Your full name and the best way to contact you
- As much as you can about the complaint
- What has gone wrong; and
- What outcome you are seeking.

- 4.2 You can contact us by telephone, by email, by letter or you can come into the office. You can make a complaint in person but, equally, we are happy to deal with someone acting on your behalf, so long as you have given permission for them to speak with us.

Our **postal address** is: Marion McDonal House, 79 Airgold Drive Glasgow, G15 7AJ

Our **telephone number** is 0141 944 3860

Our **email address** for complaints in admin@cernachha.co.uk

- 4.3 You can also contact us via our social media platforms (we currently use Facebook and Twitter). We will acknowledge your complaint, but we will respond via email, call or letter to resolve your complaint.

5. How long do I have to make a complaint?

- 5.1 You should make your complaint within six months of the event you want to complain about; or finding out that you have a reason to complain. 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.

6. What happens when I have complained?

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

7. Stage 1: Frontline response

- 7.1 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.
- 7.2 We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.
- 7.3 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).
- 7.4 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.

8. Stage 2: Investigation

- 8.1 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.
- 8.2 When using stage 2:
- 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)
 - Where we cannot resolve your complaint, we will give you a full response as

soon as possible, normally within 20 working days.

- 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.

9. What if I'm still dissatisfied?

- 9.1 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 Scottish Public Services Ombudsman (SPSO) to look at it.
- 9.2 The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).
- 9.3 You can ask the SPSO to look at your complaint if:
- you have gone all the way through the Association's complaints handling procedure
 - it is less than 12 months after you became aware of the matter you want to complain about; and
 - the matter has not been (and is not being) considered in court.
- 9.4 The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at www.spsso.org.uk/complain/form or call them on Freephone 0800 377 7330.
- 9.5 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. The SPSO's contact details are:

SPSO

**Bridgeside House 99 McDonald Road Edinburgh
EH7 4NS**

(if you would like to visit in person, you must make an appointment first)

Their freepost address is: FREEPOST SPSO

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

- 9.6 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.

10. Getting help to make your complaint

- 10.1 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. Cernach will support you to make a complaint, but there are organisations who can support you too. You can find out more about advocates by contacting:

- **Scottish Independent Advocacy Alliance, 0131 510 9410, www.siaa.org.uk**
- **Citizens Advice Scotland, our local branch is Citizens Advice – Drumchapel, address: 195C Drumry Road East, G15 8NS, 0141 944 2612**

11. Reporting a significant performance failure to the Scottish Housing Regulator

- 11.1 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.
- 11.2 This is something that is a systemic problem that does, or could, affect all of a landlord's tenants. If 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.
- 11.3 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 find out more about significant performance failures on [our website](#). The SHR also has more information on their website: <https://www.housingregulator.gov.scot/about-us/news/housing-regulator-publishes-factsheets-on-complaints-and-significant-performance-failures/>

12. Equality and human rights

- 12.1 The Association's Equality and Human Rights policy, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 12.2 If you have trouble making a complaint, or want this information in another language or format, such as large font, or Braille, please tell us.
- 12.3 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).

An overview of Cernach's complaint procedure

You can make your complaint in person, by phone, by email, via social media 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 investigation, we will tell you and keep you updated on our progress.



Stage 1: Frontline response

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 need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and 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.



Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint Cernach HA and you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

Freephone: 0800 377 7330 Website: spso.org.uk

Cernach Housing Association Equality Impact Assessment



Name of the policy / proposal to be assessed	Complaints Policy	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment	L Crawford		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	To set out our approach to receiving and responding to complaints		
2. Who is intended to benefit from the policy / proposal? (<i>e.g., applicants, tenants, staff, contractors</i>)	Staff, Contractors, Management Committee Members, Tenants, Applicants, Factored Owners and any other stakeholders.		
3. What outcomes are wanted from this policy / proposal? (<i>e.g. the benefits to customers</i>)	Ensure anyone interacting with our services know what to expect from Cernach when they make a complaint.		

4. Which **protected characteristics** could be **affected** by the proposal? (*tick all that apply*)

- ☐ Age ☐ Disability ☐ Marriage & Civil Partnership ☐ Pregnancy/Maternity ☐ Race
- ☐ Religion or Belief ☐ Gender ☐ Gender Reassignment ☐ Sexual Orientation

5. If the policy / proposal is not relevant to any of the **protected characteristics** listed in part 4, state why and end the process here.

This document follows a model SPSO policy and after careful consideration, there is no known elements of this policy that would impact any of the 9 protected characteristics.

	Positive impact(s)	Negative impact(s)
After careful consideration, there is no known elements of this policy that would impact any of the 9 protected characteristics.		
7. What actions are required to address the impacts arising from this assessment? (<i>This might include collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts</i>).		

Signed: *L Crawford* **Job title:** Corporate Services Officer

Date the Equality Impact Assessment was completed: January 2025