



Factsheet

Making a complaint or whistleblowing about a regulated body

Introduction

This factsheet provides guidance for tenants, members of the public and registered tenant organisations on making a complaint about a regulated body; and staff of regulated bodies on raising concerns about improper conduct.

It sets out what The Scottish Housing Regulator (the regulator) can and can't do about your complaint.

In this factsheet the term 'regulated body' means a social landlord that we regulate, including:

- housing associations, co-operatives and housing companies that are registered with us (registered social landlords); and
- local authorities that provide landlord, homelessness and factoring services.

All regulated bodies are subject to a single set of performance standards, jointly agreed by The Scottish Housing Regulator, the Convention of Scottish Local Authorities (COSLA) and the Scottish Federation of Housing Associations (SFHA). This document is available on our website at www.scottishhousingregulator.gov.uk

The performance standards set out our expectations for the quality of service to be provided to tenants, registered tenants organisations and other customers. The performance standards require all regulated bodies to have a well-publicised complaints procedure. Their procedure should clearly state the responsibilities of the regulated body in dealing with complaints and must also make clear when a complainant may take their complaint to the Scottish Public Services Ombudsman.

Complaining about the activities of a regulated body

If you have a complaint about a regulated body, you should ask the organisation for a copy of its complaints procedure. You should make your complaint following this procedure to the point where your complaint is resolved or the procedure comes to an end.

If you have reached the end of the organisation's own complaints procedure without satisfaction, you may want to refer the matter to the Scottish Public Services Ombudsman at 4 Melville Street, Edinburgh EH3 7NS; telephone 0870 011 5378; fax 0870 011 5379; or email: enquiries@scottishombudsman.org.uk

The role of the regulator in dealing with complaints

As the regulator, it is not our role to intervene in complaints between an individual or a registered tenant organisation and a regulated body. It is the role of the Scottish Public Services Ombudsman to deal with individual complaints that cannot be resolved through a regulated body's complaints procedure (see 'Complaining about the activities of a regulated body' below).

If, however, we are notified of a very serious allegation against a regulated body we may gather information to help us determine whether we need to take any action. It is not appropriate for us to become involved in complaints where legal action is underway.

In some circumstances we may refer you to another regulator. For example, if the complaint is about a housing support service it may be

more appropriate for you to contact the Scottish Commission for the Regulation of Care (the Care Commission).

Staff concerns about improper conduct with a regulated body

When a member of staff believes there has been improper conduct within a regulated body they should be able to report this to someone who is in a position to deal with it. It should be possible to raise concerns of improper conduct in confidence with an appropriate person within a regulated body. Alternatively, it is also possible to raise concerns directly with an appropriate regulator. Any concerns about registered social landlords can be raised with a member of staff of the Scottish Housing Regulator's support team. Any concerns about councils can be raised with Audit Scotland, 110 George Street, Edinburgh, EH2 4LH; telephone 0131 477 1234. You can find out more about Audit Scotland at www.audit-scotland.gov.uk

We (and Audit Scotland) may investigate any allegations of improper conduct, even if they are referred to us anonymously. We will respect the confidentiality of any person who does not wish to be identified in any investigation resulting from matters that they have brought to our attention. However, this could sometimes make our investigation more difficult. Investigating an anonymous complaint may not be possible where it appears that a criminal offence has occurred, as we may have to pass information on to the police to investigate.

We will provide any person making allegations of improper conduct within a regulated body with as much feedback on the action we have taken as we properly can. However, we may not be able to provide information on the precise action we have taken where this would infringe on the rights of others involved.

Complaining about the Scottish Housing Regulator

If you are unhappy with the way the Scottish Housing Regulator has dealt with you when you have brought a complaint about a regulated body to our attention, you should write to the head of policy and corporate services stating the reasons for your dissatisfaction. The head of policy and corporate services will investigate your complaint and reply to you within eight days. When we cannot investigate a complaint within this timescale we will tell you when you can expect a full reply.

More information

Further details about making a complaint about us are given in The Scottish Housing Regulator's service charter. This is available on our website at www.scottishhousingregulator.gov.uk along with more information about The Scottish Housing Regulator.

The information in this factsheet is available on tape and in Braille, large print and community languages. For further details email shr@scottishhousingregulator.gsi.gov.uk

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