**Factoring Complaints Procedure - Summary**

**Falkirk Council values complaints and uses information from them, to help us improve our services.** All factoring complaints follow our two stage Corporate Complaints Procedure.

We will make every effort to resolve any problems or complaints that you may have about the Council or any of our services. However, on the rare occasions when people remain dissatisfied, they can ask the following independent, impartial organisations to investigate.

As a factored homeowner, depending on the nature of the complaint, you will be able to appeal to the First Tier Tribunal (Housing and Property Chamber) and the Scottish Public Services Ombudsman: we will let you know your right of appeal. You can use this right of appeal if you are still dissatisfied with our decision or the way we dealt with your complaint.

|  |  |
| --- | --- |
| 1. [**First Tier Tribunal for Scotland (Housing and Property Chamber)**](https://www.housingandpropertychamber.scot/home)   **Email:** [HPCAdmin@scotcourtstribunals.gov.uk](mailto:HPCAdmin@scotcourtstribunals.gov.uk)  **Telephone:** 0141 302 5900  **By Fax:** 0141 302 5901  **By Post:** Housing and Property Chamber  First-tier Tribunal for Scotland Glasgow Tribunals Centre  20 York Street  Glasgow  G2 8GT | The Housing and Property Chamber determines applications from homeowners in relation to disputes between them and their property factor in relation to the property factors’ statutory duties and compliance with the Property Factors' Code of Conduct.  There are only two circumstances a factored homeowner can appeal to the Housing and Property Chamber. These are:   1. The property factor is not complying with the Property Factor Code of Conduct 2. The property factor is not carrying out their duties as a property factor   You can appeal to the First Tier Tribunal if:   * You have notified the Council in writing of the reasons why you consider the Council has failed to carry out its factoring duties or failed to comply with the Code of Conduct; and * after the Council’s complaints process has been exhausted, you believe that the Council has refused to resolve your complaint or has unreasonably delayed attempting to resolve your complaint.   See also SPSO section below. |
| 1. [**Scottish Public Services Ombudsman (SPSO)**](http://www.spso.org.uk/)   **Online:**  [www.spso.org.uk/](http://www.spso.org.uk/)  **Online contact:** [www.spso.org.uk/contact-us](http://www.spso.org.uk/contact-us)  **Freephone:** 0800 377 7330  **Fax:**  0800 377 7331  **Post:** Freepost SPSO  **In person:** (you must arrange an appointment first by phoning 0800 377 7330)    Scottish Public Services Ombudsman  Bridgeside House  99 McDonald Road  Edinburgh  EH7 4NS | The **Scottish Public Services Ombudsman (SPSO)** is the final stage for complaints about councils and a range of other public services.  SPSO manages all other Falkirk Council service complaints.  If your complaint falls within the remit of the First Tier Tribunal for Scotland, you can also appeal to the SPSO. This part of your complaint can only be about the way your complaint was dealt with. |

Information on our Complaints Procedure, which incorporates the two different appeal processes are detailed below.

**Falkirk Council Complaints Procedure**

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

Before making a complaint, please consider reporting the problem to us. In relation to factoring, you can contact us:

By Telephone: 01324 506070

By Email: [housingservices@falkirk.gov.uk](mailto:housingservices@falkirk.gov.uk)

By Post: Suite 5, The Forum

Falkirk, FK1 1XR

Our Standard hours of work are Monday to Friday 9am to 5pm.

You can also report a range of issues to us online, please see: <https://www.falkirk.gov.uk/contact-us/complaints/> .

## 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.

You can complain about things like:

* delays in responding to your enquiries and requests
* failure to provide a service
* our standard of service
* council policy
* treatment by or attitude of a member of staff
* disagreement with a decision where you cannot use an appeal procedure to resolve the matter
* our failure to follow proper procedure

Yourcomplaint may involve more than one council service or be about someone working on our behalf.

If you want to make a complaint, please contact us:

* online at: <https://www.falkirk.gov.uk/contact-us/complaints/>
* by emailing: [housing.customerserviceteam@falkirk.gov.uk](mailto:housing.customerserviceteam@falkirk.gov.uk) or,

[contact.centre@falkirk.gov.uk](mailto:contact.centre@falkirk.gov.uk)

* by calling 01324 506070
* in writing to the relevant service
* in person at any [**Advice & Support Hub**](https://www.falkirk.gov.uk/places/oss-ash/)

**What is not a complaint?**

* a 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
* disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax or planning
* an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

**Who can complain and can I get help to complain?**

Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service. We understand that you may be unable, or reluctant, to make a complaint yourself. We can take complaints from a friend, relative, or an advocate.

If you are making a complaint on behalf of someone, we will respond directly to them unless you have permission from the person you are representing to act on their behalf. We would require confirmation from the person you are complaining for that you will be acting as their representative, preferably written confirmation.

If you would like assistance from an advocate, you can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance on 0131 510 9410 or on their website ([**www.siaa.org.uk**](https://www.siaa.org.uk/))

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

Normally, you must make your complaint within twelve months of the event you want to complain about.

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

**When can I expect a response to my complaint about the Council?**

There are two stages within the Complaints Procedure.

**Stage one: Frontline**

We aim to resolve complaints quickly. We will give you our decision at Stage One in five working days or less unless there are exceptional circumstances. If we require longer than 5 working days, we will inform you and provide you with a revised timescale.

If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next, which may be to take your complaint to the next stage in the complaints process.

**Stage two: Investigation**

When using Stage Two, we will acknowledge receipt of your complaint within three working days. We will provide a full response as soon as possible and within 20 working days. If our investigation takes longer, we will tell you and agree on revised time limits and keep you updated on progress.

### **Is there an independent, impartial organisation that can investigate my complaint against the Council?**

We will make every effort to resolve any problems or complaints that you may have about the Council or any of our services. However, on the rare occasions when people remain dissatisfied, they can ask the following independent, impartial organisation to investigate.

As a factored homeowner, depending on the nature of the complaint, you will be able to appeal to the First Tier Tribunal and the Scottish Public Services Ombudsman: we will let you know your right of appeal. You can use this right of appeal if you are still dissatisfied with our decision or the way we dealt with your complaint.

1. [**First Tier Tribunal for Scotland (Housing and Property Chamber)**](https://www.housingandpropertychamber.scot/home)

The Housing and Property Chamber determines applications from homeowners in relation to disputes between them and their property factor in relation to the property factors’ statutory duties and compliance with the Property Factors' Code of Conduct.

There are only two circumstances a factored homeowner can appeal to the Housing and Property Chamber. These are:

1. The property factor is not complying with the Property Factor Code of Conduct
2. The property factor is not carrying out their duties as a property factor

You can appeal to the Housing and Property Chamber if:

* You have notified the Council in writing of the reasons why you consider the Council has failed to carry out its factoring duties or failed to comply with the Code of Conduct; and
* after the Council’s complaints process has been exhausted, you believe that the Council has refused to resolve your complaint or has unreasonably delayed attempting to resolve your complaint.

The Housing & Property Chamber is open 9:00am to 5:00pm, Monday to Thursday, 9.00am – 4.30pm on Fridays and can be contacted:

**Email:** [HPCAdmin@scotcourtstribunals.gov.uk](mailto:HPCAdmin@scotcourtstribunals.gov.uk)

**Telephone:** 0141 302 5900

**By Fax:** 0141 302 5901

**By Post:** Housing and Property Chamber

First-tier Tribunal for Scotland

Glasgow Tribunals Centre

20 York Street

Glasgow

G2 8GT

1. [**Scottish Public Services Ombudsman (SPSO)**](http://www.spso.org.uk/)

If your complaint falls within the remit of the Housing & Property Chamber, you can also appeal to the SPSO. This part of your complaint can only be about the way your complaint was dealt with.

The SPSO will only consider complaints which have completed all stages of the Council's complaints procedure so you should contact the Council in the first instance. The SPSO cannot normally look at complaints:

* where you have not gone all the way through the council's complaints handling procedure more than 12 months after you became aware of the matter you want to complain about, or that have been or are being considered in court.

**Online:**  [www.spso.org.uk/](http://www.spso.org.uk/)

**Online contact:** [www.spso.org.uk/contact-us](http://www.spso.org.uk/contact-us)

**Freephone:** 0800 377 7330

**Fax:**  0800 377 7331

**Post:** Freepost SPSO

**In person:** (you must arrange an appointment first by phoning 0800 377 7330)

Scottish Public Services Ombudsman  
 Bridgeside House  
 99 McDonald Road  
 Edinburgh  
 EH7 4NS

**Quick guide to our complaint’s procedure**

**Complaints procedure**

You can make your complaint online, by e-mail, by phone, in writing or in person at any [**Advice & Support Hub**](https://www.falkirk.gov.uk/places/oss-ash/)**.**

There are two stages within the Complaints Procedure.

**Stage One: frontline resolution**

We aim to resolve complaints quickly. We will give you our decision at Stage One in five working days or less unless there are exceptional circumstances. If we require longer than 5 working days, we will inform you and provide you with a revised timescale.

If we can’t resolve your complaint at this stage, we will explain why and tell you what you can do next, which may be to take your complaint to the next stage in the complaints process.

**Stage Two: investigation**

When using Stage Two we will acknowledge receipt of your complaint within three working days. We will provide a full response as soon as possible and within 20 working days. If our investigation takes longer, we will tell you and agree on revised time limits and keep you updated on progress.

|  |  |  |
| --- | --- | --- |
| **Appeal:**  **First Tier Tribunal for Scotland (Housing and Property Chamber)**  If, after receiving our final decision on your complaint, you remain dissatisfied with our decision you can ask the Housing and Property Chamber to consider it.  We will tell you how to do this when we send you our final decision.  You can appeal to the Housing and Property Chamber if:   * you have notified the Council in writing of the reasons why you consider the Council has failed to carry out its factoring duties or failed to comply with the Code of Conduct; and * after the Council’s complaints process has been exhausted, you believe that the Council has refused to resolve your complaint or has unreasonably delayed attempting to resolve your complaint. |  | **Appeal:**  **The Scottish Public Services Ombudsman**  If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we handled your complaint, you can ask the SPSO to consider it.  If your complaint falls within the remit of the First Tier Tribunal for Scotland, you can also appeal to the SPSO. This part of your complaint can only be about the way your complaint was dealt with.  We will tell you how to do this when we send you our final decision |

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

V2: July 2023