

SCOTTISH PUBLIC SERVICES OMBUDSMAN

ANNUAL COMPLAINTS REPORT 2012–2013

Learning
from
complaints




Improving
complaints
handling



Supporting
public service
improvement



HOUSING



This is the SPSO's first annual complaints report about the housing sector. It is one of a series of reports through which we aim to put key messages, information and analysis of complaints about individual sectors into the public domain. We anticipate that Parliamentary committees, government departments, scrutiny bodies, regulators and housing providers will find this an effective means of enhancing the learning from our work and identifying issues arising from the complaints we see. Equally, we hope it will prove useful to members of the public who seek more information about the kinds of complaints that are escalated to us and how we handle them.

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OMBUDSMAN'S INTRODUCTION



Such issues with living environment can have a significant, ongoing and inescapable impact on tenants which emphasises the importance of effective and quick remedy through the complaints process.



Our jurisdiction covers all registered social landlords (RSLs) and includes houses both in council ownership and those owned by housing associations. Overall, housing complaints account for 17% of our caseload (9% through councils and 8% from housing associations).

Many of the housing complaints we see are about repairs and maintenance (painting or tiling walls for example, or changing a heating system). From the outside these may seem minor matters, so it is worth remembering that what we consider are not the initial requests for service, but issues that have arisen because the repair or maintenance was carried out badly or not at all. This has led to the person complaining firstly to the RSL, still being dissatisfied and then coming to us, by which time many months may have passed, and during which walls will have remained undecorated or the flat will have been cold. Where we can, we resolve such issues quickly, where appropriate making recommendations to try to ensure no repetition of the mistake that led to the poor service.

Housing also covers neighbour disputes and antisocial behaviour, our second highest category of complaint. Again, by the time complaints reach our office these matters may have become highly emotional and entrenched, requiring sensitive handling. Such issues with living environment can have a significant, ongoing and inescapable impact on tenants which emphasises the importance of effective and quick remedy through the complaints process.

Key trends in our figures

In housing in previous years, the rate of premature complaints (those that come to us before completing the complaints procedure of the organisation concerned) has been consistently high. In 2011/12 it was 62%, against an average of 43% across all the sectors. This year, it was down to 52% against an overall rate across all sectors of 40%. While this is still higher than most other sectors, it represents a welcome downwards trend that I hope will continue.

Upheld complaints

During the year we investigated a total of 98 complaints about housing that were 'fit for SPSO' – i.e. they were about something that we could look at and had completed the complaints process of the authority concerned. Of these, we upheld or partly upheld 43% of the complaints we investigated. It is notable that in a large number of cases where we found problems, the upheld aspects were, or included, failings in complaints handling. These failings should be relatively straightforward to reduce, and this report highlights the work we are doing to help support training in complaints handling in the housing sector.

Improving complaints handling

RSLs were a key focus of our Complaints Standards Authority in 2012/13. Throughout the previous year we worked in partnership with a range of stakeholders to develop a standardised model complaints handling procedure (CHP) for the sector. It was published in April 2012 with an implementation date of March 2013. I am very grateful to the many people who were involved, in particular those housing associations, tenants groups and other stakeholders and partner organisations who provided valuable time and expertise throughout the development and implementation of the CHP, associated performance indicators and monitoring arrangements.

Our aim has always been for the RSL CHP to be owned by the housing sector and I believe that this is now the case. We look forward to working in partnership with the RSL complaints handlers network and other partners to support ongoing improvement of the CHP's operation through sharing of experience, learning and best practice across the sector.

Sharing the learning

One of the benefits of our process is the transparency of our decisions. In 2012/13, we published 83 complaints about housing on our website. Through this, social landlords can analyse trends and identify improvements they can make to reduce any failings we find. Similarly, the public can see the kinds of complaints that are made to housing providers, gain insights both where we do not uphold complaints and where we do, and find examples of the kinds of redress we are able to recommend. I urge housing providers to make the most of these tools and to demonstrate to their customers the ways in which they value complaints and how they use them to drive improvement.

Jim Martin
Ombudsman



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CASEWORK

Number of complaints received and dealt with

In 2012/13 we received 689 complaints about social housing providers. In line with the overall increase in complaints received this year, this was a 10% increase on the 628 complaints we received in 2011/12.

In the local authority sector, housing was, once again, the subject about which we received most complaints, with the number received in 2012/13 increasing by 6% on 2011/12 (up to 361 from 341). These cover a range of issues, from housing repairs and maintenance to neighbour disputes and antisocial behaviour and account for 9% of our total caseload.

It is worth pointing out that not all the complaints we record as 'housing' are directly about houses. Even where a council's housing stock has been transferred, we can still receive complaints that we currently categorise as about matters related to housing, such as antisocial behaviour, local housing allowance and council tax benefit, and issues raised by people who are homeless. We have recently reviewed our categories and have made changes to the types of complaints we record as about housing issues, which will come into effect from the next financial year.

We received 328 complaints about housing associations in 2012/13 (up 14% from the 287 we received in 2011/12) totalling 8% of all the complaints SPSO received during the year.

In terms of numbers of housing complaints dealt with in 2012/13, we handled 669, 11% more than in 2011/12 (in which we dealt with 604 cases). The total number of complaints received and dealt with differs because some cases received in 2011/12 were completed in 2012/13.

What we do with complaints

At the end of this report, there are tables with the outcomes of all the housing complaints we dealt with. Here, we identify some of the key points and what we do at each stage of our process.

Advice

All complaints and enquiries come first to our advice team. Their role is to provide information, signposting and support. Much of this work is conducted by telephone and they provide not only advice about our work but also help people find additional support, which can be particularly important in the housing sector. They can also make a decision on a complaint if it is clearly a matter that we are not legally able to consider or it has come to us too early. We are normally only able to deal with complaints after they have completed the organisation's complaints process. If a complaint comes to us too early (we call these premature complaints) we will let the person know how best to make the complaint to the organisation concerned. We can also give advice about organisations (such as Citizens Advice Scotland or Shelter Scotland) who can provide advice or support people through the complaints process.

This year saw a drop in the number of premature complaints about the housing sector, to 52%. This is historically the sector in which the rate of premature approaches to us is highest and, compared with other sectors, the rate remains high (the overall rate across all sectors is 40%). In 2011/12 the rate was 62%, against an average of 43% across all the sectors we deal with, consisting of 67% for housing associations and 58% for local authorities. In 2012/13, the rate for housing associations was 55% and for local authorities it was 48%.

All enquiries and the vast majority of premature complaints are dealt with by our advice team. In 2012/13, the team handled 462 complaints about housing services, of which 331 were premature. At the next stage in our process, where complaints receive further detailed review, another 15 such cases were found to be premature.

Key figures in housing complaints 2012/13

- > We received **689** complaints and dealt with **669**

- > The rate of complaints coming to us too early dropped from 62% to **52%** compared with last year (the overall rate is 40%)

- > The rate of upheld complaints was **43%**, up from 38% last year, but lower than the overall rate of 46%

- > People who received advice, support and signposting: **462**

- > Number of cases decided following detailed consideration pre-investigation: **109**

- > Complaints fully investigated **98** with 83* publicly reported to Parliament

- > We made **60** recommendations for redress and improvement

* We publicly report the decisions a minimum of six weeks after sending the decision letter. In a small number of cases we do not put information in the public domain, usually to prevent the possibility of someone being identified.

Assessing complaints

Last year, 207 complaints passed from the advice stage to further detailed review. At this stage, we try wherever possible to talk to the complainant to make sure we understand their complaint and what outcome they want. We aim to see if there is a resolution that would be agreeable and acceptable to all parties and in a very small number of cases we were able to do this (examples include one housing provider agreeing to move a bath for a tenant, and another paying for a satellite dish to be moved). We also have to assess whether there are reasons we should not take the complaint further. We can only investigate where we have the legal power to do so.

We know it is frustrating for complainants if we can't resolve a complaint or take it further, so we try to take this decision as quickly as we can. Last year, we decided at this stage that we could not take 109 cases further. In some cases this was because they were premature, or out of our jurisdiction. In others, the complainant did not provide us with enough information, withdrew the complaint, or wanted an outcome we could not achieve for them. We provide a breakdown of the decisions we made at this stage at the end of this report.

In a small number of cases, we can help by getting in touch with the landlord and asking why something has not happened or when it can be expected to happen. A phone call from our office can make a difference, and we aim to do this in all appropriate cases. For example, a person phoned us to ask about making a complaint. They said that they had reported to the council that a member of their family, who had a disability, had fallen in the bathroom but the facilities had still not been assessed for safety. We phoned the council to find out more, and they immediately arranged for an occupational therapist to visit and help find a safe way for the person to use the bathroom. In this case we did not need to take the complaint further, as the problem was fixed straight away.

Investigating complaints

At the investigation stage, we decide whether the complaint should or should not be upheld. In order to do so, we will consider all the available evidence. In housing cases, this is likely to include the housing file and/or complaints correspondence, as well as any other information supplied by the person who has made the complaint, or by the housing provider, such as photographs, or reports by surveyors or specialists who have inspected properties. We assess whether what happened was reasonable in the circumstances, and whether the organisation followed the correct procedures.

Decisions

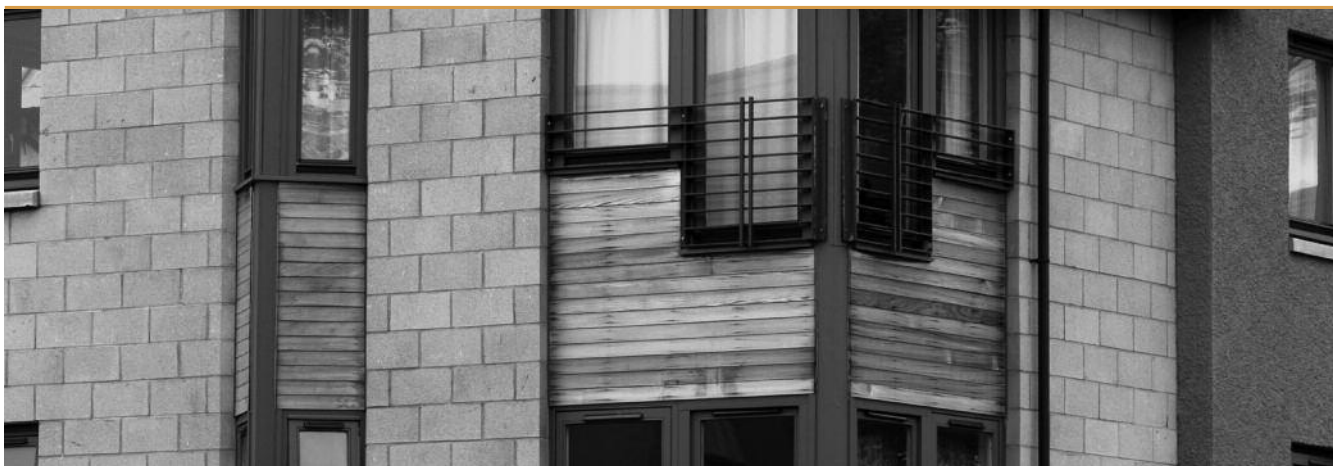
When we investigate, we always issue a written decision. This is an important record and sets out in detail what we have investigated and how. The organisation and the complainant will receive copies. We know these decisions are sometimes about difficult experiences and in 2012/13 we began moving towards supplementing the written record with a telephone discussion with the people who had made the complaints. This has proved successful and is now part of our regular and increased use of direct contact with complainants.

The written record will be in one of two formats. In most cases we issue decisions by letter. This letter remains private between ourselves and the parties. In order to ensure learning is shared, we publicly report a summary of the decision to Parliament. In 2012/13 we issued 98 decisions on housing complaints by letter.

38 of these were about housing associations and 60 about local authorities. Of these, we upheld or partly upheld a total of 42 (43%). 15 of these were about housing associations and 27 about local authorities, and was an overall increase on the 38% of cases that we upheld in 2011/12. We found complaints handling to be an issue in over 40% of the complaints (17 out of 42) where we upheld or partly upheld the complaint. Six were housing association cases and eleven were council cases.

continued >

CASEWORK



We reported 83 decisions to Parliament but did not publish any public interest reports about housing in 2012/13. For information, our criteria for this are set out below.

Our public interest criteria can include:

- **significant personal injustice**
- **systemic failure**
- **significant failures in the local complaints procedure**
- **precedent and test cases**

Recommendations

Where we find that something has gone wrong, we will uphold the complaint and we usually make recommendations for redress and improvement. In 2012/13, we made a total of 60 recommendations about the housing sector, of which 21 were about housing associations and 39 about the housing functions of local authorities. We fully upheld 13 complaints and partly upheld another 29 in 2012/13. The main area in which complaints were upheld was that of repairs and maintenance, where we fully upheld 3 and partly upheld 12.

On the opposite page and through the case studies at the end of this report, there are examples of the kinds of recommendations we make. There are more case summaries on our website: www.spsso.org.uk/our-findings

Housing recommendations

We recommended that a housing provider:

- review their decision to invoice a tenant for damage, taking account of the information available including her version of events
- review procedures for completing documents when inspecting property
- give further consideration to a man's request for housing points if his property shows further signs of dampness
- consider putting in place a policy on placing fences between properties
- keep a note of the accompanied viewing of property
- apologise for delay and for not communicating properly with a tenant
- apologise for delay in offering a homeless applicant a permanent house
- apologise for delay in making a compensation payment
- emphasise to staff the importance of responding to complaints in a timely manner and, where necessary, providing appropriate updates
- remind staff that complaints responses should include information about how to take the matter further if the complainant is still unhappy.

What do people complain about?

Top subjects of housing complaints received 2012/13

The complaints received cover both local authorities and housing associations, and the table shows details of the numbers of complaints received for each type of social landlord. Taken as a whole, the top categories of complaint shown below remain the same as last year, with slight changes in the order.

Subject	Housing Associations	Local Authority	Total
Repairs and maintenance	95	130	225
Neighbour disputes and antisocial behaviour	40	63	103
Applications, allocations, transfers & exchanges	15	42	57
Policy/administration	25	31	56
Complaints handling	26	11	37
Local housing allowance and council tax benefit	n/a	34	34
Improvements and renovation	14	15	29
Estate management, open space & environment work	13	7	20
Rent and/or service charges	10	9	19
Homeless person issues	2	8	10

Repairs and maintenance remains the top category of complaint, and shows an increase of 32% on the number received in 2011/12, when we received 171. Neighbour disputes and antisocial behaviour complaints are still in second place, again in increased numbers (16% more than last year, when we received 89).

There was a marked rise (118%) in the number of complaints that were directly about complaints handling. However, this increase was on relatively small numbers of complaints (from 17 in 2011/12 to 37 in 2012/13). Complaints about local housing allowance (formerly housing benefit) and council tax benefit, which are only relevant to local authorities, dropped by 29%, from 48 to 34.



Issues in housing complaints

Repairs and maintenance

This is the area about which we have always received most complaints. People bring us a wide range of issues that we categorise under this heading. These are the kinds of matters that will be familiar to all housing officers such as complaints that a home was in a poor state of repair when tenants moved in, concerns about asbestos in a property, issues relating to refurbishment programmes and complaints that a flat is damp or that tenants have waited too long for a leak to be fixed. We can occasionally get a complaint dealt with quickly by making a phone call, or a housing provider may take action after we get in touch with them when we ask for information about the complaint.

Sometimes we find that a provider may have had difficulty in arranging for work to be done, because they are a co-owner in a block of flats or a tenement, and may need to get the agreement of other owners before non-urgent work can be carried out. However, sometimes the housing provider may not have acted properly, and this has added to the problem. An example of this is where a couple complained, among other things, that the council took too long to repair the roof and rhones in their block. They felt that this had resulted in dampness in their flat. Our investigation (case 201103835) found that there was a delay of eleven months between the council obtaining a quote for repairs, and the repairs being done. This was because the council sent the quote to the tenant of the upstairs flat, rather than the private landlord, then did not follow this up when there was no reply. We made recommendations including that the council should discuss internal improvement work with the couple, and investigate what repairs might be necessary to their flat.

Sometimes we find that, while things have gone wrong with repairs, the housing provider has taken steps to correct the problems. For example, after a couple completed a tenancy exchange they noticed that their living room floor slanted steeply

(case 201101699). The housing association thought that pouring a self-levelling compound across the floor would solve the problem, and told the couple that they would not have access to the room for four days while this dried out. However, the slant on the floor turned out to be too deep for this, and after taking some time to assess the situation, the association decided to break up and relay the floor. On top of the time the couple had already waited, this then took eleven days to complete. However, the association had kept the couple informed, paid for the storage of their furniture and had offered to pay for other services. The association also paid appropriate allowances for disturbance and decorating costs, and the chief executive acknowledged that they should have investigated the problem further at the start. We upheld the complaint, but as the association had already identified lessons to be learned from this, we recommended only that they apologise to the couple.

In the area of maintenance, an issue we see repeated each year is of tenants complaining that a landlord has charged them for returning to gain entry to make safety checks. In such cases, however, we do often find that the landlord has acted properly. An example of this is where a man complained that the council charged him for a visit (case 201203652). His annual home gas maintenance check was due, but he had missed a first appointment. He said he received nothing more from the council until a contractor's card was put through his door. After this, the council went there for a third time. When they were granted access, they 'capped' the gas supply and charged the man an administrative fee. The man was very unhappy about being charged the fee. We found evidence, however, that when their contractors could not gain access, the council had sent three letters and left two cards at the house. They had the correct address details, had given appropriate notice on each occasion, and had followed their policy. We found that in the circumstances they were entitled to charge the administration fee.

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Neighbour disputes/antisocial behaviour

For the second year running, this is the area in which we received the second highest number of complaints in relation to housing. Complaints that fall into this category are often complex, long-running and emotionally charged, with claims and counter-claims made by both parties to the dispute. Given that the circumstances of these kinds of complaints can be very specific, we do not always publicly report these cases, in order to ensure that we protect the identity of the people concerned.

One example that we did make public was of a case where a couple complained of long-term antisocial behaviour from their neighbours, including dog barking and other noise (case 201103201). They said that the council had not taken action against the neighbours. We found, however, that the council had appropriately investigated the complaints under their antisocial behaviour policies and had taken appropriate action. However, we also found that they had not followed relevant sections of their 'keeping of pets' policy about keeping more than one pet. Another case was where a woman had a dispute with her neighbour and wanted a higher fence between the two properties (case 201201082). She said that the housing association had not discussed the position of the fence with her before starting work, and thought the association had paid more attention to her neighbour than to her. Our investigation found no evidence that the association had treated her neighbour more favourably. However, the association accepted that they could have progressed this more quickly and, because of the delay, had agreed to meet the full cost of the fence. They also accepted that communication with their tenant could have been better.

Another example, about noise from a neighbour's house, is included in more detail as a case study at the end of this report (case 201202244). We did not uphold the complaint as we found that the housing association concerned had tried to resolve the problem. Among other things, they had offered to arrange mediation between the parties concerned, but the tenant had not wished to take this forward at the time. Although we did not uphold the complaint, we recommended that they should offer mediation again, which they did.

Problems after moving home

One of the issues that sometimes comes up is when a tenant moves house, either because they are allocated a property or through an exchange. Sometimes problems that are not immediately apparent become clear only after the person moves in, and it can take time for this to be resolved to their satisfaction. One example is of a man who found, after moving in, that his house was damp (case 201100230). He complained that the housing association knew this before they let him the property, and that they delayed in carrying out repairs. We found that they had been aware of minor dampness, and had addressed this before it was let, but it had turned out that the problem was more severe and affected the whole building. When they found out, they did their best to try to get other owners to agree to resolve this. Although they had done this, we were concerned at the length of time the tenant had lived with the problem, and that there was no written record of the accompanied viewing with him before he moved in, which would have noted any issues brought to his attention. We made recommendations to address these concerns.

In another case, a tenant moved from one council property to another as part of an exchange scheme (case 201104667). It was a condition of the scheme that she accepted her new house in its current condition and that no non-emergency or non-statutory repairs would be carried out during the first six months. The tenant said that when she took over the house, she reported that the bath tub was chipped. About 14 years later, she transferred again. The council made a pre-transfer assessment of her old property, and said the bath was damaged. They sent her an invoice for more than £600 to replace it. The tenant said that the damage referred to was the same chip that was there when she moved into the property. Our investigation found that the original transfer inspection forms were largely incomplete, and could not be relied on to show the condition of the bath at the time. In the absence of evidence to the contrary, we upheld the complaint. The council cancelled the invoice and re-emphasised to staff the importance of completing documents about the inspection of property at the start or end of a tenancy.

CASEWORK



Complaints handling

We dealt with 36 complaints in which complaints handling was the main subject. We did not look further into 22 of these, as they had not completed the relevant organisation's complaints procedure. Of the remaining complaints, we upheld or partly upheld only four. However, as in other areas under our jurisdiction, we found complaints handling to be a contributory factor in many more complaints. As we have said earlier in this report, we found it to be an issue in over 40% of housing complaints (17 out of 42) where we upheld or partly upheld the complaint. In one complaint already mentioned (case 201202244), although we did not uphold the main complaint about noise, we found that the housing association had not initially registered their tenant's complaint, and did not respond properly or on time. They also lost sight of the issue of the handling of the complaint while trying to deal with the concerns that the tenant had raised.

In other cases, we found that organisations had not followed their complaints policy properly, had sent confusing responses or had failed to respond within the timescales that their complaints policy allows. In one case, the main complaint was about an alleged failure to resolve problems with sewerage and a septic tank (case 201101370). We did not uphold those elements of the complaint but we did find that when the

tenant complained, the housing association's reply did not confirm that it was a response to the complaint or how she could take the matter further if she was unhappy with that response. They also delayed in taking some of the action they said they would take, and failed to keep their tenant updated.

Sometimes in such cases, the organisation concerned recognises that things have gone wrong once we get in touch with them about the complaint. One example of this was where a councillor wrote to a housing provider on behalf of a constituent (case 201200078), but was unhappy with the way they responded, and complained to us. During our investigation, the chief executive of the organisation wrote to the councillor with an apology. She explained that it was she who had decided that his complaint would not be handled under their complaints policy. She acknowledged that he should have been told that, and also that it should in fact have been handled in line with the complaints policy. She apologised for these failings. We upheld the complaint but did not need to make any recommendations as we noted that the housing provider had already taken appropriate action to remedy this.

SHARING THE LEARNING



Publishing reports

Each month, we publish reports of as many cases as we can and lay them before Parliament. In 2012/13 we published 83 decision reports about the housing sector, making them publicly available to raise awareness and to support learning within and across sectors. In doing this, we are careful to protect the identity of the person who complained and any individuals about whom the complaint was made. Although we publish the vast majority of our decisions, in a very small number of cases we take the view that even publishing anonymously might identify someone, or that there are other reasons for not publishing, such as a person's vulnerability. In these circumstances we will exclude a case from publication. In housing cases, as mentioned earlier, this is particularly relevant where the complaint relates to problems with neighbours.

The bulk of the reports we publish are summary reports of decision letters. These detail the complaint, our decision and whether recommendations were made. We also publish some full investigation reports each month (although there were none about the housing sector in 2012/13) where the public interest makes it important that all the detail is in the public domain. All the reports are searchable on our website by organisation, date and outcome and they provide a wealth of information for complainants and organisations. We promote learning from the reports through the Ombudsman's monthly e-newsletter which highlights themes and issues from our casework.

It is sent to over 2,000 recipients, including MSPs, scrutiny bodies, service providers, advocacy agencies and the media.

Informing providers and the public

Another way in which learning from complaints is shared is through a joint initiative from HouseMark and ombudsman schemes. HouseMark is a member-based organisation, jointly owned by the Chartered Institute of Housing and the National Housing Federation, which provides performance improvement services. A section on its website contains case studies from our office and other ombudsman schemes that deal with housing complaints such as the Housing Ombudsman and the Local Government Ombudsman in England, and the Public Services Ombudsman for Wales. To read the digests visit www.ombudsmansays.info.

We have developed fact sheets to help the public understand what we can do about some of the top subjects of complaint about housing. These are regularly updated and include areas such as housing benefit, antisocial behaviour or neighbour nuisance and a specific leaflet about what to do if you are a tenant of a housing association or a local authority and have a complaint about them. We have also produced a leaflet jointly with Shelter Scotland, which aims to help people understand where to go for advice and support in the areas of homelessness applications and renting or buying their own home.

To read our decisions or search by subject, organisation or case reference number, visit www.spso.org.uk/our-findings and to read our information leaflets, visit <http://www.spso.org.uk/information-leaflets>

Working with others

We have a memorandum of understanding with the Scottish Housing Regulator to help us share information about complaints. Throughout the year we met regularly with the regulator to discuss complaints handling and associated issues, particularly the development and implementation of the model complaints handling procedure (CHP) and the regulator's monitoring of the model CHP requirements of the Scottish Social Housing Charter. We discuss this interaction in more detail in the next section 'Improving complaints standards'.

Our memorandum of understanding with the Scottish Housing Regulator is published on our website at <http://www.spsso.org.uk/class-1-about-us>

Consultations

The complaints that people bring us provide a valuable source of information about the direct experiences of those using housing services. As we have said already, we put as much of this as possible in the public domain and use recommendations to seek to prevent the same problem happening again. We use our knowledge of the complaints system and people's experience of that system when we respond to inquiries and consultations. For example, in August 2012 we responded to the Scottish Housing Regulator's consultation on the Scottish Social Housing Charter indicators. We were pleased that the final Charter included key indicators for monitoring complaints handling in the sector.

To read our consultation responses, visit <http://www.spsso.org.uk/consultations-and-inquiries>



IMPROVING COMPLAINTS STANDARDS

A strong focus of our work over the past year was on improving how housing providers themselves deal with complaints. 2012/13 was a significant year in moving towards our vision of a streamlined complaints handling system across the public sector, with the local government and registered social landlord (RSL) sectors leading the way. Our Complaints Standards Authority (CSA) published model handling procedures (CHPs) for local authorities in March 2012 and RSLs in April 2012, and supported these organisations in implementing their model CHPs throughout the year.

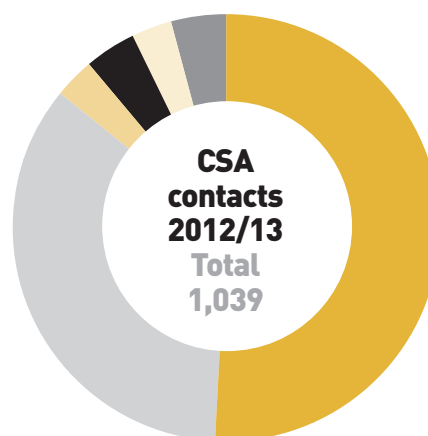
Supporting implementation

All RSLs were required to submit a pro-forma by October 2012 providing assurance on their implementation of the model CHP by March 2013. In line with our targets, the model CHP is now operating in over 160 registered social landlords and across all council services in Scotland's 32 local authorities. To provide support to organisations in the lead-up to implementation, the CSA visited councils and housing associations, met with regulators and other stakeholders and attended events across Scotland to provide further details of the SPSO's expectations and advice on implementation.

In terms of direct support and engagement for service providers, between April 2012 and March 2013 we responded to over 1,000 stakeholder enquiries from a full range of public service providers. The majority of our activities related to RSLs and local government, reflecting the early publication of the CHPs in these sectors, with RSLs accounting for 51% and local government 35% of enquiries or requests for support. These contacts involved support on a range of issues related mainly to implementation, including specific guidance on CHP requirements and good

practice, compliance checks, support for staff training/systems changes and general complaints handling guidance. Many were straightforward requests, but a sizeable number required detailed advice and guidance, and follow-up contact.

The chart below illustrates the range and extent of these contacts across the public sector in Scotland.



RSL	51%
Local government	35%
Higher education	3%
Further education	4%
Scottish Government & associated bodies	3%
Other	4%

The CSA's website is www.valuingcomplaints.org.uk

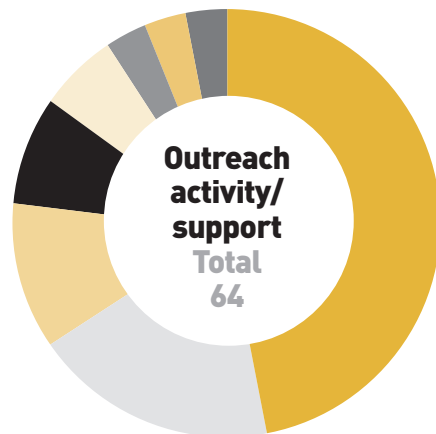
IMPROVING COMPLAINTS STANDARDS



Our CSA team: **Francesca Richards, Paul McFadden, John Stevenson**

Meetings, events and conferences

We provided speakers at a total of 64 conferences, meetings and events across sectors, delivering presentations to staff, management teams, regulators and representative bodies. A sectoral breakdown is included in the next chart and again, our highest areas of contact were with RSLs and local authorities. These outreach activities were crucial in ensuring both senior level commitment to improving complaints handling and the quality of the arrangements that organisations were putting in place. They were used to explain the requirements of the model CHPs, provide feedback on developing CHPs and organisational plans for implementation, and provide tailored advice on improving complaints handling processes and culture. We also provided support on a sector-wide basis through the RSL and local authority complaints handlers networks.



Outreach activity/support Total 64		
RSL		47%
Local government		19%
Scottish Government & associated bodies		11%
Higher education		8%
Health		6%
Water		3%
Further education		3%
Other		3%

CHP compliance

While ensuring that bodies have adopted the CHP and its requirements in full, we want to be as light-touch as possible in monitoring implementation of the model CHPs. The SPSO Act 2002 now contains powers for the Ombudsman to monitor and report on non-compliance, but our aim in publishing the model CHPs was to work with regulatory and sponsor bodies to develop a consistent method for monitoring compliance against these within existing regulatory structures, including, wherever possible, through self-assessment. In 2012/13 we achieved this in the housing sector by working with the Scottish Government to embed the model CHP and its requirements in the Scottish Social Housing Charter (the Charter). This will be monitored in 2013/14 by the Scottish Housing Regulator (SHR) as part of their wider monitoring of the Charter.

All RSLs are required to provide information on their operation of the CHP to the SHR. As outlined in the model CHP implementation guide we also expect each RSL to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the model CHP. Ongoing monitoring will also be achieved through reviews of RSL CHPs by the CSA including when complaints are brought for consideration by the SPSO. Effective implementation of the model CHP will also be evident from performance against complaints handling measures in the Annual Return on the Charter.

Complaints handling performance

Transparency can be a great driver of improvement and one of the aims of the CHPs is to improve the information available about complaints to help develop a performance culture in complaints handling across the public sector in Scotland. In addition to requiring bodies to analyse and report complaints information internally on a regular basis, CHPs require service providers to publish annual information on complaints performance statistics.

With each of the model CHPs we published indicative performance indicators, designed to be broadly consistent across the sectors. Working with the Chartered Institute of Housing, HouseMark and the Scottish Housing Best Value Network we developed detailed guidance on performance indicators, published in December 2012, to assist RSLs in assessing their complaints handling in line with the SHR's requirement to report on the Charter. Using these indicators as a basis we have developed more detailed indicators for the local government sector, in conjunction with the local government complaints handlers network. These will also form the basis of development with other sectors.

We look forward to viewing this information for 2013/14. The indicators will help us move towards a greater consistency of reporting on complaints across the sectors and provide an excellent basis for developing benchmarking arrangements for comparing how sectors are performing in their complaints handling. For the first time members of the public will have access to clear, transparent and consistent information on the volume of complaints received by public bodies and how they have handled these.

We are very grateful for the support that the SHR has provided throughout the development of these arrangements.



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Supporting housing providers

A key objective of the CSA is improvement through monitoring, promoting and facilitating the sharing of best practice in complaints handling and supporting service providers in improving their complaints handling. We aim to achieve this through developing and coordinating networks of complaints handlers, promoting good complaints handling by providers through the sharing of best practice and by developing and delivering high quality training.

Networks of complaints handlers

In 2012/13 we successfully established two complaints handlers networks for the local authority and RSL sectors. These networks met for the first time in September and October 2012. They are led by the sectors with SPSO as equal partners. The housing complaints handling network is led by representatives from Castle Rock Edinvar Housing Association and Queens Cross Housing Association and we are very grateful for their efforts. We look forward to working with the network on supporting complaints handling practitioners and sharing best practice and learning as well as providing a forum for benchmarking performance.

Valuing Complaints website and online forum

In 2012/13 we facilitated the sharing of knowledge and best practice in complaints handling through the launch of our dedicated CSA website at www.valuingcomplaints.org.uk. The website, launched in May 2012, provides:

- information on the CSA and progress on roll-out across the sectors, including access to model CHPs and the requirements to implement these
- good practice guidance on complaints handling and links to relevant sources of information and best practice in complaints handling
- an online community forum for discussion and sharing best practice in the professional complaints handling community, both within and between sectors
- an SPSO training centre providing access to our e-learning resources, and information about directly provided courses offered by the SPSO training unit.

Our aim over the year has been to develop the website and forum and increase its usage as a central information point for complaints handlers. The aim of the online forum, in particular, is to facilitate the effective professional networking of complaints handlers and support the sharing of experiences and learning.



For the first time members of the public will have access to clear, transparent and consistent information on the volume of complaints received by public bodies and how they have handled these.



Training courses

Our training unit worked closely with the CSA throughout 2012/13, meeting a steep increase in demand for direct delivery training courses resulting from the introduction of the model CHPs and our engagement with the RSL and local authority sectors.

In 2012/13 we delivered a total of 71 courses, which included 43 in the RSL sector and 21 in local government. The training unit courses continue to get very high ratings from participants and are sought by a wide range of organisations across sectors. The roll-out of e-learning training provides significant scope and value, particularly for frontline public sector staff. However, classroom based training for complaints investigators and others involved in complaints handling remains crucial to improving the way that organisations handle complaints, particularly on reaching the right decisions first time. Taken with the new streamlined approach to complaints handling, we expect this to be a significant factor in how we help manage the numbers of complaints coming to the SPSO.

E-learning courses

A significant development in 2012/13 was the development and launch of our e-learning modules on frontline complaints handling to complement the ongoing activities of our training unit. Given the strong focus on frontline resolution and the empowerment of frontline staff in the CHPs, we developed the modules to support councils and RSLs in ensuring awareness and training in the complaints process.

The e-learning modules are free and accessible to all public sector staff. The first e-learning course, specific to the local government sector, was launched in May 2012, with a similar course for RSLs following in August 2012. The courses are proving popular, with almost 2,000 users signed up directly through our training centre. In addition, a number of organisations have implemented the courses into their internal e-learning systems and have rolled these out to the majority of their staff.



For more about our training activities, visit www.spsotraining.org.uk

CASE STUDIES

This is a selection of case studies from investigations we published about complaints related to housing issues in 2012/13. Some show just how badly things can go wrong when policies are not followed, or complaints are not investigated properly. Others are included to show some of the positive actions that organisations take in response to complaints. To share this good practice, the reports on our website normally highlight where an organisation has taken such action. Still other case studies summarised here are included as examples of where organisations have delivered a service and investigated the complaints properly.

Failure to replace windows and heating system – disability issues

Case 201103142

A man with a degenerative back condition had been complaining about draughts, leaks around his front door and his heating system for two years. He had provided medical evidence that he could not cope with the conditions in his home. His housing provider repaired the windows and doors a number of times, but the man said that the repairs were inadequate and temporary, and that they should have replaced his windows instead. The man had also asked them for disability adaptations, flooring and an immediate transfer and removal costs. The housing provider had carried out a number of adaptations, and had also placed him on their transfer register, but refused his other requests.

We found that the windows and heating were due to be replaced, but the housing provider had said they could not do this until after 2015. We upheld the complaint about heating as we found that funding arrangements allowed the housing provider to consider replacing it as a disability adaptation, but they had not considered this. We did find, however, that they had taken other appropriate steps to repair the property and respond to the man's needs, and did not consider it reasonable to expect them to do more.

Recommendations

The housing provider review their practice for dealing with requests for heating replacement under aids and adaptations funding, to ensure that such requests are dealt with taking into account relevant funding guidance, and consider the man's request as such a referral, taking into account that guidance.

Inadequate heating system

Case 201102253 **Positive action taken by organisation**

When a tenant asked the council to change the heating system in her house from electric to gas, they refused. She complained that this was unfair and said that the council had not properly investigated problems in her heating system, which caused her family discomfort and resulted in high heating bills. She also said that it was unreasonable to refuse when there was no cost-efficient electric alternative.

As a result of our investigation, the council reviewed their assessment of the property and found that it did need to be brought up to the 2015 Scottish Housing Quality Standards. They proposed a further assessment using new software, to provide the most up-to-date readings, and said that after that they would provide the tenant with options to bring her house up to standard. As this resolved her concerns about upgrading the heating system, and was a positive step towards achieving what the tenant wanted in bringing her complaint to us, we concluded our investigation. When we later checked we found they had installed a gas supply and new heating system.

Storage of belongings

Case 201102971

A man had been living in temporary accommodation before beginning a prison sentence. When he was sent to prison, a council contractor bagged and tagged his belongings and placed them in a council owned storage facility. When the man came to collect them he provided lists of items, and complained that some personal items were missing. The council said that the belongings had not been touched or moved while they were in the storage facility. However, our investigation found that at that time they did not keep inventories of belongings kept there. We noted that, as a result of this complaint, they now ask the removals contractor to prepare and provide inventories. However, we found that this does not include a fully itemised inventory. We upheld the man's complaint as we found that the council could not provide evidence of exactly what they were storing and for whom.

Recommendations

The council apologise, consider the man's complaint as a claim to their insurers and provide evidence that they now take itemised inventories of belongings they accept into storage.

Local housing allowance – paid to tenant rather than letting agent

Case 201004828

In this case, the owner of a property had asked the council to pay local housing allowance (formerly known as housing benefit) directly to their letting agent rather than to the tenant. This was because the tenant was behind in paying the rent. The council, however, continued to have the allowance paid to the tenant, who then left owing the owner money. We found that although the council acted correctly at first, they later delayed in taking action to have the letting agents paid direct when it became appropriate to do so, and had not responded when asked about this. There was also evidence that the council did not meet their customer care standards in handling the subsequent complaint.

Recommendations

The council pay the owner the amount that should have been paid to the letting agent, and take steps to ensure that their procedures, and notices issued to landlords about appeal procedures, comply with the housing benefit regulations and the Department of Works and Pensions' good practice guidance.

New tenant not told about planned rewiring Case 201200246 **Positive action taken by organisation**

A housing association told a tenant that they planned to rewire his property. He had only been there a few months and had just redecorated throughout, and was unhappy because the rewiring would affect this. He said that if he had been told when he took the tenancy that rewiring was planned he would not have redecorated, and he was not happy with the amount the association offered to help him redecorate.

The association had already acknowledged that they should have checked this before offering him the tenancy, and had apologised. We upheld his complaint but made no recommendations as we were satisfied that the association had taken action to ensure that, in future, staff make prospective tenants aware of any planned refurbishment to prevent this happening again. During our investigation, they also told us that they had taken the property out of the programme and hoped to include it again within five years. We considered this a reasonable resolution to the complaint and that the redecorating allowance, which was the maximum payable for that size of property, was also reasonable.

Delay in assessing an appeal about priority housing need Case 201100730 **Positive action taken by organisation**

This complaint was about an application for priority housing. A man sent the council a medical assessment form, explaining that his property was unsuitable as his daughter had complex health needs. He was awarded 'serious medical need' priority, but appealed this and was awarded 'urgent medical need' priority, although not until more than four months after he appealed. We found that it took far too long to deal with that appeal. We also found that the council had not given clear, detailed reasons for initially only awarding 'serious medical need', and had not backdated the 'urgent medical need' award to the correct date. The council apologised for the delay, reviewed their medical assessment process and met with their medical adviser to ensure that the outcome of medical assessments is in future properly explained to applicants. They also backdated the 'urgent medical need' award to the date the original application was submitted. As the council took appropriate action to resolve these problems, we did not find it necessary to make any recommendations.

Kitchen refurbishment refused – non-standard appliances

Case 201103719

A housing association were installing new kitchens during a refurbishment programme. However, they refused to do so in one house because the tenant had installed a range cooker that was not of a standard size. They had also told her that they would not continue to maintain the existing kitchen, as they would not be able to source replacement parts. The tenant was unhappy and told us that other tenants with range cookers had had new kitchens installed. The association acknowledged that in an earlier phase their designer had developed individual layouts, but this had led to difficulties when new tenants moved in. Because of this, they had decided that in future they would only accommodate standard appliances in new layouts. We found that they had explained this to tenants, and also that the tenant in this case had removed a cupboard and part of a worktop to install her cooker. She had not obtained permission to do so, in breach of her tenancy agreement. We found that the association had acted reasonably and we did not uphold the complaint.

Noise nuisance and complaints handling

Case 201202244

A woman told us that her housing association did not deal with the problem of noise from her neighbour's house. She also said that they did not deal with her complaint in accordance with their published complaints procedure. We found that the association had taken steps to try to resolve the noise issue, including contacting the council's environmental health department and speaking to the neighbour. We did not uphold her complaint that the association did nothing about the noise, but we recommended that they should consider mediation again.

We did, however, find that the association had not initially registered her concerns as a complaint. Because of this, they failed to respond within their own stated time limits, and they did not provide the tenant with copies of her complaint files when she asked for them. We also found that, in his efforts to resolve the noise problem, the officer who was eventually asked to investigate both the noise issue and the complaints handling appeared to have overlooked the complaints handling issue altogether.

Recommendations

The association explore the possibility of mediation, apologise, take steps to ensure that they respond to requests for copies of information, and review their complaints handling guidance to ensure that staff address all issues raised (and in doing so, take account of the guidance provided by the SPSO's Complaints Standards Authority).

Emergency repairs in common stair

Case 201102518 **Positive action taken by organisation**

A council carried out a repair to the main entrance lock on a tenement as emergency work under the Tenements (Scotland) Act 2004, then charged co-owners for the repair. Under that Act, any owner can instruct or carry out emergency work, and all owners are liable for the costs. The council said they had treated this as an emergency because residents could not get in or out, and because, when the broken lock was removed, the stairwell was not secure. However, it was five days before the repair was done, and a flat owner complained to us that the council did not allow other owners to arrange to have the work carried out more cheaply.

The council had said that co-owners should have the opportunity to organise such work themselves, if a repair was going to take more than 24 hours to complete. We found that the timescale here was not in keeping with this, but noted that the council have since reviewed how they decide when a repair should be treated as an emergency. We did not uphold the complaint about the repairs as we thought it reasonable that the council initially treated this as an emergency, as residents could not get in or out, and as they had a duty of care to their tenants. We did find, however, that it took too long for the council to provide information about the costs involved.

Problems with housing repairs

Case 201103774

This complaint arose after a council carried out repairs to a tenant's home. The work needed was extensive, and the woman, who had health problems, had to move out. The council told her that her home would be returned to the same condition as it was before she moved out. She complained because she was unhappy at the state in which the property was returned to her. While she was out of her home she and her partner were also contacted several times for access to it, although she had given the council keys. She also found that her home was left insecure. We found evidence that there were problems with the different trades accessing the property, and upheld her complaint about the state of the property. We also found that the council had not compensated her for a missed appointment nor had they repainted her bedroom as they had said in their response to her complaint.

Recommendations

The council apologise to their tenant for the problems, ensure her bedroom is repainted, and provide us with evidence that she has been reimbursed for missed appointments.

STATISTICS

Further information about this sector is available on our website at www.spso.org.uk/statistics

Housing Association Cases Determined 2012 – 2013

Case type	Stage	Outcome	Applications, allocations, transfers & exchanges	Complaints handling	Estate management, open space & environment work	Homeless person issues	Improvements and renovation	Neighbour disputes and antisocial behaviour	Other	Policy/administration	Rent and/or service charges	Repairs and maintenance	Right to Buy	Shared ownership	Terminations of tenancy	Out of jurisdiction	Subject unknown	Total
Enquiry	Advice & signposting	Enquiry	1	0	0	0	0	0	0	0	0	4	1	0	0	0	0	6
	Total enquiries	Total	1	0	0	0	0	0	0	0	0	4	1	0	0	0	0	6
Complaint	Advice	Matter out of jurisdiction (discretionary)	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2
		Matter out of jurisdiction (non-discretionary)	0	1	2	0	0	0	0	0	0	0	0	0	0	6	2	11
		No decision reached	5	2	0	1	2	2	0	5	0	11	0	0	0	0	30	58
		Outcome not achievable	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
		Premature	7	13	1	6	25	2	15	6	55	1	0	0	0	1	39	172
		Total	12	16	3	2	8	27	20	6	67	1	0	0	9	71	244	
	Early Resolution 1	Matter out of jurisdiction (discretionary)	0	0	0	0	1	0	0	0	0	2	0	0	0	0	0	3
		Matter out of jurisdiction (non-discretionary)	1	1	4	0	1	1	0	1	3	6	1	1	0	0	0	20
		No decision reached	0	0	1	0	0	1	0	1	0	1	0	0	0	0	0	4
		Outcome not achievable	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	4
		Premature	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
		Total	1	4	7	0	2	2	2	3	11	1	1	1	0	0	0	34
	Early Resolution 2	Fully upheld	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	3
		Partly upheld	0	1	0	0	1	0	0	1	0	0	0	0	0	0	0	3
		Not upheld	0	2	2	0	1	3	0	2	0	6	0	0	1	0	0	17
		No decision reached	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
		Total	0	4	2	0	3	3	3	3	8	0	0	0	1	0	0	24
	Investigation 1	Fully upheld	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
		Partly upheld	0	0	0	0	1	1	0	0	5	0	0	0	0	0	0	7
		Not upheld	0	1	1	0	0	1	0	1	0	0	0	0	0	0	0	4
		No decision reached	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
		Total	1	1	1	0	1	2	0	1	0	6	0	1	0	0	0	14
	Total complaints	Total complaints	14	25	13	2	14	34	2	26	9	92	2	2	1	9	71	316
	Total contacts	Total contacts	15	25	13	2	14	34	2	26	9	96	3	2	1	9	71	322

Note: 'No decision reached' includes not duly made, withdrawn and resolved. There were no housing complaints determined at Investigation 2 stage in 2012-13.

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