

Seeing Beyond the Negative:

A Report on Handling Housing Complaints



A web based briefing by CIH Scotland in collaboration with the Scottish Public Services Ombudsman on the outcomes from the study into premature housing complaints.

The Chartered Institute of Housing

The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 20,000 people –both in the public and private sectors – living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities. Our vision is to be the first point of contact for - and the credible voice of - anyone involved or interested in housing.

CIH Scotland has more than 2,000 members working in local authorities, housing associations, housing co-operatives, Scottish Government and government agencies, voluntary organisations, the private sector, and educational institutions.

The CIH aims to ensure members are equipped to do their job by working to improve practice and delivery. We also represent the interests of our members in the development of strategic and national housing policy.

Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about organisations providing public services in Scotland.

SPSO deals with complaints about councils, housing associations, the National Health Service, the Scottish Government and its agencies and departments, colleges and universities and most Scottish public bodies.

Complaints are normally considered only after they have been through the formal complaints process of the organisation concerned.

SPSO's service is independent, impartial and free.

Introduction

In Scotland, the [Scottish Public Service Ombudsman \(SPSO\)](#) has the role of investigating complaints made about many public bodies, including local authority housing departments and Registered Social Landlords (RSLs). The SPSO generally examines complaints which have already been considered by the organisation's internal complaints process and will refer people back to the organisation if this route has not been exhausted and they are contacted too early in the complaints process. Complaints which are submitted to the SPSO too early for them to consider are referred to as 'premature complaints'.

Premature complaints occur within all sectors. However, the trend in regard to housing related complaints is significantly higher than all other sectors. In the period 2007/08 the SPSO recorded that 61% of complaints about council housing services were premature, as were 69% of complaints about Housing Associations (SPSO. *Performance Update*). In comparison, the average figure for the level of general local authority premature complaints is 49% and the figure for health authority complaints is 18%.

The SPSO recognises that the high incidence of premature complaints is a cause for concern. Not least because the time spent in identifying that a complaint is premature and referring the complainant back to the organisation could be better spent in carrying out the SPSO function. The housing organisation is similarly affected in terms of responding to the SPSO query and complainants become increasingly frustrated by what they feel are delays in their complaint being handled effectively.

In order to examine this issue and investigate the cause of this both costly and time consuming anomaly within the social housing sector, the SPSO carried out a study in conjunction with the Chartered Institute of Housing in Scotland (CIH) in February 2008.

This briefing will look at some key findings of the study and share practice examples and suggestions which may support and improve the complaints process for housing providers.

Context

Some factors which determine when a complaint will be made are, to an extent, outside a social housing provider's control. Growing demand for affordable housing and the expectations of service users show no sign of abating. A particular remit of the [Scottish Housing Regulator](#) is to "protect the interests of current and future tenants, and other service users". In *Firm Foundations* the [Scottish Government](#) stated its belief that tenants have a lack of choice and

therefore have less power than other consumers, as a consequence they want to see tenants further empowered. If anything, the climate of tenant empowerment coupled with the increasing demands of legislation and the requirement for more efficiencies will lead to greater challenges for housing providers in delivering their services.

There are a number of existing sources of information on managing complaints. The SPSO offers examples and guidance on both handling and preventing complaints on the 'Valuing Complaints' area of its website. For example, in the document '*The Principles of Good Complaint Management*' the following basics are recommended.

- Complaints should be welcomed with a positive attitude and valued as feedback on service performance,
- Every organisation must have a process for handling complaints,
- The process should be owned by the governing body of the organisation,
- The complaint management function should carry the authority of the Chief Executive, or equivalent,
- There should be clearly defined responsibilities for dealing with complaints,
- The process should be readily available to all customers and staff of the organisation,
- The process should be subject to regular review,
- The process should reflect and enhance the culture of good service delivery,
- The process should be driven by the search for improvement and not the apportionment of blame.

The [Cabinet Office](#) has a section within its '*Complaints About a Public Service*' resource which focuses on best practice and how to deal with complaints.

The Study

The study took place in February 2008 and involved a survey of local authority Directors of Housing. Of the 24 surveys which were sent out 18 responses were returned, with many respondents also providing supporting information, such as copies of complaints forms. The survey sought to establish a number of factors including:

- How complaints are received by organisations,
- How staff are supported in receiving complaints,

- Where complaints handling sits in the general day to day business,
- What challenges staff face in dealing with complaints and what information is available to tenants.

Some of the questions provided an opportunity for the respondents to give detailed answers, for example about the factors which influence service delivery or the types of challenges which staff face when they are dealing with complaints.

Findings

The majority of respondents gave evidence of good practice in making the opportunity to complain relatively straight forward. Front line staff are the first port of call for complaints and the tenancy sign up process often includes information on how and where to complain. Staff training included guidance on complaints handling in all of the respondents' organisations and most had written policies and/or procedures for staff to refer to.

Written communication played a large part in the way in which information is shared with tenants, with all respondents producing a tenant newsletter and using leaflets, posters and handbooks.

However, some of the data shows a less consistent approach across Scotland:

- **Only 50% of respondents trained all staff in complaints handling at induction training,**
- **Only 40% of respondents had complaints as a regular agenda item in meetings which are attended by front line staff,**
- **Only 41% of respondents provided complaints feedback via tenant newsletters,**
- **31% of respondents do not record the type of complaints received,**
- **Only 53% of respondents have procedures in place to help front line staff deal with complaints about contractors.**

In addition, the point at which a complainant was referred to the SPSO varied between organisations. Some organisations provided contact details for the SPSO at the initial point the complaint was made, whilst others waited until their complaints process was exhausted and then advised complainants to

contact the SPSO if they were not satisfied. The point at which contact with the SPSO is suggested to complainants is critical. Referral to the SPSO too early results in premature complaints and frustration for the complainant and the organisation concerned.

Respondents also made specific comments about the challenges and external factors which influence the probability and number of complaints. Some focussed on the demand and the 'rationing' of services which led to dissatisfaction amongst service users when they were not able to access the service. Others had particular concerns when joint working was required to resolve a complaint and also when the person receiving the complaint did not work in housing.

The constraints of legislation, competing priorities, dealing with customers whose actions or behaviours are considered unacceptable and the lack of direct control of the service delivery of contractors were also identified as impacting on complaints.

A common theme was one of unrealistic expectations, either on behalf of the complainant or more generally the wider community. A concern was also raised of staff having difficulties in differentiating between a request for a service versus a complaint based on dissatisfaction with an existing service.

Practice Examples

The text boxes in this chapter are transcripts of comments obtained through the questionnaires, reported on an anonymous basis.

Identifying a Complaint

A concern raised by a number of respondents to the SPSO centred around making an assessment of when a complaint is actually a complaint versus a request for a service. Even with clear and accessible complaints procedures in place, there is no guarantee that the assessment made will be the right one or that complaints will be noted and dealt with effectively in every case.

“Distinction between service request and complaint”

“Definition of a complaint”

“Grey areas between request for service and complaint”

Is this a request for service?

e.g. I want to complain

Service – I would like to know what allocation points I have

Service – my toilet does not flush

Policy – My neighbour has a new fitted kitchen and I haven't

Is this a Complaint?

e.g. I want to complain

Service – I do not think I have been awarded the correct allocation points

Service – You said a plumber would come to sort my toilet and they haven't

Policy – I will not get my new kitchen for three years, this is too long

Source. Extract from Talkback stage 1 Process. Stirling Council. 2008

Stirling Council have taken steps to maximise its chances of getting it right and provide a corporate 'Talk Back' scheme to deal with all complaints about council services. The procedure for housing staff provides guidance in the form of a clearly produced flow chart. The first stage of the process offers staff examples of how a request for a service and a complaint may differ in the use of language.

From the service user perspective, as well as being provided with details of Talkback and how complaints will be dealt with, the Annual Talkback Report feeds back complaints responses. This is also available on the [website](#) and includes examples of where complaints have altered the way services are delivered and gives details of complaints raised and the decisions reached.

In addition, **Renfrewshire Council** produces separate information for its staff to help them to make the distinction between a complaint and a comment. The 'Help us to help you: An Employee's Guide to Complaints and Comments' provides examples and guidance and encourages staff to have regard for both comments and complaints. Whilst complaints are taken through a formal process of investigation, comments are also recognised as having the potential to become a complaint. Staff are prompted to acknowledge this; "A comment is something which should be given consideration as it is a customer highlighting a way in which a service could improve."

Managing Expectations

A factor which some respondents acknowledged as a concern was the difficulties they encountered in meeting the level of expectation of many service users.

“Often we have to tell people that we are unable to give them what they want”

“Unrealistic expectations by members of the public”

“Customers unrealistic expectations”

Tenants and service users can support landlords in managing expectations by being involved in the process of complaints. **Lochaber Housing Association** uses tenants or sharing owners as part of the stage 3 process of responding to a complaint, via its Complaints Panel. The panel is also made up of two members of the management committee. The complainant does not have to use this stage, but where it is used the Panel can hear the detail with or without the complainant present. The Panel can consider both the original complaint and also examine the processes used in dealing with the complaint, for example if there have been delays. The [Policy](#) and process employed by Lochaber is accessible to complainants and can be found on their website.

The Panel will carry out a thorough examination of the complaint, taking into account:

- All the details provided by the complainant in support of their case,
- The circumstances made by the Association’s officers in response to the complaint, including any supporting documents provided,
- Whether or not the complainant has been treated fairly,
- Whether they have experienced any unreasonable delays,
- The relevant policies and procedures of the Association.

Source. Complaints Policy. Lochaber HA. 2008

North Ayrshire Council has been accredited by Tenant Participation Advisory Service Scotland (TPAS) for having a robust and integrated approach to tenant participation. They follow the corporate 'Listening and Learning' customer comments scheme and complaints are dealt with in 3 stages. The form which complainants use contains clear information and provides sufficient space for comment, which becomes its own reply paid envelope. They also use mystery shopping to test their services and record and report compliments received. In 2007 they received 56 compliments and 95 complaints, with the Tenant Participation service in particular receiving almost no complaints, but 15 compliments. The [Customer Care Code](#) gives tenants comprehensive details of the type of service they can expect.

We promise:

- To respond promptly to all communications,
- To communicate in clear, jargon-free English,
- To provide you with clear and relevant advice and information in response to any enquiries,
- Our staff will be polite and helpful, will be tidily dressed and will always show identification when meeting you in person or will give you their name if speaking to you on the phone,
- To treat you with respect. We can discuss matters in a private interview room and we can arrange to have an interpreter present to assist,
- To ensure that our staff are properly trained,
- To have safe, clean, tidy and well-lit offices and to provide interview facilities, that are accessible to all disabled customers and customers with pushchairs
- To help you fill out a form we ask you to complete.

Contractors and External Services

A regular theme echoed by many respondents was the difficulty of holding other service providers or external contractors accountable when complaints are related to their service.

"The use of external contractors or consultants can impact as the council does not have direct control over these resources"

"Relying on others to deliver the services promised"

"Council DLO carry out most repairs and it's difficult to control and monitor workmanship, appointment keeping etc"

Some contractors have a well developed understanding of the need to be accessible and accountable. [Lovell](#) contractors, who build and refurbish mixed tenure homes, have a clear policy of including tenants in decision making, informing tenants and being accessible. All tenants are provided with a Resident Information Pack which includes information on commonly asked questions, guidance and advice on how to maintain security during refurbishment and how to contact the Resident Liaison Officer. Tenants are encouraged to have direct contact with the Resident Liaison Officer when there are complaints, which also includes an emergency contact out of hours service. Complaints are monitored and managed within set timescales.

Complaints Procedure

- It is important that all complaints or concerns are notified to the Resident Liaison Officer as soon as possible.
- Complaints can be formally made by calling the dedicated resident's number or writing to the Resident Liaison Officer at the address below.
- Please be assured that any complaint or concern will be dealt with as quickly and efficiently as possible.
- If you are unhappy with your response, then the Resident Liaison Officer will refer your complaint to her Manager.

Source. Resident Information Pack. Lovell. 2008

Managing Unacceptable Behaviour

"Staff face the challenge of dealing with difficult customers who are often irate, abusive and intimidating"

"Persistent/vexatious complainants"

"Can be very difficult when a customer is angry and demands a solution immediately"

Managing behaviour and responding appropriately to customers whose behaviour is "vexatious" or "difficult" is a challenge for many organisations. The SPSO uses the term 'unacceptable actions' to refer to this type of behaviour and its 'Unacceptable Actions Policy' is designed to provide guidance to both staff and complainants about what behaviour is or is not acceptable. The detailed policy gives SPSO staff the power to change or restrict access to the service in certain circumstances;

“SPSO staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.”

Source. Extract from Unacceptable Actions Policy. SPSO

The SPSO will still have some form of contact with the complainant until the complaints process is completed, but when the review mechanisms have been exhausted and if no new information is available, the SPSO will take no action other than to file further correspondence. This is to limit the disproportionate amount of staff time in dealing with unreasonable persistence. However, before this stage is reached the complainant is given a clear message about what is or is not acceptable behaviour;

“We do not view behaviour as unacceptable just because a claimant is forceful or determined. In fact, we accept that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on our office or unacceptable behaviour towards SPSO staff.”

Source. Extract from Unacceptable Actions Policy. SPSO

Conclusions

The findings of the study identified a number of key areas where housing providers could improve their complaints process. For example; training on complaints handling to be part of the induction process for all staff, providing feedback on complaints through tenant newsletters to inform and help manage expectations, including complaints and comments as a fixed agenda item in team meetings where both the type and resolution of the complaint is discussed, making sure that both staff and contractors have a clear agreed remit in the process of complaints, making reference to the SPSO only after the final stage of complaints has been concluded.

In addition, examples of positive practice offered a variety of solutions to some of the perennial problems associated with complaints handling. Housing providers have ideal sources of dissemination to their wider community through tenant groups, newsletters, events and websites. Delays and difficulties can be unpredictable, but recognising that they can happen and sharing that knowledge with tenants and service users can increase understanding and reduce frustration.

Useful Links

The following links will lead to websites of key organisations which are involved in complaints or service improvements. Staff dealing with complaints may find it useful both as a resource and to signpost service users.

[**Audit Scotland**](#) monitors and reports on the efficiency of public organisations by carrying out finance and performance audits

[**The Care Commission**](#) responds to complaints about registered care services, including housing support

[**Citizens Advice Scotland**](#) provide advice and representation across a range of subjects, including housing

[**Consumer Direct**](#) provides advice on a number of consumer matters, such as faulty goods

[**Equality and Human Rights in Scotland**](#) encompasses all areas of discrimination and can provide representation as well as advice

[**The Improvement Service**](#) is dedicated to improving efficiencies and accountability of public services and encourages innovation and sharing of ideas

[**The Joint Improvement Team**](#) provides support and advice to health, social care and other organisations to promote effective partnership working and improve service delivery.

[**The Office of the Scottish Charity Regulator \(OSCR\)**](#) is the independent regulator and registrar of Scotland's charities.

[**Shelter and Shelter Scotland**](#) is a campaigning organisation that focuses on improving services for those who are homeless or are in poor housing.

Formerly Communities Scotland, the [**Scottish Housing Regulator**](#) has taken over the Regulation and Inspection of RSL and local authority housing and homelessness functions from Communities Scotland.

[**The Scottish Consumer Council**](#) promotes the interests of consumers through research, supporting consumer representatives and working with decision-makers to campaign for change

[**The Scottish Information Commissioner**](#) manages complaints made about access to information under the Freedom of Information (Scotland) Act 2002

The website of the [Scottish Parliament](#), includes minutes of debates, SPICe briefings, parliamentary questions and answers and other parliamentary business

[The Scottish Public Services Ombudsman \(SPSO\)](#) investigates and reports on complaints from individuals about public services in Scotland, including local authority and Housing Association services.

[The Standards Commission for Scotland](#) deals with complaints about members of public bodies and their code of conduct

[Trading Standards](#) provides customer protection advice and information on a range of consumer concerns

[The UK Information Commissioner](#) is the independent authority promoting access to information and protecting personal information

The [Valuing Complaints website](#) is an area of the SPSO which focuses on complaints handling and provides a variety of tools to help organisations, including providing good practice examples and model policies and procedures

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