

Mr Michael Cameron  
Chief Executive  
The Scottish Housing Regulator  
Highlander House  
58 Waterloo Street  
Glasgow  
G2 7DA

27 September 2012

Dear Mr Cameron

**Annual letter 2011-12: complaints to SPSO about housing**

This letter contains the SPSO's complaints statistics about the housing sector for the 2011-12 financial year. It gives information about the numbers of complaints that we received and determined about housing and includes both complaints about housing associations and about the housing functions of councils. It also highlights the number of premature complaints (those that came to this office too early, before completing the organisation's complaints process).

**Premature complaints**

The overall level of premature complaints received in my office for all sectors fell from 45% to 43%. The rate of premature complaints about housing last year was 63%, and for this year it has dropped slightly to 62%. While I am pleased to note that for the housing functions of councils the rate of complaints received prematurely fell from 62.3% to 58%, for housing associations it rose from 63.5% to 67%.

Since our office opened ten years ago, housing has consistently been the sector for which we receive the most premature complaints. I explain later in this letter how we have been working with the sector to improve complaints handling, which I hope will help to address this particularly high level of complaints reaching us too early.

**Statistics**

Comprehensive statistical information about all the sectors under our remit is available at the following link: [www.spsso.org.uk/statistics](http://www.spsso.org.uk/statistics). In summary, in 2011-12, the SPSO:

- received **3,918** complaints (**12% more** than last year)
- received **287** complaints about housing associations (**3% less** than last year)
- received **341** complaints about the housing functions of local authorities (**0.5% less** than last year)

The following pages provide information about the complaints we handled about housing in 2011-12. The first table shows the main subjects of the complaints we received about housing associations, and about the housing functions of councils, over the past two years. The second table shows the outcomes of the complaints we handled about housing in the past two years. It also highlights the rate of premature and fully/partly upheld complaints and overall rates for housing in the past two years. The upheld/partly upheld outcomes relate to complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and which were determined at the Early Resolution (ER) or Investigation (INV) 1 or 2 stages of our process. INV 1 is an investigation that concludes in a decision letter, and INV 2 concludes in a full investigation report. The figures show that we resolved more complaints than we received because there were a number of complaints carried forward from 2010-11 into 2011-12.

### **Analysis of the figures**

We received 33 enquiries and 628 complaints about housing in 2011-12. This represents a slight drop from the 43 enquiries and 638 complaints we received the year before, and continues a trend of reducing numbers in this sector. Of the complaints received, 287 were about housing associations (295 in 2010-11) and 341 about local authorities (343 in 2010-11).

Housing was the subject about which we received most complaints within the local authority sector, with the number received almost exactly the same as last year, and covering the same range of issues. Complaints about housing associations totalled seven per cent of all the complaints SPSO received during the year. The areas that people complained about most were repairs and maintenance (171 complaints); neighbour disputes and anti-social behaviour (89 complaints); policy and administration (69 complaints); and applications, allocations transfers and exchanges (55 complaints).

We determined a total of 604 complaints about social housing issues, which included some carried forward from the previous year. We laid one public investigation report about

housing before the Scottish Parliament. This was about poor advice provided when tenants wanted to exercise their right to buy a council house, and the complaint is summarised on our website at [www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings) (case 200904272).

As we say above, most complaints that we receive about housing are not valid for SPSO to look at, usually because they have not yet been through the complaints process of the organisation concerned. In these cases, we will usually help the complainant through the process, or signpost them to appropriate places where they can get support. We took 68 cases to the investigation stage during the year, seven more than last year. Of these, we upheld 26 (38%) in total or in part. Four of the cases upheld were about housing associations and 22 about local authorities.

Of the complaints that we upheld, the main areas of complaint were about applications, allocations transfers and exchanges; neighbour disputes and anti-social behaviour; and repairs and maintenance. One of the main trends we found was of delay in carrying out repairs or maintenance work, leading to a complaint being made. We also identified delays in responding to complaints as well as failures to properly and fully respond to them. You can find details of most of the cases we have handled in the searchable 'Our findings' area of our website, at [www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings). I have, however, provided three examples of our decisions below.

- A disabled man required some adaptation work to his property. This was not carried out, and communication was poor (case 201003731)
- An elderly woman received little help from a council when asbestos was discovered in her ceiling following a leak. Her subsequent complaint was also not handled well (case 201100723)
- A complaint arose from a neighbour dispute. There were delays after the housing association suggested mediation, the complainant was not kept informed about what was happening, and the association did not meet with the parties involved as their policy said they should (case 201000624)

Poor or slow communication with the person who has made the complaint is a common issue, which also features in other areas under jurisdiction. I would emphasise the need for all public authorities to first of all ensure that enquiries or issues raised with them are handled properly and swiftly at the front line. If this does not resolve the matter and a

complaint is made, authorities should also ensure that they respond reasonably to all the points raised with them and that they do so as quickly as possible.

### **The Complaints Standards Authority (CSA)**

A strong focus of our work over the past year has been on improving standards of complaints handling, with our priorities being housing associations and local authorities. The emphasis of this work has been on early resolution by organisations. As you are aware, in the course of 2011 our CSA developed, through partnership working with both housing and local authority sectors, model complaints handling procedures (CHPs) for RSLs and councils which were published in April and March 2012 respectively. Under the terms of the SPSO Act 2002 all RSLs and councils now have a duty to comply with the relevant model CHP and tell us how they are implementing a revised CHP. The CSA has been visiting housing associations and attending events across Scotland to provide further details of the SPSO's expectations and advice on implementation. All RSLs have to submit a pro-forma setting out how they have complied with the model CHP and progress with implementation by October 12th. Positively, indications are that many are moving towards compliance and some have already implemented the model CHP with positive results. We have already received pro-formas from several RSLs providing evidence of compliance and plans for implementation. We will follow up with each RSL after the deadline of October 12<sup>th</sup> to give our assessment of compliance with the model CHP. We will also inform the SHR of our assessments.

### **Working with the SHR**


We are very grateful for the support that the SHR has shown in the development and implementation of the RSL model CHP. In particular we appreciate the inclusion of compliance with the model CHPs in your plans for regulation of the social housing sector. We understand that the SHR will be including one or two key questions in the final round of the Annual Performance and Statistical Return in relation to compliance with the model CHPs, which provides a vital opportunity for us to check compliance levels across the sector. We also welcome the inclusion of measures relating to complaints and complaints handling in your consultation on Scottish Social Housing Charter Indicators. We have written to you separately in response to this consultation paper.

### **Using complaints information**

In addition to the high level indicators in the Annual Return on the Charter, the CSA are developing a range of performance indicators which we will be encouraging all organisations to use for self assessment. We are currently working with the Scottish Housing Best Value Network and HouseMark to ensure that these measures are consistent with the data that some RSLs and local authorities are already gathering. We welcome the opportunity to work with the SHR as these performance indicators are finalised and disseminated across the sector. We see this as an ideal moment to engage with the sector about self assessment as they review data requirements and information sources across many of their services.

As ever, I value feedback about our work and would welcome any comments about this summary or any other aspect of our service.

Yours sincerely

A handwritten signature in cursive script that reads "James B. Martin".

Jim Martin  
Ombudsman

*For queries about the statistics, please contact Annie White, Casework Knowledge Manager, at [awhite@spsso.org.uk](mailto:awhite@spsso.org.uk) or tel: 0131 240 8843.*

## Combined Housing Association and Local Authority Housing Cases Received

Important Note: Subject unknown and out of jurisdiction cases cannot be shown for Local Authority, as there is insufficient information to show whether they relate to housing or not.

2011-12

Primary Case Subject Group	Primary Case Subject	Complaint	Enquiry	Total
<b>Housing Associations</b>	Acquisition, home loss, disturbance	1		1
	Applications, allocations, transfers	22	2	24
	Calculation of rent and/or service charges	7		7
	Complaints handling	13	1	14
	Estate management	7		7
	Factoring and other services	10		10
	Hedges & fences	1		1
	Improvements and alterations	10		10
	Neighbour problems	35	2	37
	Policy/administration	29	3	32
	Repairs and maintenance of housing stock (incl dampness and infestations)	74	5	79
	Right to buy	1		1
	Shared ownership	2		2
	Terminations	2		2
	<b>Total</b>		214	13
<b>Total</b>		<b>214</b>	<b>13</b>	<b>227</b>
<b>Local Authority Housing</b>	Applications, allocations, transfers & exchanges	35		35
	Capital works, renovation, central heating, double glazing, etc	13	3	16
	Complaints handling	4	2	6
	Estate management, open space & environment work	6		6
	Finance - housing benefit and council tax benefit	48	2	50
	Finance - rent	2		2
	Finance - tenancy charges	4		4
	Homeless person issues	18	1	19
	Housing access to personal files	1		1
	Housing statutory repair notices, HAA areas and demolition orders	3	1	4
	Modification of stock for disabled	2		2
	Neighbour disputes and anti-social behaviour	54	2	56
	Other	1		1
	Policy/administration	40	1	41
	Private sector grants and loans, house condition surveys	3	1	4
	Repairs and maintenance of housing stock (incl dampness and infestations)	97	3	100
	Right to Buy	4	1	5
	Sheltered housing and Community care	3		3
	Tenancy rights and conditions	3		3
	<b>Total</b>		341	17
<b>Total</b>		<b>341</b>	<b>17</b>	<b>358</b>
<b>Subject Unknown or Out Of Jurisdiction (Housing Association)</b>	Out Of Jurisdiction	2		2
	Subject Unknown	71	3	74
	<b>Total</b>	73	3	76
<b>Total</b>		<b>73</b>	<b>3</b>	<b>76</b>
<b>Grand Total</b>		<b>628</b>	<b>33</b>	<b>661</b>

**2010-11**

<b>Primary Case Subject Group</b>	<b>Primary Case Subject</b>	<b>Complaint</b>	<b>Enquiry</b>	<b>Total</b>
<b>Housing Associations</b>	Abandonment, evictions and Terminations	1	0	1
	Applications, allocations, transfers & exchanges	21	3	24
	Complaints handling	15	1	16
	Estate management, open space & environment work	2	0	2
	Factoring and other services	7	1	8
	Hedges & fences	2	0	2
	Improvements, alterations, Capital works, renovation, central heating, double glazing, and Modification of stock for disabled	9	1	10
	Neighbour disputes and anti-social behaviour	37	1	38
	Other	2	0	2
	Policy/administration	67	4	71
	Rents and Tenancy Charges	6	0	6
	Repairs and maintenance of housing stock (incl dampness and infestations)	81	3	84
	Right to Buy	1	1	2
	Shared ownership	3	0	3
	Out Of Jurisdiction	1	0	1
Subject Unknown	40	5	45	
<b>Total</b>		<b>295</b>	<b>20</b>	<b>315</b>
<b>Local Authority Housing</b>	Abandonment, evictions and Terminations	2	0	2
	Applications, allocations, transfers & exchanges	50	4	54
	Complaints handling	7	3	10
	Estate management, open space & environment work	9	0	9
	Homeless person issues	11	1	12
	Housing statutory repair notices, HAA areas and demolition orders	9	2	11
	Improvements, alterations, Capital works, renovation, central heating, double glazing, and Modification of stock for disabled	21	2	23
	Local housing allowance (previously housing benefit) and council tax benefit	39	0	39
	Neighbour disputes and anti-social behaviour	52	2	54
	Other	3	0	3
	Policy/administration	39	2	41
	Private sector grants and loans, house condition surveys	2	0	2
	Rents and Tenancy Charges	4	1	5
	Repairs and maintenance of housing stock (incl dampness and infestations)	89	4	93
	Right to Buy	4	2	6
Tenancy rights and conditions	2	0	2	
<b>Total</b>		<b>343</b>	<b>23</b>	<b>366</b>
<b>Grand Total</b>		<b>638</b>	<b>43</b>	<b>681</b>

## Combined Housing Association and Local Authority Complaints Determined

2011-12

Workflow Stage	Case Closure Reason Group	Housing Associations	Local Authority	Total
1 - Advice	Complaint - Matter out of jurisdiction (discretionary)	3	4	7
	Complaint - Matter out of jurisdiction (non-discretionary)	10	3	13
	Complaint - No decision reached	40	51	91
	Complaint - Outcome not achievable		2	2
	Complaint - Premature	184	180	364
	<b>Total</b>	<b>237</b>	<b>240</b>	<b>477</b>
2 - Early Resolution 1	Matter out of jurisdiction (discretionary)	1	9	10
	Matter out of jurisdiction (non-discretionary)	9	6	15
	No decision reached	8	10	18
	Outcome not achievable	2	4	6
	Premature	2	8	10
	<b>Total</b>	<b>22</b>	<b>37</b>	<b>59</b>
3 - Early Resolution 2	Complaint fully upheld	2	1	3
	Complaint not upheld	11	15	26
	Complaint partly upheld		4	4
	No decision reached	1		1
	<b>Total</b>	<b>14</b>	<b>20</b>	<b>34</b>
4 - Investigation 1	Complaint fully upheld		2	2
	Complaint not upheld	2	11	13
	Complaint partly upheld	2	14	16
	No decision reached	1	1	2
	<b>Total</b>	<b>5</b>	<b>28</b>	<b>33</b>
5 - Investigation 2	Complaint fully upheld		1	1
	<b>Total</b>		<b>1</b>	<b>1</b>
<b>Total</b>		<b>278</b>	<b>326</b>	<b>604</b>

Premature total	186	188	374
<i>Premature %</i>	67%	58%	62%
Fit for SPSO Total (ER2, Inv 1 & 2)	19	49	68
Total uphold/partly upholds	4	22	26
<i>% Upholds/Partly Upholds of Fit for SPSO</i>	21%	45%	38%



**2010-11**

Workflow Stage	Case Closure Reason Group	Housing Associations	Local Authority	Total
1 - Advice	Body out of Jurisdiction	0	0	0
	Complaint - Matter out of jurisdiction (discretionary)	3	2	5
	Complaint - Matter out of jurisdiction (non-discretionary)	2	2	4
	Complaint - No decision reached	51	46	97
	Complaint - Outcome not achievable	3	2	5
	Complaint - Premature	170	189	359
	<b>Total</b>	<b>229</b>	<b>241</b>	<b>470</b>
2 - Early Resolution 1	Matter out of jurisdiction (discretionary)	5	7	12
	Matter out of jurisdiction (non-discretionary)	8	7	15
	No decision reached	1	10	11
	Outcome not achievable	6	7	13
	Premature	18	18	36
	<b>Total</b>	<b>38</b>	<b>49</b>	<b>87</b>
3 - Early Resolution 2	Complaint fully upheld	2	1	3
	Complaint not upheld	8	6	14
	Complaint partly upheld		2	2
	Matter out of jurisdiction (discretionary)		1	1
	Matter out of jurisdiction (non-discretionary)	1		1
	No decision reached	3	3	6
	Premature - Local process formally tried but not exhausted		1	1
	Premature - Local process not formally tried		1	1
<b>Total</b>	<b>14</b>	<b>15</b>	<b>29</b>	
4 - Investigation 1	Complaint fully upheld	6	7	13
	Complaint not upheld	7	16	23
	Complaint partly upheld	1	5	6
	No decision reached	1	2	3
	<b>Total</b>	<b>15</b>	<b>30</b>	<b>45</b>
<b>Total</b>	<b>296</b>	<b>335</b>	<b>631</b>	

Premature total 188 209 397

Premature % 64% 62% 63%

Fit for SPSO Total (ER2, Inv 1 & 2) 67 94 161

Total uphold/partly upholds 9 63 116

% Upholds/Partly Upholds of Fit for SPSO 13% 67% 72%