

Housing



This is one of a series of reports through which we are continuing to put key messages, information and analysis of complaints about the housing sector into the public domain.

We expect housing providers and councils overseeing housing-related matters to use this report to enhance their learning about the issues the public bring us about housing in Scotland and about the quality of their complaints handling. We anticipate that Parliamentary committees, government departments, regulators and other improvement and scrutiny bodies will use it to identify issues arising from the complaints we see.

Equally, we hope it will prove useful to members of the public, and advice and advocacy groups that represent them, by providing information about the kinds of complaints that are escalated to the SPSO, how we handle them, and how we put things right through our recommendations, where we can.

December 2014

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Ombudsman's introduction

Problems with housing can have a significant, ongoing and highly detrimental impact on people. It can be extremely difficult trying to cope on a daily basis with concerns connected to your immediate environment. Good complaints handling, therefore, is crucial in helping people to resolve day-to-day issues that may significantly affect their quality of life.

Transforming Scotland's complaints culture

2013/14 marked a sea change in the way that the housing sector in Scotland handle tenants' complaints about their services.

It was the first full year of operation of simplified, standardised model complaints handling procedures (CHPs) across all of Scotland's Registered Social Landlords (RSLs) – of which there are over 160 – and all 32 local authorities. We developed the model CHPs in partnership with stakeholders, and I would like to put on the record again my thanks to the many people and organisations in the housing and local authority sectors that supported this work and who have continued to work towards improvement throughout the first year of the CHPs' operation.

The new procedures benefit customers because they now know what to expect when making a complaint. There is clarity and consistency about stages, timescales, and how their complaint will be investigated and responded to. This means fewer people are being lost in the complexity of multi-stage complaints processes. We believe the improvements made through implementing the standardised model has contributed to the significant decrease in premature complaints about housing received by this office.



For RSLs, there are more opportunities for learning and improvement through increased responsiveness, transparency and oversight. There is, for the first time, a developing performance culture in complaints handling, with RSLs now required to make information available both through the requirements of the CHP and also the Scottish Housing Regulator's Annual Performance and Statistical Return on the Scottish Social Housing Charter.

They are required to not only publish annual complaints statistics but also to show how they have learnt from complaints and used them to drive improvements. 2013/14 is the first year for which this information will be published. This means that information about the way their landlord handles complaints should be clear, transparent, consistent and accessible to all tenants. It will also provide opportunities for reliable benchmarking by the sector and will, over time, create a basis for comparing performance and supporting ongoing improvement. Ultimately it is for RSLs themselves to take the opportunities presented by this greater availability of information, but I look forward to continuing to support the sector in this area.

Ombudsman's introduction

Volumes and issues

I now turn to the complaints that we received from the public about housing services. First, the key numbers:

- In 2013/14 we received 797 complaints about housing. This is 16% more than in 2012/13. Despite receiving over 100 more cases we were able to give people answers earlier.
- Housing made up almost 18% of the total complaints we received about all public authorities during the year.
- The rate of upheld complaints was 53%, up from 43% last year, and higher than the year's rate for all sectors of 50%.
- The rate of complaints coming to us too early dropped again from 52% to 42% compared to last year. This is an encouraging trend on an issue we have raised with the sector over a number of years, with premature rates in previous years at over 70%.
- We made 106 recommendations for redress and improvement.

Repairs and maintenance remained the most common subject of complaint by far and increased in number significantly on the previous year. Neighbour disputes and anti-social behaviour also remained as the second highest category of complaint in this sector. Complaints about applications for allocation, transfer or exchanges of housing was one again the third highest category and those complaints also rose in number. We have also seen an increase in complaints received about homeless issues, highlighting the fundamental vulnerability of some of the people who complain about housing services.

Sharing the learning

To ensure transparency and to help facilitate the sharing of learning from the complaints we receive, we continue to publish most of our decisions. In 2013/14, we published 92 complaints about housing on our website, outlining the 106 recommendations for redress and improvement which we made.

RSLs can use our published cases to analyse trends and identify whether they may also have the same problems and fix them before a complaint is made to them. Similarly, tenants and members of the public can see the kinds of complaints that are made to housing providers and find examples of the kinds of redress we are able to recommend when we see something which has gone wrong and uphold a complaint. The information we publish can also be combined with the information RSLs publish under their CHP or through the Scottish Housing Regulator (SHR). This will increasingly provide them, tenants and other customers with a broad and full picture of complaints. We believe this is starting to inspire a culture in RSLs of valuing complaints and allows them to use complaints to better analyse, learn and drive improvement.

Looking ahead

Improving complaints standards remains a part of our ongoing focus in our engagement with the housing sector, as with others. A key aspect of our role is to work closely with service providers, regulators and other stakeholders to offer advice, support and guidance on effective complaints handling. We continue to provide advice, support and guidance across a range of issues directly to RSLs. We provide access to training through classroom based training and housing-specific e-learning modules on complaints handling. We are working closely with the SHR to highlight key issues and identify areas where their regulatory activity can be informed by the work that we do, including through their monitoring of the Scottish Social Housing Charter.

As well as statistical information, this report provides analysis of the complaints people bring us. Case studies and recommendations demonstrate our impact for individuals. There are also sections detailing our contributions in the complaints handling improvement and policy areas. I hope it will prove a useful learning tool for the sector, and further the goal we share of improving the quality of the services provided to the public.

Jim Martin, SPSO



Casework

Complaint numbers

In 2013/14 we received 797 complaints about housing – 16% more than in 2012/13. These 797 complaints made up almost 18% of the total complaints we received about all public authorities during the year, slightly up on last year, when they comprised almost 17% of the total. We dealt with 817 complaints, some of which were carried forward from 2012/13.

446 (56%) of the complaints we received were about local authorities and 351 (44%) about housing associations. Although a number of local authorities no longer provide housing directly, we may still receive complaints about them that we classify as housing-related. These tend to relate to subjects such as neighbour disputes and anti-social behaviour, housing homeless persons or providing assistance to people in their day-to-day living.

Premature complaints

During 2013/14, the percentage of premature complaints that we received about housing authorities dropped again from 52% to 42%. This is welcome, although there is still work to do as it remains above the overall rate across all sectors, which is 34%. Housing is an area in which people do tend to approach us before they have gone through the whole complaints process of the housing authority concerned.

We find that people tend to do this in particular when they are finding it difficult to get a repair made to their home, or when they are having difficulties with their neighbours. As these two areas make up more than half of all the complaints we receive about the sector, it is hardly surprising that the housing sector has such a high rate of premature complaints. From our statistics, it is also clear that people say that they came to us too early because they did not know about or found it hard to complete the complaints process. Authorities in the sector need to make sure that they signpost people properly through their process, that information about it is readily available to the public, and that their staff are well aware of the process and of how to recognise and deal with complaints at the front line.

Top areas of housing complaints received 2013/14

Subject	Housing Associations	Local Authority	Total
Repairs/maintenance	129	184	313
Neighbour disputes/anti-social behaviour	50	62	112
Applications, allocations, transfers & exchanges	31	45	76
Policy/administration	38	38	76
Improvements/renovation	19	15	34
Estate management/open space/environment work	9	19	28
Communication/staff attitude/dignity/confidentiality	18	9	27
Complaints handling	13	10	23
Rent and/or service charges	11	11	22
Homeless person issues	1	20	21

The top four areas complained about are the same as last year and in the same order. Repairs and maintenance remains the most significant area of complaint by far, and we saw numbers increasing by almost 40% on last year. The number of complaints about the difficult area of neighbour disputes and anti-social behaviour is still our second most commonly complained about subject but, in contrast with other areas, the numbers remained stable compared to last year. Complaints about getting/exchanging a house and policy/administration both rose by around 33%. Complaints about improvements and renovation rose by 17% and those about issues to do with homeless people more than doubled, while those about complaints handling dropped by almost 38% (although all of these were on low numbers).

Complaints determined

There is a table at the end of this report showing the outcome of all the complaints we determined during 2013/14. We closed 724 complaints at the early stages of our process, usually because they were premature, or because they were about something we could not investigate. This is a large number – almost 89% of the complaints we determined – but reflects the fact that people very often come to us too early about housing issues, and that their concerns may well be resolved by the housing authority when we ask the person to approach them directly about it.

We were also able to resolve some of these cases by contacting the authority early without the need for a long investigation – for example in one case after we got in touch with a housing association, they offered a tenant a housing transfer, which provided a satisfactory remedy to his complaint. In another case we were able to get the council to fix a leak and take action on other issues related to work they had done on the property. In another case, after we got in touch with a council, they visited and looked into repairs that a tenant had been seeking for some time. Although they did not agree to do everything, they did most of the repairs. Afterwards, the tenant said that they believed this would not have happened without our intervention. And in a case of a homeless person, a council made him an offer while we were looking into his complaint, so he decided not to take it further.

However, quick fixes are not always available and we fully investigated 93 complaints about the housing sector, 92 of which were published on our website.

We upheld 49 of these investigated complaints, either in full or in part. This was 53% of all those we investigated in detail, and was a higher uphold rate than last year, when we upheld 42 (43% of those we investigated in detail). It also means that the rate of complaints upheld about housing has risen to above the overall upheld rate for all sectors (which is 50%). 17 (35%) of the 49 upheld cases were about repairs and maintenance and 10 (20%) were about neighbour disputes or anti-social behaviour. We provide examples of some of these investigations in the following sections of this report, as well as examples of those where we did not uphold the complaint.

Repairs and maintenance

Where repairs take too long to investigate or complete, it can cause unnecessary stress and other problems for tenants. People regularly tell us about the problems delays cause them and as explained above, it is one of the main reasons that people give for having brought their complaint to us too early. We often find the problem lies, at least in part, in issues with communication. These should be easy to fix and for the RSL to identify before a complaint comes to us so we highlight some examples of these here.

In one case, a man complained that the council refused to carry out work on his bathroom wall despite previously agreeing to do so (case 201203110). The council said that the offer was withdrawn because he had made an abusive phone call to a member of staff. The man complained that the council hadn't told him what the abuse was, or when it was meant to have happened. We upheld his complaint, as we found that the council did not adequately investigate this, and their responses were confused and contradictory. Council staff were unclear about the policies and procedures they should use when dealing with difficult phone calls, and we found that the withdrawal of the work was neither proportionate nor reasonable. Among other things, we recommended that they complete the outstanding work, put in place written guidance on managing unacceptable behaviour, and draw this to the attention of all council staff.

In another example, a woman complained that the council did not follow the proper tendering and procurement process for communal repairs to the close in which she lived (case 201202395). She said that they had ignored a report requiring them to re-tender due to a lack of competitive quotes, that the council costs were far higher than her privately obtained quotes, and that they had asked her to submit quotes that could not then be used as the suppliers were not on the council's approved list of contractors. We found that the council had already apologised for the confusion about approved contractors, and had produced a new information leaflet, setting out the statutory repair process clearly for private owners. We also found that although the report on the tendering process recommended re-tendering, the council did not have to accept this, and that re-tendering could in fact have resulted in higher costs. We did, however, criticise them for poor record-keeping, as the decision-making audit trail was unclear.



And in a final case (201204626), shortly before Christmas a woman reported water leaking into her home through the roof. After the new year, the council put plastic sheeting in the loft space. Nothing happened to the roof until July when a scaffold was erected for a day, although the woman disputed that any work was done then. After she contacted the council again, they issued a repair order at the start of August, and roof works were completed by late October. The scaffolding remained up for another six weeks and the woman said that when it was taken away the roof leaks had not been completely attended to. Our investigation found that the council's communication was inadequate, as they should have explained what they intended to do and when they planned to do it. We found it difficult to see from their records exactly what they did plan to do to the roof, and why, and the evidence we saw suggested that repairs were not carried out within a reasonable timescale. We recommended that they apologise, inspect the downpipes and guttering to see if further repairs were needed and, if this was the case, provide a timescale for completing that work.

Neighbour disputes and anti-social behaviour

The area of anti-social behaviour and neighbour disputes is fraught with difficulty, both for the people suffering from the situation and for the housing provider involved. Claims and counter-claims about the nature and type of behaviour are often a feature of these types of complaint and it can be very difficult to get to the root of the problem. Sometimes we find that a housing provider or local authority has done as much as they reasonably can to resolve the problem. A good example of this is in one of our case studies later in this report (case 201202396). That case also highlights that it is for council officials to use their professional judgment to decide whether noise is at a level where it could be considered anti-social or a nuisance. Another case that demonstrates this was where a tenant complained about noise from a lift that a housing association installed in the house next door (case 201200385). We found that the association had no previous experience of installing lifts in their properties. However, they had asked the council's occupational therapist and the lift company to

manage the installation and planning. We found that the association had acted appropriately to ensure the lift was installed correctly and in line with national guidance. We also found that they had investigated the man's complaints about the noise. A noise enforcement officer had measured it and concluded that it could not be considered a nuisance. The association were not obliged to do more than this, but they had gone further by taking steps to implement a number of the man's suggestions about the problems he was experiencing.

Where the relationship between neighbours has broken down, a meeting of the parties involved can be a solution but is dependent on all parties to the dispute agreeing to participate. Housing associations and councils may try to arrange this where they think it would help.

As long as they act in line with appropriate legislation and policy, RSLs retain discretion about how they manage anti-social behaviour. When investigating we will not investigate the behaviour of the neighbours but whether the actions and decisions of the RSL are in line with the appropriate rules. For example, a woman complained to the council for some time about noise in her building (case 201105006). One flat was owned privately and had a high tenant turnover. The woman told us that she felt that the council had not addressed the underlying problem, as they took up the noise issue on a tenant-by-tenant basis rather than treating it as a continuing problem related to that particular property. We couldn't look directly at the issue of the anti-social behaviour, but we did look at how the council handled her complaint about it. We found that the council had explained their position satisfactorily. However, when we looked at the correspondence, we saw that the long-term problems had had a significant and distressing effect on the woman. The council's responses had not really taken this into account, as there were delays in replying and they had not kept her updated about how matters were being progressed. They had since revised their complaints process and we said that they should also reflect on their complaints handling in this case and tell us what they did to ensure that in future complaints will be handled more appropriately.

Finally, it should be noted that where anti-social behaviour is involved we do not publicly report all the cases we investigate, and that in some of the cases that we do publish we anonymise the housing provider or local authority. We do this to ensure that we protect the anonymity of those involved.

Tenancy charges

At the end of a tenancy, charges may be made depending on the state in which the property is left. This is known as 'recharging' and most often happens when the property has not been cleaned, where repairs need to be made or there has been poor workmanship (such as poor quality self-repairs) by the tenant. Although it is understandable and appropriate that the landlord needs to recoup costs as far as possible, every year we see cases where people are recharged, yet maintain that they sorted things out before leaving.

We have seen problems occur when a landlord has not made sure that they had conclusive evidence of the state of the property at the time the tenant left. An example of this is where we received a complaint after a tenant terminated her tenancy and moved to a new house (case 201300251). The council did not inspect the property before she left but later arranged for work to be done there. They told the woman that she would have to pay for this, and estimated that it would cost more than £600. She disputed this, but received no response. Their next contact with her was over six months later, when they sent an invoice for well over £800. We found that their position on inspections was inconsistent. We also found that they delayed in sending the invoice, had not explained why the final figure so exceeded the estimate and did not deal with correspondence in line with their procedures. We said they should apologise and, in the light of our findings, reconsider whether they could reduce the amount of the invoice.

In another case, a man told us that he, his partner and several friends worked hard to clear his former house and leave it tidy, although they had left behind two bags of rubbish (case 201202656). Some seven weeks later, the council invoiced him for the cost of clearing and cleaning the house. He disputed this through solicitors and complained to the council. Meanwhile, the council asked recovery agents to collect what they said he owed them.

Our investigation found that, on balance, this was unreasonable. The council had pictures, which they said were taken about two weeks after the man moved out. However, these were undated, did not conclusively identify the property, and the man said that several of them were not of his former home. We said that they should apologise, reconsider in the light of our findings whether they could reduce the amount claimed, and in future ensure that digital images show when they were taken, as well as being able to verify this and identify the property.

In a final case, which involved repairs as well as the end of a tenancy (case 201201242), a man replaced his kitchen tiling, having told a housing officer at the housing association that he was doing this. He then had a lighting and power failure and called out the association's emergency electrician service. The association invoiced him for the cost of this, and he complained both about that and about dampness in the property. When these complaints were not resolved to his satisfaction, he gave notice and moved out without paying the invoice. He left the property before handing in the keys, so there was no pre-termination inspection and he left no forwarding address, although his email address was known. The association inspected the property and said that the tiling was unsatisfactory. They replaced it and eventually instructed debt recovery agents to pursue the man for the costs. They did not, however, try to contact him by email.

The man eventually found out about the debt through a relative, and complained to us about the charges, and that they had not contacted him before trying to recover the debt. We found their actions unreasonable, as there was no evidence to show that they had raised concerns about the tiling before, and they had not considered whether it was in fact reasonable in the circumstances for the man to have called the electrician. We made several recommendations, including that they review what they tell tenants about the emergency service and where recharging may be appropriate, consider reducing the amount charged, and share our decision and its implications with staff to ensure better recording of information and checking of work in future.



Key figures in housing complaints 2013/14

We received **797** complaints and dealt with **817***

The rate of upheld complaints was **53%**, up from 43% last year, and higher than the year's overall rate of 50%

The rate of complaints coming to us too early dropped again from 52% to **42%** compared to last year (the overall rate for all sectors is 34%)

People who received advice, support and signposting **624**

Cases decided after detailed consideration pre-investigation **100**

Complaints fully investigated **93**, with **92**** publicly reported to the parliament during the year

We made **106** recommendations for redress and improvement

* There is some carry forward each year.

** Some cases published in 2013/14 will have been handled in 2012/13. In a small number of cases, we do not put information into the public domain, usually to prevent the possibility of someone being identified.

Communication

A number of the cases described above, and in the case study section that follows, show the importance of timely and accurate communication. Failing to communicate effectively triggers many of the problems in the housing complaints we see. This is something that we hope organisations should be able to identify and resolve before they come to us. However, we accept that, in some cases, it will only be clear what has gone wrong when we look at a complaint in detail. As well as highlighting what can go wrong when communication fails, we include in this section a case where we did not uphold the complaint as an example of where we found that a council had done everything they could to make sure the complaint was properly dealt with.

A man and his father exchanged their rented houses (case 201300633). The man then found that he could not buy his new home through the right to buy scheme, as this had been suspended before the exchange took place, and had since been extended for a further ten years. We found that the leaflet the housing association gave him when he exchanged did not mention the suspension at all. It said that although one type of right to buy would be lost when the properties were exchanged, someone in his position would qualify for the modernised right to buy scheme. As the association could not show that they had told the man about the suspension, we upheld his complaint, and also said that they could have alerted him to the possibility that the suspension might be extended. We said that they should apologise and consider making him an ex-gratia payment. We also said they should make sure that all of their paperwork is correctly updated, and that staff understand what they should tell people. In another case, a man complained that, after his father died, the association pressurised him to clear the house of which his father was the tenant and hand back the keys (case 201300104). The association investigated and found that staff had not followed their policy on what to do in such circumstances. They apologised and took action to

sort this out. The man then came to us because he was unhappy with the investigation. He also said he had discussed financial redress with the association but they had not offered this. The association confirmed that the man had said he was unable to remove some items and that redress for these was discussed, but that the man had not then claimed for them. Although we found that the investigation was thorough, and the outcome appropriate, we upheld the complaint as we found staff asked about the return of the keys far too early – actually on the day that their tenant died. As, however, the association had already taken appropriate action, we did not need to make any recommendations.

And in the final example, where we found the landlord did everything they could to communicate and explain the position so we did not uphold the complaint, a man complained that the council had not fixed a range of problems with his central heating system (case 201203718). He also complained about the cost of running it. We found that the council responded to each problem within their timescales for repairs and said that the property was due to have additional insulation installed. They also arranged for the installers and system manufacturers to visit and ensure that it was working properly. The council energy officer visited and provided energy efficiency advice, and contacted an energy assistance organisation to provide further information and advice and ensure that the man was on the correct electricity tariff.





Sharing the learning

This section focuses on our role in sharing lessons from the complaints we see. We do this in part by putting information, including analysis and trends, into the public domain. We also work alongside regulators and other improvement and scrutiny bodies to ensure that they are informed about the concerns people bring us and the recommendations we make.

Our role is to identify failings and make recommendations that ensure justice for individuals and put organisations back on the right track. We see it as the role of other scrutiny bodies to regularly review processes and ensure that organisations stay on that track. To put it another way, our investigation is a red flag that makes the organisation sit up, take notice and make changes; regulators and other improvement and scrutiny bodies carry out green flag checks in a continuous and systematic way that show that the organisation is acting properly.

Sharing lessons

We share learning from the complaints we see about housing providers through:

- publishing a significant volume of decisions on our SPSO website
- publishing statistics, including details of complaints received and dealt with, along with premature and uphold rates for all RSLs, compared with the previous year.
- regular liaison with the Scottish Housing Regulator (SHR) about trends and issues in RSLs' complaints handling, including the statistics published on our website
- consultation and inquiry responses
- conferences, meetings, presentations and visits.

Under the model CHP and the SHR's requirements for the Annual Performance and Statistical Return, housing providers are required to report on and consider carefully the learning from the complaints

that they handle. We also expect them to look systematically at the cases that are escalated to the SPSO. Although small in number, these cases provide a free, independent and impartial view on their handling of matters and they can be among the most indicative and serious of complaints about a housing provider. Through systematically reviewing these complaints, housing providers can reassure themselves that they are aware of any common or systemic concerns and take steps to address them.

Publishing reports

Each month, we publish reports of as many cases as we can and lay them before Parliament. In 2013/14 we published 92 decision reports about the housing sector, making them 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. In housing cases, as mentioned earlier, we sometimes anonymise complaints that relate to problems with neighbours. The bulk of our reports are summaries 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 2013/14) 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.



Sharing the learning

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, anti-social behaviour or neighbour disputes 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.spsso.org.uk/our-findings

To read our information leaflets, visit www.spsso.org.uk/information-leaflets

Case studies

This is a selection of case studies from investigations we published for 2013/14. Some illustrate the double injustice that can happen when a poorly delivered service is compounded by poor complaints handling. Other case studies are included to show some of the positive actions that organisations take in response to complaints. To share this good practice, in the report on our website we normally highlight where an organisation has taken such action. Others are included as examples of where organisations have delivered a service and investigated the complaint properly.

These case studies are brief summaries and may not contain all the information we published about the complaints. You can find more information online at www.spsso.org.uk/decision-reports.

Misinformation about right to buy; failure to remedy full loss

A man and his wife had lived in his parents' council house for many years. When his father died in 2007, the man became the tenant and wanted to apply to buy the house under the modernised right to buy scheme. He was told he had to wait five years to do so and, when he asked about this again in 2011, he was told twice that the previous advice was correct.

The council had separately decided that they wanted to designate the area as having 'pressured area status' which would suspend the right to buy under the modernised scheme. Councils can do this where there is a serious lack of social rented housing in an area, and they think that people exercising their right to buy may make this worse. They consulted on this, and then put the status in place in February 2012. From then, if the council want to sell a house, they had to ask Scottish Government ministers for permission to do so.

The man then found out that he could have applied to buy his home as soon as he became a tenant, and complained that the council gave him the wrong information. They upheld his complaint; and eventually agreed that they would make the case to Scottish ministers for consent to sell it to him at his maximum discount, with an allowance for the rent he had paid since March 2011. The man asked us to look into his complaint because he thought that that this wasn't enough and that the rent allowance should be given from when he became the tenant. We upheld his complaint, and recommended that when they asked for the consent they calculate the cost including an allowance for all the rent he had paid up to the date when a sale was completed. We also said that if ministers did not consent to the sale, the council should make him an ex-gratia payment of the rent paid from 2007, to reflect his financial loss.

Case **201204866**



Case studies

Complaints handling; vulnerable individual

A mental health support officer complained on behalf of her client, who was a housing association tenant. She said that after water came into her client's property the association didn't help to clean up or redecorate, and her client had to live in a damp property. She also complained that they delayed in passing a claim to their insurers and didn't respond to her letters of complaint.

We found that the association had offered another property while the house dried out, but this was declined because of the tenant's mental health problems. They provided dehumidifiers and paid for the running costs (although the support officer had to bring up the issue of these costs with them). We also found that the time it took them to investigate meant that it was more than two and a half months before they decided whether they could offer to redecorate.

The association had delayed in forwarding the insurance claim and didn't follow their own procedures when investigating. From what the support officer said in their first letter, it was reasonable for the association to have started their claims process. However, the letter clearly showed that she was also unhappy with the support provided and the handling of her client's case. We said that the association should have explained in writing what they were treating as an insurance claim and what they could consider under their complaints procedure, then dealt with these appropriately. We found that they had already taken some remedial action, but we made several other recommendations, including that they apologise to the support officer and her client, revise their procedures and feed back our findings to the staff concerned.

Case **201201524**

Repairs and maintenance; communication

A woman said that she'd had problems with repairs to her council property since she moved in five years before. She said that she'd reported lots of issues requiring attention, however, repairs weren't done properly and the appointment service was poor. We found that sometimes the council cancelled appointments and sometimes they couldn't get access, but that what had happened in terms of the appointments wasn't unreasonable. The council said they had since told staff to make sure that suitable appointments were given and to communicate better with tenants. In terms of the quality of the repairs, there was an 18-month period when the woman clearly reported a number of problems, but the council had not recorded these. We also found that the council couldn't show us what they'd done in response to her complaint. We said they should apologise, explain our decision to staff, make sure reports of inadequate repairs are logged in future and make sure they keep evidence of any action they have taken after investigating a complaint.

Case **201105521**

Failure to communicate effectively about a tenant's death

A man complained to us that after his son died, leaving a widow and young family, the housing association continued to take the rent direct debit from his son's account. He also said that staff visited the property with paperwork that was still in joint names, inappropriate rent reminder letters were sent and correspondence continued to be issued in joint names. The man had told the association of his son's death very quickly, and complained that all of this was very distressing for the family, and that the association had not appropriately passed information to staff.

The association explained that the local housing officer who would normally have handled this had left unexpectedly. However, we found that the man had contacted the association directly, rather than through that person. We noted that the association had apologised for and explained their mistakes, and had offered the family some redress, so we made no recommendations about this. However, we recommended that they take steps to ensure that, in future, information about bereavements is communicated more effectively.

Case **201204783**

Repairs and maintenance; communication

A woman told us it took too long for her housing association to fix damp and drainage problems. She had contacted them many times on behalf of herself and her neighbours and felt she wasn't getting anywhere. The association told her that the problems were significant, they'd had to investigate in detail and had found it difficult to provide a timescale for fixing them. They accepted they could have communicated better, offered her a voluntary payment, and explained that they'd introduced a new customer care centre to improve communications.

We found that it took around nine months for the problems to be addressed, but that the association had clearly been working on this during that time. The problems were considerable and affected the whole building. We agreed that these were exceptional circumstances, and that the actions taken about the repairs were reasonable. Although the association's responses became more helpful as work progressed, we upheld the complaint about communication as sometimes the woman had to ask for information rather than this being provided as it should have been.

Case **201204216**



Case studies

Anti-social behaviour; complaints handling

A couple in a council house complained about noisy neighbours. Council officers visited but the visits didn't coincide with any disturbances, and they didn't find the noise significant enough to class it as anti-social. They provided monitoring equipment, but again found the noise levels too low to be considered a nuisance. The couple's MSP then complained that the council did not take the complaints seriously, did not record their concerns and did not take effective action.

The couple were clearly badly affected by the noise, but before the council could take decisive action they needed the noise confirmed by others, and evidence that it was at a level considered anti-social. The problem was that although the couple had kept records and there were witness statements these did not confirm specific incidents or how bad the noise was. We found that the council had done what they could to help. They took reasonable steps to investigate, looked at whether there was a problem with the way the houses were built and arranged special mediation. It was, however, up to their officers to decide whether the noise was anti-social and we found that they reached a reasoned decision about this. We did, however, criticise the council for not fully explaining their anti-social behaviour policy to the couple and for not recording the outcome of their complaints. The couple had made hundreds of complaints about the noise – better communication from the council could have significantly reduced this.

Case **201202396**

Repairs and maintenance; delays

A tenant complained that her heating system was ineffective, unreliable and expensive to run. We found that the difficulties with it took months to resolve, and that the association had not in fact assessed relevant medical information before offering the woman the property. The property's energy performance certificate (EPC) indicated that the system was inefficient, and the association had not explained the certificate or the potential running costs to the tenant beforehand. We were concerned that it took some months before the system was repaired, especially as the problems occurred in winter. We recommended that the association apologise and in future ensure that a full explanation of the EPC is provided, and that any 'health and housing need' form from a prospective tenant is assessed and taken into account, before a tenancy agreement is signed.

Case **201202120**

Repairs and maintenance; complaints handling

A man complained about how the council handled his concerns about dampness in his property after storm damage to his roof. He was also unhappy with how they handled his complaints. During our investigation we found that the council had repaired the roof and had arranged for two independent surveys. Although these did not identify any new evidence of water coming in, repairs were carried out as suggested in one of them. During our investigation, given the man's continuing concerns about dampness, the council also agreed to ask a different company to carry out a further independent survey. We found this a positive response and did not uphold this complaint. We did, however, find that the council had failed to handle his complaints in line with their own procedure, but as they had apologised and had drawn this to the attention of relevant staff, we did not need to make any recommendations.

Case **201203122**

Case studies

Anti-social behaviour; complaints handling

A couple had a number of problems with anti-social behaviour from their neighbours, which they believed stemmed from their objections to planning applications made several years before. A council officer investigated, consulted with the police and interviewed the couple. He sought legal advice on the matter some three months later. This was provided nine weeks after that, and said that the information held did not meet the statutory test for the council to pursue formal action against the neighbours.

The couple then complained about the five month delay in clarifying this. The council response simply referred back to the original complaints, however, and ignored two requests for information. We found that the response was inadequate and took too long to provide, and said that the council should apologise for this.

Case **201205407**

Noise from lift installation

A housing association tenant complained after the association installed a lift in his neighbour's property. He said that he and his family were disturbed by noise from the lift and questioned whether it had been correctly installed. He was also unhappy with the association's response to his complaints about safety issues in and around the building.

Our investigation found that the association had appropriately placed the planning for the installation in the hands of the local council's occupational therapist and the lift company. Although we found no evidence that the level of insulation between the properties was considered, as it should have been, we were generally satisfied that the association took appropriate steps to ensure the lift was installed correctly and in line with national guidance. We also found that they investigated the tenant's complaints about the noise, and had asked a noise enforcement officer to measure it. He had said that the noise was not at a level that could be considered a nuisance. The association were not obliged to do more than this, but we noted that they also took steps to put in place a number of suggestions that the tenant made, that he thought might help. We also found that the association sought the opinion of an appropriate professional on each safety issue and acted on their advice.

Case **201200385**

Drain problems

A woman complained that for three years the association had not fully investigated and resolved her complaint about a strong smell of sewage in her home. The woman told us that the association had eventually used a camera to inspect the drainage pipework. This had found a burst pipe in the bathroom, which had been fixed, and the association had also replaced a cracked section of piping in the kitchen. However, she said that there was still a smell, and she was unhappy that the association would not agree to dig up her garden to investigate further.

Our investigation found that the association had done what they could to resolve the matter, and that their actions and decisions about carrying out work had been reasonable. We did, however, find that they hadn't followed up on a request to Scottish Water to inspect the communal public drainage system, and we made a recommendation about that.

Case **201302349**



Improving complaints standards

A simple, standardised procedure

2013/14 was the first full year of operation of the new model CHPs with the model CHP operational across all local authorities and RSLs in Scotland from 1 April 2013. This led the way for the implementation of the CHP across other public service sectors throughout 2013/14. It is to the sector's credit that the 2012/13 implementation stage passed smoothly. This year, RSLs and local authorities have now begun to move towards fuller and more consistent reporting, as required under the CHP and by the Scottish Housing Regulator (SHR)'s monitoring of the Scottish Social Housing Charter (SSHC). We are focused on helping the sector work to help benchmark their complaints performance.

Ensuring compliance

From the outset, our Complaints Standards Authority (CSA), which led the development of the CHPs in partnership with sector representatives, has been clear that compliance with the model CHPs should be built into the existing regulatory framework where possible. The CSA therefore set up arrangements with the SHR to ensure that compliance with the model CHP was monitored in line with their regulatory approach, including through their indicators for monitoring the SSHC outcomes, which is aligned with the CHP. All RSLs were required to provide a return on complaints handling and adoption of the model CHP to the SHR as part of the Annual Performance and Statistical Return. Compliance with the model CHP also forms part of the Shared Risk Assessment (SRA) and annual audit arrangements for local authorities. RSLs and local authorities are also expected to have appropriate self-assessment arrangements in place to assure themselves that their CHP is operating in accordance with the model CHP.

We have also carried out additional monitoring work on compliance in 2013/14 and have been encouraged with the overall results. We tested compliance

with the requirements of the CHP across a random sample of 10% of RSLs in Scotland. This included focus on the definition of a complaint, accessibility to the CHP via websites and leaflets, timescales, stages and signposting to the SPSO. The outcomes of the assessment were positive with the vast majority compliant, subject to some amendments which have been or are now being addressed. We discussed any concerns with the organisations themselves and with the SHR and Audit Scotland who were content with our approach to monitor ongoing improvement before initiating any compliance action.

Reporting and publicising complaints handling performance

Quarterly reporting

2013/14 will be the first year for which all RSLs and local authorities issue clear, transparent and consistent complaints information. The CHP requires bodies to publish annual complaints statistics and learning against performance indicators. In addition there are requirements to report internally and to publish, on a quarterly basis, information on complaints trends, outcomes and actions taken. The aim of this is both to help increase transparency and also to demonstrate to customers the value of complaining and that complaints are treated seriously. We carried out some sample monitoring of the requirements to publish quarterly during the year. Again, we were pleased that the vast majority of organisations had measures in place for internal management reporting. However, in some cases this did not follow through to externally publishing the outcomes of complaints on a quarterly basis. Where we identified problems, we provided support and guidance. We appreciate that this level of reporting is new for most organisations and these arrangements may take time to fully bed in. We will continue to monitor compliance with the reporting and publicising requirements of the CHP in discussion with the SHR and Audit Scotland.

The CSA website is at www.valuingcomplaints.org.uk

Improving complaints standards

Annual Return on the SSHC

RSLs are also required to report annually on their complaints handling performance in line with SPSO model CHP requirements and provide information to the SHR. We have provided self-assessment complaints indicators for the housing sector, developed in association with the Chartered Institute of Housing, the Scottish Housing Best Value Network and HouseMark, to monitor performance against the requirements of the model CHP. The indicators, which are linked to the core recording, reporting and publicising requirements in the CHP can be found on the Valuing Complaints website¹. These indicators enable RSLs to self-assess and should provide the basis of public reporting to tenants. The information RSLs publish will also allow the sector to compare their complaints handling performance across the sector, building on existing benchmarking arrangements.

The SHR have now published information on the Annual Return on the SSHC for all RSLs. This provides all of the data from each landlord on how they performed against the outcomes of the Charter as outlined in the SHR's indicators, including in relation to complaints volumes. The aim is to reach greater consistency in reporting on complaints and provide a basis for comparing performance and supporting ongoing improvement and we are engaging with the SHR on how, together, we can further support the sector in this regard.

Sharing best practice: advice, support and guidance

We have also continued to fulfil our duty to monitor, promote and facilitate the sharing of best practice in complaints handling through:

- supporting public bodies
- coordinating networks of complaints handlers
- developing and sharing best practice
- high quality training.

A key aspect of our role is to work closely with service providers, regulators and other stakeholders to offer advice, support and guidance about the model CHPs and effective complaints handling. Throughout 2013/14 we continued to provide this support across a range of issues, and responded to over 900 stakeholder enquiries. 124 of these were from RSLs, which at 14% of the total still represents the third largest sector for enquiries (local government and central government and agencies were the first and second largest).

Many were straightforward requests, but others required detailed advice, guidance and follow-up contact. As we anticipated, there was a shift in the source of the requests, reflecting the stage of each sector in implementing its model CHP. However, the fact that the local government and housing sectors continue to provide the majority of contacts demonstrates that there is an ongoing demand for advice on wider aspects of good complaints handling.

Housing complaints handlers network

The housing complaints handlers' network first met in 2012/13, co-ordinated jointly by Queens Cross and CastleRock Edinvar Housing Associations. The aim of the network is to share good practice, develop tools and guidance, support complaints handling practitioners and, in time, provide a forum for benchmarking complaints performance information. SPSO's role is to contribute our expertise and ideas and provide support and advice on aspects of good complaints handling and the model CHP.

Over 50 housing associations have been involved in meetings to date. As well as sharing good practice, the network looked at how complaints performance should be reported and how other RSLs are doing in this area to meet the annual reporting requirements of the model CHP. The network also considered ways of managing unacceptable behaviour following a presentation on the subject from the SPSO.

¹ www.valuingcomplaints.org.uk/wp-content/media/RSL_performance_indicators.pdf

If you are interested in joining the network please contact CSA@sps.org.uk and we will provide your details to the appropriate sector representatives.

Improving complaints standards

Training

Classroom courses

In 2013/14 we delivered a total of seven complaints investigation skills courses across six housing providers. These courses relate to second-stage complaints handling under the model CHP, where the provider appoints a person to investigate a complaint in detail. This happens because:

- the frontline complaints handling has not resolved the issue; or
- the complaint was initially identified as complex; or
- the complainant asked for it to be escalated straight to this stage.

At the courses staff discussed what is important to people when they complain, and how to make the experience better for them. They identified and practiced the skills needed for planning and carrying out investigations, evaluating evidence and reaching a decision, using case studies based on housing issues. They discussed how best to feed back the learning from complaints to avoid mistakes happening again. Other areas they looked at were the importance of effective apology, and ways of managing the difficult behaviour sometimes exhibited by a small minority of customers. This latter subject is regularly raised by people who attend training sessions and was something we focused on at the meeting of the housing complaints handlers' network held during 2013/14. In response, we are currently developing guidance material to support staff in this area.

Feedback from people who took part in the courses was very positive. They told us that they found the exercise of planning and working through a complaint investigation step by step, the use of practical examples and the session that looked at ways of managing behaviour to be particularly useful.

Comments we received on training courses included:

- 'identifying the links between complaints and service improvement was crucial',
- 'the course should be compulsory for those handling complaints'; and
- there was a 'good emphasis on personal thoughts, feelings and processes'.

People also found it helpful to understand more about the SPSO process, the advice we can provide, and our perspective on complaints handling.

E-learning courses

The previous year, in 2012/13, we launched free e-learning modules for RSLs and local authorities on frontline complaints handling. These continue to help staff dealing directly with the public to feel more confident about responding to complaints. Over 3,000 people have signed up across all sectors (with 870 new sign-ups in 2013/14), and in addition some public bodies have adapted the courses for delivery through their own internal e-learning systems. The roll-out of e-learning training provides significant scope and value, particularly for frontline public sector staff. The training is directed at the skills needed to identify, handle and resolve complaints at the frontline as soon as they happen. The short interactive modules use case studies and examples, and provide information designed to support staff awareness of the frontline resolution stage of the model CHP and good practice in complaints handling in general.

All our e-learning training materials are free and are available to all public sector organisations.

For more about our training activities, visit www.valuingcomplaints.org.uk/training-centre/
For links to the e-learning modules please visit www.spsotraining.org.uk

Local government housing complaints determined 2013/14

Stage	Outcome	Aids and adaptations	Applications/ allocations/transfers/ exchanges	Communication/staff attitude/dignity/ confidentiality	Complaints handling	Estate management/ open space/ environment work	Homeless person issues	Housing statutory repair notices/HAA areas/ demolition orders	Improvements/renovation	Neighbour disputes/ anti-social behaviour	Other	Policy/administration	Rent and/or service charges	Repairs and maintenance	Right to buy	Sheltered housing/ community care	Terminations of tenancy	Total
Advice	Not duly made or withdrawn	1	13	4	1	1	9	1	4	16	0	12	2	48	1	2	3	118
	Out of jurisdiction (discretionary)	0	1	0	0	0	0	1	0	0	0	2	0	3	0	0	0	7
	Out of jurisdiction (non-discretionary)	0	0	0	1	1	0	0	1	1	0	0	2	4	0	0	0	10
	Outcome not achievable	0	5	0	0	3	0	0	1	1	0	2	0	17	0	0	0	29
	Premature	4	16	3	4	7	6	1	5	27	1	18	4	77	3	2	0	178
Early Resolution 1	Resolved	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
	Total	5	35	7	6	12	15	3	11	45	1	34	8	150	4	4	3	343
	Not duly made or withdrawn	0	1	2	1	1	0	0	0	2	0	1	0	2	0	0	0	10
	Out of jurisdiction (discretionary)	1	0	0	0	0	0	0	0	0	0	1	0	5	0	0	0	7
	Out of jurisdiction (non-discretionary)	0	2	0	0	2	1	1	0	2	0	2	1	7	0	0	0	18
Early Resolution 2	Outcome not achievable	0	2	0	1	1	0	0	1	3	0	0	0	7	0	0	0	15
	Premature	0	0	0	0	0	2	0	0	3	0	0	0	0	0	0	0	5
	Resolved	0	0	0	0	0	0	0	1	1	0	0	0	3	0	0	1	6
	Total	1	5	2	2	4	3	1	2	11	0	4	1	24	0	0	1	61
	Fully upheld	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	2
Investigation 1	Some upheld	0	0	0	1	0	0	1	2	0	0	0	1	1	0	0	1	6
	Not upheld	1	1	0	1	1	0	0	0	1	0	1	0	3	0	0	0	9
	Resolved	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
	Total	1	1	0	3	1	0	1	2	2	0	1	0	5	0	0	1	18
	Fully upheld	0	0	0	0	0	0	0	0	3	0	0	0	5	1	0	1	10
Investigation 2	Some upheld	0	2	0	0	0	0	1	0	2	0	0	1	3	0	0	0	9
	Not upheld	0	2	0	0	0	1	0	0	3	0	3	0	4	0	1	1	15
	Resolved	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	Total	0	4	0	0	0	1	1	0	9	0	3	1	12	1	1	2	35
	Total complaints	7	45	9	11	17	19	6	15	67	1	42	10	191	5	5	7	457

Note: There were no local government housing complaints determined at Investigation 2 stage this year

Further information is available at www.spso.org.uk/statistics



Housing association complaints determined 2013/14

Stage	Outcome	Aids and adaptations	Applications/allocations/transfers/exchanges	Communication/staff attitude/dignity/confidentiality	Complaints handling	Estate management/open space/environment work	Homeless person issues	Improvements/renovation	Neighbour disputes/anti-social behaviour	Other	Policy/administration	Fent and/or service charges	Repairs and maintenance	Fight to buy	Shared ownership	Sheltered housing/community care	Terminations of tenancy	Out of jurisdiction	Subject unknown	Total
Advice	Not duly made or withdrawn	1	6	3	1	4	0	3	13	0	11	4	25	1	0	0	0	0	4	76
	Out of jurisdiction (discretionary)	0	0	0	1	0	0	2	0	1	0	0	1	0	0	0	0	0	0	5
	Out of jurisdiction (non-discretionary)	0	0	1	0	0	0	1	0	0	3	1	3	0	0	0	0	3	0	12
	Outcome not achievable	0	3	2	1	1	1	0	3	0	2	2	7	0	0	0	1	0	0	24
	Premature	2	18	6	8	2	2	1	7	22	0	21	61	2	1	3	1	0	6	161
Early Resolution 1	Resolved	0	0	0	1	0	0	0	0	0	0	0	2	0	0	0	0	0	0	3
	Total	3	27	12	12	7	1	15	38	1	37	7	99	3	1	3	2	3	10	281
	Not duly made or withdrawn	0	0	0	2	0	0	1	1	0	0	0	2	0	0	0	0	0	0	6
	Out of jurisdiction (discretionary)	0	0	1	0	0	0	0	1	0	1	0	0	1	0	0	0	0	0	4
	Out of jurisdiction (non-discretionary)	0	2	0	0	2	0	1	1	0	0	4	7	0	0	0	0	0	0	17
Early Resolution 2	Outcome not achievable	0	0	2	0	0	0	0	1	0	0	0	4	0	0	0	0	0	0	7
	Premature	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2
	Resolved	0	0	0	0	0	0	0	1	0	0	0	2	0	0	0	0	0	0	3
	Total	0	2	3	2	2	0	2	7	0	1	4	15	1	0	0	0	0	0	39
	Fully upheld	0	1	0	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	4
Investigation 1	Some upheld	0	1	2	0	1	0	0	1	0	0	0	1	0	0	0	0	0	0	6
	Not upheld	0	0	1	0	0	0	0	1	0	1	0	8	0	0	0	1	0	0	12
	Resolved	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	0	2	3	1	1	0	0	2	0	1	1	9	1	0	0	1	0	0	22
	Fully upheld	0	0	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	3
Investigation 2	Some upheld	0	1	0	0	0	0	1	1	0	0	0	6	0	0	0	0	0	0	9
	Not upheld	0	0	0	0	0	0	1	3	0	0	0	1	0	0	0	0	0	0	5
	Not duly made or withdrawn	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
	Resolved	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	0	1	0	1	0	0	0	2	6	0	0	7	0	0	0	0	0	0	18
Total complaints	3	32	18	16	10	1	19	53	1	39	13	130	5	1	3	3	3	10	360	

Note: There were no housing association complaints determined at Investigation 2 stage this year

Further information is available at www.spsa.org.uk/statistics

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