

The Registered Social Landlords' Model Complaints Handling Procedure (Model CHP)

Guide to Implementation

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Background

The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of model CHPs across the public sector. The Act took forward the recommendations of the Sinclair Report, which sought to improve how complaints are handled, through the development of simplified, standardised CHPs.

The RSL model CHP was developed in consultation with the housing sector, guided by a steering group of key housing stakeholders and an advisory panel of housing association representatives. It was produced within the framework of the Crerar and Sinclair Reports and the SPSO's Guidance on a Model Complaints Handling Procedure, which was published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through our public consultation at the end of 2010.

The purpose of the RSL model CHP is to provide a standardised approach to dealing with customer complaints across the housing sector. In particular, the aim is to implement a consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages bodies to make best use of lessons from complaints.

About the CHP

This model CHP applies to all RSLs and all the services they provide, including those that they provide under contract from other agencies such as local authorities. The model CHP and the supporting documents outlined below refer to 'tenants' and other 'customers' of the RSL, both of whom may complain to the RSL. These terms are used interchangeably throughout the model CHP, although we predominantly use the term 'customer' to reflect the wider group of service users who can access the CHP of an RSL.

The CHP is presented in four sections which explain the end-to-end procedure to be followed in handling customer complaints:

- 1 How to use the CHP**
- 2 What is a complaint?**
- 3 The complaints handling process (frontline resolution and investigation)**
- 4 Governance of the CHP.**

There is also a 'customer-facing' CHP which is included as a separate but integral section of the CHP. This provides standardised information on the complaints procedure to customers of all RSLs in Scotland, ensuring that all customers receive the same information on complaints regardless of where they live or the RSL they deal with.

To be compliant with the model CHP, RSLs must adopt both the CHP and the customer-facing CHP. The third document relating to the model CHP is the Employee's Guide to the Complaints Handling Procedure. It does not have to be adopted to ensure compliance but has been developed to provide staff with a simple, at-a-glance overview of the CHP and is provided as an example of good practice. RSLs may choose to adopt the Employee's Guide to the Complaints Handling Procedure in its entirety or amend it to reflect their own wider guidance for staff.

Services provided on behalf of the RSL

Many RSLs use contractors for repairs work and other services. Depending on the arrangements in place, complaints about contractors will normally be dealt with by the RSL, and staff will liaise with the contractor to resolve them. It is the responsibility of the RSL to ensure that contractors are aware of timescales for resolving complaints, so that the contractor can respond accordingly. In some circumstances an RSL may decide that it is appropriate for the contractor to deal with and respond to the complaint on behalf of the RSL. Where this is appropriate, the RSL must ensure that the contractor handles the complaint within the requirements of the model CHP. The RSL must also ensure that the final decision on the complaint is communicated to the customer and that they signpost the customer to the SPSO.

Local authority housing services

This model CHP is designed for RSLs, not local authority housing services, which are covered by the model CHP for the local government sector which is available from www.valuingcomplaints.org.uk. Local authority housing services will, however, be expected to report on complaints, in meeting the requirements on the Scottish Social Housing Charter (SSHC). So they may find it helpful to read the section in this guide on 'Performance'.

Implementing the CHP

Adopting the CHP

The model CHP is provided as a template for RSLs to adopt. It is designed to be an internal document for each RSL and contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. It explains how to process, manage and reach decisions on different types of complaints. The language used reflects its status as an internal document. So 'we' refers to the RSL, not the SPSO.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority (CSA) at the SPSO.

Any text that is in *italics* may be amended or replaced with the RSL's own text as appropriate. However, adopting the model CHP in its entirety, subject to necessary changes or additions as indicated, will ensure that the RSL meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the model CHP to reflect, for example, the RSL's organisational structure, operational processes and corporate style. The model CHP outlines areas where the RSL may adapt the CHP to provide additional guidance or reference to local processes. As an example, the roles and responsibilities in relation to signing-off complaints should be amended to suit an individual RSL's circumstances. Similarly, internal processes for recording complaints or for approving extensions to timescales will vary across RSLs.

Scope is also given to RSLs to amend the language of the model CHP to comply with corporate writing conventions or style guides. We appreciate that the way in which an RSL presents its documented procedures is extremely important. The RSL's corporate identity puts their stamp on the services they deliver and

we understand the importance of presenting one single corporate brand for all products and services.

For this reason there is flexibility for RSLs to adapt the model CHP to ensure that, together with any supporting documentation they develop (for example staff guidance and complaints forms), their CHP reflects the RSL's corporate identity and language. This may include, for example, amending the language around customer relations to fit with local practices.

However, it is of equal importance that the model CHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect the model CHP or its key aims. In particular, given the importance of ensuring a standardised approach across all RSLs, the following are elements of the model CHP which should not be amended:

- the definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- the number of stages
- timescales at each stage
- the requirements to record, report and publicise complaints information.

It is also important that the information contained in the customer-facing CHP is adopted in full by the RSL. The information presented may be included in a form appropriate to the RSL (for example, through leaflets or the RSL's website) or as part of wider information on how a customer can provide feedback. There may also be further information providing context, but the information for customers should remain consistent with the published customer-facing CHP.

Consultation with tenants

The SPSO has consulted widely with tenants in the development both of the 'Guidance on a Model Complaints Handling Procedure' and on the RSL model CHP itself. Indeed the initiative to streamline and standardise CHPs across the sector is driven by a focus on the needs of all customers. The RSL model CHP already takes account of many common tenant concerns in relation to complaints.

While there is a requirement on RSLs to adopt the model CHP, we are aware that RSLs will also want to consult their tenants, and tenants will expect to be consulted. When undertaking these consultations it will be important for RSLs to be clear to tenants where there is flexibility, and what is an absolute requirement. For example, there is flexibility in internal structures for signing off complaints, and in how and when performance on complaints is communicated to tenants. However, it will not be acceptable for an RSL to introduce an additional internal appeal stage or to develop new timescales, based on feedback from tenants. This is designed to ensure a standardised approach across the sector and it is important that tenants understand the basis on which they are being consulted.

Publication and accessibility

It is important to make customers aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Arrangements about how to make a complaint must be widely publicised, simple and clear and made available in all areas of service provision. RSLs should, therefore, consider the most effective ways to ensure maximum accessibility, such as online information about how to access the procedure which should be clearly visible on the front page of the RSL's website. Traditional methods such as leaflets can also be helpful and RSLs should consider where these can most effectively be displayed.

Customers must, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

RSLs should take into account special needs, such as for people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, information in a variety of formats and languages, suitable venues, and suitable times.

Recording complaints

It is a requirement of the model CHP that all complaints are recorded. Recording and monitoring customer complaints is essential to the quality management process, while analysing the causes of complaints and their outcomes provides essential information to improve services.

Some RSLs may have to amend their current complaints recording systems to reflect the two stage approach of the model CHP and the required timelines. Where this is the case, RSLs should detail how and when these system enhancements will be achieved within the monitoring pro-forma in the 'monitoring compliance and performance' section below.

Monitoring Compliance and Performance

Compliance

Compliance with the model CHP will be monitored by the Scottish Housing Regulator (SHR), in conjunction with the SPSO, through the SSHC and the Annual Return on the Charter (ARC). For 2012/13 compliance will be monitored through the Annual Performance and Statistical Return (APSR) (in March 2013). Monitoring of compliance will feed into the SHR's risk based approach to regulation. RSLs will also be encouraged to use complaints as a measure in their self assessment exercises in future.

In year one following publication of the model CHP (2012/13) the SPSO and the SHR will focus on whether or not an RSL has implemented, or has plans to implement, the CHP. The first stage of this will be a requirement for all RSLs to provide the SPSO with information on their compliant CHP or on their plans for adoption of the model CHP. This information must be provided by completing the pro-forma in Appendix 1, which can be completed as soon as the RSL adopts the model CHP, or at any time before **Friday 12th October 2012**. This will enable the CSA to follow up with those RSLs that have made little or no progress by that date. The compliance monitoring will culminate in the APSR in March 2013, and it is expected that all RSLs will have a CHP in place that is compliant with the model CHP by this time. We will not assess RSL performance in operating the CHP in year one.

If an RSL fails to provide any indication that they are making clear progress towards compliance with the model CHP by October 2012, or if they are unable to show compliance in their APSR responses in March 2013, the SPSO will assess that RSL as non-compliant.

There will be the following categories of compliance:

- compliant with model CHP by October 2012
- non-compliant by October 2012 but with positive progress and a clear and realistic plan for implementing by 31 March 2013 at the latest

- non-compliant with no or minimal progress.

Progress towards compliance will be defined as follows:

- **Significant** – at least three out of four from the following:
 - rolled out or piloted in some service areas
 - a compliant CHP and a realistic implementation plan approved by senior management / management committee but awaiting other factors
 - systems currently being upgraded
 - training or awareness programme currently being implemented
- **Some** – two of the above factors.
- **Minimal** – only one of the above factors

In future years, we expect each RSL to have appropriate self assessment arrangements in place to assure itself that its CHP is operating in accordance with the model CHP. Ongoing monitoring will also be achieved through reviews of RSL CHPs when complaints are brought for consideration by the SPSO. Effective implementation of the model CHP will also be evident from performance against complaints handling measures in the ARC, as detailed below.

Under the terms of the Act the Ombudsman may, in addition to the arrangements outlined above, declare that an RSL is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the RSL to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the model CHP he will, in line with the Act, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

Performance

From 2013/14 RSLs will be required to assess complaints handling performance around a range of high level performance indicators related to the CHP through the relevant outcome in the SSHC:

'Social landlords manage their businesses so that:

- *tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services that the landlord provides.*

This outcome covers all aspects of landlords' communication with tenants and other customers. It is not just about how clearly and effectively a landlord gives information to those who want it. It also covers ***making it easy for tenants and other customers to make complaints*** and provide feedback on services, ***using that information to improve services and performance, and letting people know what they have done in response to complaints*** and feedback. It does not require landlords to provide legally protected, personal or commercial information.'

(Emphasis added by SPSO)

The SHR is currently developing measures for the SSHC, including this outcome, which will be monitored through the ARC. Further development and consultation on the measures for the SSHC is required and the current aim is for the SHR to finalise these in October 2012, following development and consultation. Measures are likely to be high level. As a minimum SPSO would anticipate the measures for the complaints handling element of this outcome to focus on how RSLs are performing against the 2-stage model CHP process and timescales. However, further discussion is required with the SHR as part of their process of developing and consulting on their approach to monitoring the SSHC.

In addition to the measures reported in the ARC, we will encourage RSLs to include complaints handling data in their self assessment exercises. The CSA is working with the Scottish Housing Best Value Network and HouseMark to develop

potential additional measures for self assessment and to facilitate continuous improvement and benchmarking in complaints handling across the sector. This is designed to help RSLs assure themselves as to how they are performing against the model CHP and to facilitate continuous improvement and benchmarking between RSLs.

Between both the high level measures in the ARC and the arrangements for self assessment we would anticipate high level performance indicators including the following:

- the number and percentage of complaints considered and closed at each stage
- the number of complaints upheld / not upheld at each stage as a % of all complaints closed
- the average time in working days to resolve complaints at each stage
- the number and percentage of complaints where an extension to the 5 or 20 working day timeline has been authorised
- a measure on customer satisfaction with the complaints service
- measures on reporting and learning from complaints.

Further discussion is required on the potential measures, how these can be built into the ARC or existing self assessment arrangements and how performance information can be used. We intend to take this discussion forward with the SHR as part of their consultation and through the proposed housing sector network of complaints handlers which will be established from the SPSO's housing management advisory panel, which is discussed on page 10 below.

It is expected that each RSL's self assessment of performance will inform any future engagement activity which the SHR may consider necessary, based on their risk assessments.

It is also possible that the SHR might consider undertaking a thematic review of complaints handling across the housing sector. This would depend on a number of factors and would be considered as part of the SHR's risk-based approach to regulation. Any assessment of the strengths and weaknesses of the model CHP at this point would provide a firm basis from which to undertake a likely review of the model CHP in 2015.

Future revisions of the model CHP

It is our intention that the model CHP will be reviewed on a three year cycle.

There may also be a requirement to review the model CHP on minor issues within the formal three year review cycle. Revisions to the model CHP will be managed by the CSA. Where an RSL considers that an amendment to the model CHP or customer-facing CHP is required they should submit a request for change to the CSA. This should include a brief description of the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

The CSA will consider and decide upon the request. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the model CHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While RSLs may use the model CHP as a template to develop their own CHP, it is important to remember that the model CHP itself may only be altered, amended or changed by the CSA.

CSA Advice and Support

Training

The model CHP places a strong emphasis on early resolution of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints.

All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively.

This includes being aware of how to identify complaints and when they are authorised to use a range of measures to achieve resolution, such as a simple apology where appropriate.

It is for each RSL to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. We also have a role to play. In a survey undertaken jointly by the SPSO and the Chartered Institute of Housing we asked RSL representatives to identify their training needs in relation to the two-stage procedure. We were told that, for frontline staff, there would be a particular requirement to develop their understanding of the definition of a complaint, and how to use their role and authority at the frontline to resolve complaints or escalate them as appropriate. Some of the core questioning skills required by frontline staff were also highlighted as an issue.

Our training unit has developed a number of e-learning training modules to support the introduction of the model CHP. These have been designed to support staff to deal with complaints as close to the point of service delivery as possible and in the most appropriate way to achieve early resolution. It is our intention to provide access to this training material through the SPSO online training centre. Further details will be available shortly at **www.valuingcomplaints.org.uk**.

We also recognise that investigative staff must have the skills and training to effectively investigate and reach robust decisions on more complex complaints. Our training unit provides

training on complaints investigation covering the skills required to investigate a complaint from initial receipt to conclusion, including techniques for effectively planning and managing the investigation. It also provides training courses in relation to listening, problem solving and conflict resolution. Further details may be obtained from **www.valuingcomplaints.org.uk**.

Valuing complaints website

We are in the process of upgrading our complaints standards website (**www.valuingcomplaints.org.uk**) to support all public services in Scotland as they seek to develop and introduce the model CHP. Good practice guidance and other reference material on various aspects of complaints handling will be made available on the website.

The website will also host an online complaints handlers forum to help encourage discussion and sharing of best practice in complaints handling.

Housing sector network of complaints handlers

Through the CSA we will coordinate and support a housing sector complaints handling network to facilitate the sharing of good practice in complaints handling and to help take forward the ongoing work of the CSA in areas such as developing standardised complaints recording categories and future performance indicators. The remit of this group will include identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for complaints benchmarking.

The network will be used to help take forward the ongoing work of the CSA in areas such as developing standardised complaints recording categories and performance indicators.

If your RSL is interested in joining the network please contact the CSA at **CSA@spso.org.uk**.

Appendix 1

Pro-forma for monitoring compliance with the model CHP

This pro-forma must be completed and sent to the SPSO by all RSLs. It can be completed as soon as you have adopted the model CHP, or at any time before **12th October 2012**.

Adoption of the housing model CHP

RSL Name		
Date		
Contact person and contact details		
Have you adopted the RSL model CHP (with amendments)?	Yes / No	
<i>If yes, what amendments did you make to the model CHP?</i> Tick as appropriate	Inserted examples and criteria	
	Revised roles and responsibilities to reflect our organisation	
	Amended text to reflect corporate language	
	Made a range of amendments based on organisational need.	
<i>If no, what progress have you made in adopting the RSL model CHP (with amendments)?</i> Tick as appropriate	CHP rolled out or piloted in some but not all areas of service provision	
	CHP and implementation plan approved by senior management / management committee but awaiting other factors	
	System(s) currently being upgraded to accommodate requirements for recording complaints	
	Consulted / consulting tenants on new CHP	
	Training or awareness programme currently being implemented	
When do you expect to implement the CHP? Please specify date		

Adoption of the RSL model CHP

If you have made a range of amendments based on organisational need, please explain what these are.		
Do you have suitable systems in place for recording all complaints?		
Have you increased awareness of the model CHP and its implications for all staff, and if so, how?		
Please confirm that your CHP now meets the following standards:	Yes	No
2 stages		
Frontline stage: 5 days		
Investigation stage: 20 days		
All complaints are recorded		
Complaints performance is reported to senior management / management committee on at least a quarterly basis		
Service improvements are recorded and shared with tenants.		