

Internal Procedure Note: Complaints about landlords

1. Introduction

This note details the steps to take on receipt of a complaint about a social landlord. This is not for complaints about SHR.

2. On complaints

A complaint is any statement of dissatisfaction. Actual examples of complaints we have received illustrate what is meant by *dissatisfaction*:

- Not being happy with factoring services i.e. work not being done, work being of poor quality,
- Repairs either not being done, not being done correctly or being done later than promised.
- Correspondence either not being answered by the landlord or not being answered within set or promised timescales.
- Poor quality customer service including perceived rudeness from staff or contractors, issues not being dealt with quickly etc.
- Published policies not being applied properly – a common example is allocations i.e. tenants perceive that they are not being offered suitable properties because the allocations policy is not being used properly by the landlord.

You can identify complaints by looking for statements of dissatisfaction with the landlord. Language that we often see in complaints include '*I'm not happy with...*' or '*the landlord has failed*' etc

If there is a hint of dissatisfaction then the correspondence is probably a complaint.

However, a concern is not necessarily a complaint. Examples the SPSO gives are:

- Concerns about decisions the landlord has made. Some decisions have their own review/ appeal process, such as allocations.
- An initial request for a repair or other service.
- Concerns covered by a specific policy designed to deal with the issues raised. An example is raising a concern about the behaviour of a neighbour.

Anything we identify as a complaint should be recorded and handled by us as a complaint about that landlord.

3. Standard responses to complaints

In writing

In most cases we can get back to the correspondent with a standard response – see annex for examples.

Some things to bear in mind when writing a standard response:

- Include a little detail on our role and why it is the SPSO and not us who review complaints.
- Has the complainant already contacted the landlord in question? If they have completed the complaints procedure of the landlord refer to the SPSO. If not tell them a bit about the model complaints handling procedure and the SPSO.

- If the complainant tells us they have already used the complaints procedure and the SPSO then consider signposting them to other sources of advice and support depending on the issue i.e. Citizens Advice Scotland, Equalities and Human Rights Commission, Advocacy etc.

On the phone

The same information applies for phone calls as for written responses. See the appendices for some lines to take on common issues. There are some things to bear in mind when on the phone to a complainant:

- Take notes of what they say, what you say and save in Insight.
- Sometimes complainants take the opportunity to 'vent' their feelings on an issue. As long as this remains polite and is not taking too long this may not be an issue.
- If the call becomes difficult, or is taking too long, then refer to the internal guidance on handling difficult phone calls.
- Offer to send on further information via email/post.

3. Non-standard complaints

Some complaints can be of a less standard nature. For example, we received a complaint about the lack of security in a building that is mostly empty but where the landlord should still be ensuring security is in place.

In such cases it can be appropriate to take a different approach.

Often the concerns raised involve multiple issues. Some of these may be complaints as the SPSO would define it. However, some issues raised could be concerns but not complaints.

Example: A complaint including 'SPSO style' complaints and other concerns

The building security example cited above involved:

- Compulsory Purchase Orders
- the condition of the building
- anti-social behaviour

The condition of the building and the lack of security were complaints. The issue was that the landlord was not delivering services to a standard that the complainant was satisfied with.

The concerns over the CPO process and anti-social behaviour were issues for the complainant but they were not complaints. This is because they related to legal disputes and the landlord's policy on anti-social behaviour.

The SPSO is clear on what is and is not a complaint. See section 2 for details.

So we responded to the individual by directing them to the complaints procedure and SPSO for their concerns over the condition of the building and lack of security.

For their concerns with the CPO process we advised them to continue taking legal advice. On anti-social behaviour we advised them to contact the landlord.

To help with complaints like these you could consider the following:

- Has the same or related issues come up at the same landlord previously? If so, should we contact the landlord for further assurances?
- Are there any health and safety issues that cause us concern? If so are the concerns sufficient to warrant us contacting the landlord for further information?
- Do we have sufficient assurance on the issues raised from other regulatory engagement with the landlord? Remember to check with the regulation lead about what engagement they have had with the landlord.
- Are the issues raised legal? Are lawyers already involved? If so should we refer the person to their legal representative?
- Are the issues related to equalities? If so consider directing the complainant to sources of support and advice for dealing with equalities issues.
- Does the information sent to us indicate that the complainant needs further advice or support in dealing with their concerns? If so consider directing them to organisations who can help such as CAS, Shelter and advocacy services.

Practical points to consider:

- Check the landlord's Insight document library to see whether the same complainant has contacted us before, either with the same or related issues.
- Consider sending an email round the Regulation Group. Colleagues may have dealt with a similar complaint.
- If you decide to contact a landlord about a complaint we received about them please **remember to check with the complainant if we can share any of their details with the landlord. Preferably do so in writing.**
- **Please speak to the engagement plan lead before contacting the RSL.**

If you think it is possible that an issue initially reported as a complaint may be an SPF then refer to the IPN on dealing with SPFs. If you think the complaint could constitute whistleblowing consult the whistleblowing IPN.

4. Recording complaints

A new function within the BI system for recording all correspondence including complaints is now live. This enables us to achieve consistency of recording and ensure that the information we get from complaints can be interrogated intelligently for our regulatory work.

Please consult the guidance on using the new correspondence recording tool within the BI system when recording complaints.

All emails/ letters, notes of calls and any other related documents should be saved in Insight. When saving documents think about using the term 'complaint' in the name of the document. This makes it quicker to identify documents related to complaints in each landlord's Insight library. This is especially useful for landlords with large document libraries.

Recording is important because the number of complaints we record about individual landlords is considered as part of the annual Risk Assessment.

5. When not to refer to the SPSO

Most of the complaints that come to us will be eligible for consideration by the SPSO. But not all. In some cases the following bodies should be referred to instead:

- [Housing and Property Chamber First tier Tribunal for Scotland](#): deals with disputes between owners and factors.
- [Commissioner for Ethical Standards in Public Life in Scotland](#): for complaints about local authority councillors.
- [The Scottish Government](#): for complaints about how a particular policy operates. Refer to the main SG switchboard who will find a contact for the complainant.
- [Audit Scotland](#): for complaints about use of the HRA and governance concerns at local authorities.

There may be other examples that we come across. If so, this IPN will be updated.

6. Roles and responsibilities

Usually the regulation analyst within the portfolio team will deal with complaints.

When the SHR mail box receives a complaint that is either about a private landlord, or the name of the landlord is not given, then the admin team will forward on to the Assistant Directors who will assign to a member of the group.

These should still be recorded as complaints within the BI system. Save all related documents in the General Correspondence file in eRDM,

7. Steps to take to deal with a complaint

For reference below is a quick list of what to do when you receive a written complaint about a landlord.

- 1) Read the correspondence. Decide if it is a complaint or something else.
- 2) If a complaint then record in the BI system and take note of the response deadline.
- 3) Decide if the complaint is a standard complaint or whether further investigation will be needed.
- 4) If we need further information send an acknowledgement to the complainant and conduct investigations.
- 5) If we decide we need to contact the landlord **always** seek the permission of the complainant first. If they do not grant permission we may still have to contact the landlord in some instances i.e. health and safety concerns. Where this happens we need to tell the complainant that we are required to raise the issue with the landlord. Assure the complainant that we will take all available steps to protect their identity when we do so.

- 6) Draft a response and send to the correspondent once complete.
- 7) Save all correspondence and documents in Insight.
- 8) Record the date you replied and any comments in the BI system.
- 9) Consider whether there is anything useful we can learn from the complaint for our Regulatory work.

Phone complaints are less straightforward. What you can say or do depends on how the conversation goes and that is not entirely within our control. Some high level steps are:

- 1) Start taking notes of key points made by the caller and yourself.
- 2) Consider whether the issues raised are a complaint or something else i.e. whistleblowing or a potential SPF.
- 3) Offer to send further information to the caller via email or post.
- 4) Open up the guidance on dealing with difficult callers if the call starts to get difficult.
- 5) Once the call is over record it in the BI system.
- 6) Save a record of what was said. Either save a file note or email record in Insight or add some comments to the BI system entry.

8. Key points to remember

- Record all complaints in the BI system.
- Save all correspondence in Insight.
- Remember Data Protection if doing further investigations.
- Consider if the issue raised should be dealt with as an SPF/ whistleblowing.
- Remember our guidance on handling difficult conversations with callers.

9. Useful links

The links below are useful for us and to share with complainants if they need further information or support on certain topics.

- [SPSO](#): for everything complaints related
- [Housing and Property Chamber First-tier Tribunal for Scotland](#): for complaints about social landlord factoring services.
- [Equality and Human Rights Commission in Scotland](#): provides a lot of information on Equalities related concerns including what to do if discriminated against.
- [Equality Advisory and Support Service](#): for advice and support on equalities issues.
- [Citizens Advice Scotland](#): provides online advice and has links to Citizens Advice Bureau and a 'Find a Bureau' search.
- [Shelter Scotland](#): Provides online advice and a helpline number.
- [Scottish Independent Advocacy Alliance](#): Information on how to find an independent Advocate.

10. Using information from complaints in our regulatory work

We can learn useful information about landlord performance from individual complaints. Sometimes this can lead to the identification of wider problems at a landlord.

How do we ensure that we do this consistently?

All complaints should be recorded in the BI system. This means that during the annual risk assessment details on complaints about individual landlords are readily available to us.

This is a good starting point for us as we can look into any patterns or trends that we identify. This is where good record keeping in Insight will really help us as we can easily look into complaints in more detail if we have concerns.

Learning on an ad hoc basis

Throughout the year we can still learn from complaints. Key things to remember are:

- For every complaint take a few minutes to consider whether it tells us anything new or potentially significant about a landlord. If so then discuss this within your team in the first instance.
- If you notice you have received a lot of complaints from different complainants on the same issue at a landlord raise this in your team. You can then decide whether to raise with the landlord.

11. Review

We will keep this procedure note under review.

**May 2019
Regulation Group**

Appendix 1: lines to take on the phone

Signposting on the phone

Where it's straightforward to tell if the issues being raised constitute a standard individual complaint about a social landlord acknowledge their concerns but signpost them to the right people to contact.

Possible lines to take in this situation:

'It sounds like you are unhappy about your landlord. I just want to point you in the right direction so that you can take forward your complaint in the right way.'

'It's important for you to raise your concern with your own landlord and give them an opportunity to put it right. If you have already done this then you can contact the SPSO for advice'

'The Ombudsman has powers to investigate complaints and also has powers to decide to uphold a complaint and to tell the landlord what to do to put things right. We do not have these powers.'

'It is our role to protect the interests of tenants and we have powers to do that. Mainly this is by regulating governance and financial management and services provided by social landlords. It is the Ombudsman who has powers given by Scottish Parliament to investigate individual complaints about social landlords and force them to take remedial action. We do not have those powers.'

If they will not stop then you could end the call by saying:

'I'm sorry I'm unable to help you any further. I've explained as best I can how you can take forward your complaint. I can't add any more to what I have already said so I need to bring this call to an end. Goodbye.'

If you think the issue being raised could be an SPF, please refer to the SPF IPN.

Unacceptable behaviour i.e. verbal abuse on the phone

Use of unacceptable language (swearing etc.), being personally rude and discourteous or shouting/ talking over you is verbal abuse. We are here to help where we can but we do not expect any staff to receive verbal abuse in the process.

STOP a caller as soon as they behave in a verbally abusive way.

STOP anyone immediately who uses inappropriate/unacceptable language. Don't wait until the caller is finished talking.

Possible lines to take in this situation:

'I have to stop you there as the language you're using /the tone you're using is inappropriate/unacceptable'

'I want to be able to help but I can't continue this call unless you speak reasonably/stop using inappropriate language.'

If they persist being verbally abusive:

'I have to stop you there and tell you that I am ending this call because of your inappropriate/unacceptable language. Goodbye.'

Callers who insist on speaking to a named person or the Chief Executive

This is not how we have agreed to handle incoming calls. If someone phones with a query it is our practice to put the caller through to someone who may be able to help (for instance the portfolio team) or take the caller's details and someone will contact the caller.

Possible lines to take in this situation:

'I have taken note of your query/taken note of your contact details and will pass that on to a colleague to call you back.'

'I cannot help you in that way but I have taken note of your query/taken note of your contact details and will pass that on to a colleague to call you back.'

Annex 2: Standard responses to complaints

Below are some draft responses for complaints about landlords.

Standard written response

Dear X,

Thank you for your email.

The Scottish Housing Regulator regulate registered social landlords, including (enter landlord name) by assessing their performance in key areas. We look at service provision, stock quality, financial performance and management, and governance.

However, our regulatory role does not enable us to look at complaints such as the one you have contacted us about.

In the first instance you should raise your concerns with your landlord. (landlord name) should have a two-stage complaints procedure in place. You can ask your landlord for a copy of this procedure.

Once your complaint has completed both stages of the procedure, if you remain dissatisfied, you can take your complaint to the Scottish Public Services Ombudsman (SPSO) (or another of the organisations listed above). Information on how to do this is available on their website ([here](#)).

The SPSO (or other organisation) is the body whose role it is to review complaints. They have the authority and expertise to investigate complaints and take remedial action where appropriate.

I hope this information is useful.

Regards,

Written response when complainant has already complained to landlord

Dear X,

Thank you for your email.

The Scottish Housing Regulator regulate registered social landlords, including (enter landlord name) by assessing their performance in key areas. We look at service provision, stock quality, financial performance and management, and governance.

However, our regulatory role does not enable us to investigate individual complaints such as the one you have contacted us about.

You state in your email (copied below) that you have raised your concerns with (landlord name). This is the appropriate first step to take to get your concerns addressed. (landlord name) should have a two-stage complaints handling procedure.

Once your complaint has completed both stages, if you remain dissatisfied, then you can take your concerns to the SPSO (or another of the organisations listed above). Information on how to do this is available on their website ([here](#)).

There are other organisations who can offer advice and support on the concerns you have raised. (insert organisation name) have details on their website setting out how they can help you and how to get in touch with them ([here](#)).

I hope this information is helpful.

Regards,

Written response to a phone message or telephone call

Dear X,

Thank you for your phone call raising concerns about X.

The Scottish Housing Regulator regulate registered social landlords, including (enter landlord name) by assessing their performance in key areas. We look at service provision, stock quality, financial performance and management, and governance.

However, our regulatory role does not enable us to investigate individual complaints such as the one you have contacted us about.

In the first instance you should raise your concerns with your landlord. (landlord name) should have a two-stage complaints procedure in place. You can ask your landlord for a copy of this procedure.

Once your complaint has completed both stages of the procedure, if you remain dissatisfied, you can take your complaint to the Scottish Public Services Ombudsman (SPSO). Information on how to do this is available on their website ([here](#)).

The SPSO is the body whose role it is to review complaints. They have the authority and expertise to investigate complaints and take remedial action where appropriate.

I hope this information is useful.

Regards,