

Clydebank Housing Association Ltd

To: Management Committee

From: Sinéad Farrell, Communications Officer

Subject: New Complaints Handling Procedures for RSLs – An Introduction

Meeting: 25 August 2020

Date: 05 August 2020

Purpose of Report

The purpose of the report is to introduce the new Model Complaints Handling Procedures to be adopted by all RSLs by 01 April 2021.

Potential impact on tenants and service users/Tenant Consultation requirements

There is no adverse impact on tenants and other service users as a result of information in this report. No Tenant Consultation is required on this report.

Value for Money

CHA considers Value for Money in all aspect of its business including: -

- Managing our resources to provide quality services and homes to meet the needs of customers and the local community.
- Delivering the right service at the right time at the right cost.
- Planning for and delivering year on year improvements on our services based on customer priorities.
- Getting the most out of our assets and staff by operating efficiently and effectively.

Risk

This is a risk if the Association does not comply with the legal/consultation implications below. The Association could be declared by the Scottish Public Services Ombudsman (SPSO) as non-compliant. This could result in reputational damage/potential national media attention and a possible notifiable event. This has been added to the risk register.

Legal/constitutional Implications (Reference to Model Rules)

All RSLs are required to comply with the Model Complaints Handling Procedures (MCHP) referred to in this report under the SPSO Act 2002 (as amended). Public bodies are required to implement the revised version of the MCHP by 01 April 2021.

Relevant CHA Objectives:

- To manage the houses provided, in a professional and cost effective manner, for the benefit of our local community and the environment.
- To ensure local decision making and community control, we will encourage our tenants and other customers to influence our policy and participate in decisions, which may affect them.
- To promote social inclusion by applying principles of equality and diversity to everything we do.

Relevant Scottish Social Housing Charter outcomes:

- Equalities - Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.
- Communication - 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 it provides.

Relevant SHR Regulatory Standards of Governance and Financial Management:

- The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.
- The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.
- The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
- The RSL conducts its affairs with honesty and integrity.

Equalities

No protected group is adversely affected by information contained within this report. Our commitment to equal opportunities and fairness applies irrespective of factors such as race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

1. Background

Clydebank Housing Association's current Complaints Handling Procedure is based on a Scottish Public Services Ombudsman (SPSO) Model. The SPSO is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments and most Scottish authorities.

It's been some time since they have updated the model (2012). Our version, based on the model, was last reviewed by the Management Committee in May 2018.

The SPSO recently consulted on and then published new Model Complaints Handling Procedures (MCHPs). The updated MCHPs were published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 on 31 January 2020 to give RSLs time to implement any changes by April 2021. They have developed new procedures for each of the sectors above.

The SPSO has stated that, following consultation, the MCHPs have been updated to:

- Standardise the core text across all of Scotland's public services (to remove minor inconsistencies in how the MCHP operates within different sectors), while retaining individualised sector-specific content and examples in each version; and
- Update the MCHPs in line with:
 - Feedback from organisations under jurisdiction (via a consultation survey and individual feedback from contacts with SPSO);
 - Issues identified in casework; and
 - Recent research and good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups.

2. Key Changes

2.1 Format

One of the most notable amendments to the MCHPs is the amended format in which they are drafted. The new format is split into five parts with appendices incorporated at the end of each part, rather than at the end of the entire document. There is also a separate implementation guide.

Generally, the MCHPs contain much more detail than the previous version. A couple of examples are as follows:

- the MCHPs still contain the same three stages (frontline resolution; investigation; and independent external review). However, each stage includes further examples and guidance for staff and the process is much more detailed regarding each step, and in particular when engaging with the complainant;

- there is a specific section on expected behaviours, which links to a RSL's unacceptable actions policy. This wording is clear in telling staff and customers what sort of behaviour is expected of them;
- the MCHPs clarify that an employee who receives services from a RSL may submit a complaint regarding those services as a member of the public and such complaint will be dealt with under the MCHPs; and
- the list of examples of complaints and non-complaints has been expanded and there is further clarification on how complaints may be made.
- the updated MCHPs also have new sections on complaints about contracted services (not applicable to us as we deal directly with all complaints), complaints and other processes (such as disciplinary and whistleblowing) and what happens when the MCHP does not apply.

2.2. Training

The new MCHPs clarify that all staff within RSLs must be given specific training on the RSL's complaints handling procedures as part of their induction. Further, staff must be given refresher training as required "to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot" and are familiar with how the complaints handling procedure is applied by their RSL.

2.3. Data Protection

The changes under data protection law have been referenced in the new MCHPs. The confidentiality section has been extended to make specific reference to RSLs' obligations under applicable data protection legislation.

In particular, RSLs are encouraged to include examples regarding sharing of information relating to complaints with specific reference to the Information Commissioner's Office data sharing code of practice and in order to ensure transparency, which is one of the key principles under the data protection legislation.

The updated MCHPs do take such circumstances into account as the wording provides guidance on what factors RSLs should consider in respect of confidentiality and data protection. This includes, for example, what to tell a complainant whose complaint contains the personal data of another individual without obtaining consent.

Further, there is now wording included to confirm that requests made under the data protection legislation and the Freedom of Information (Scotland) Act 2002 (which was extended to RSLs in 2019) will not be handled under the MCHPs.

2.4 Equalities

The section on "Supporting the customer" remains but the text in this section encourages RSLs to include further detail and examples around not only compliance with legal duties in respect of equalities, but recognising that there may be further barriers to raising complaints.

3. Overview of New Parts

Part 1: Overview and structure

Part 2: When to use the procedure - guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the MCHP does not apply.

Part 3: The complaints handling process - guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact.

Part 4: Governance of the procedure - staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints

Part 5: Customer-facing guide - information for customers on how we handle complaints.

4. The Review Plan

Since late June, the Senior Staff, Data Protection Officer and I have been reviewing the new drafts and aim to present the final version to the September meeting for approval, for implementation from 01 October 2020.

Given the level of proposed changes, the tracked changes presented will only be based on our changes to the new model and not changes to the previous version.

Training – training will be carried out with staff with a view to implementation from 01 October.

Homemaster – a workflow is being prepared to allow our new Homemaster system to manage all complaints handling including these new, more robust procedures and to produce all required reporting – to the Scottish Housing Network, Scottish Housing Regulator (ARC), Management Committee (quarterly/annual) and the SPSO (the requirements of which are yet to be confirmed – delayed due to Covid-19).

Factoring Complaints Handling Procedure – this procedure will need updated to reflect the changes brought to the Management Committee on the above.