



COMPLAINTS AND COMPENSATION

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FOREWORD

Debbie Smith, Complaints and Policy Manager

DGHP aim to provide an excellent service to customers but we are realistic in knowing that sometimes things can go wrong. We value complaints as a way of helping us to improve our services. We need to know where we are going wrong to allow us to put things right.

DGHP handles all complaints under the Scottish Public Services Ombudsman's (SPSO) Model Registered Social Landlords (RSL) Complaints Handling Procedure. Whilst the Model is only a statutory requirement for RSL's we consider the Model appropriate for the handling of complaints received in relation to Factoring, Care, Mid-Market and Commercial properties, however these are not signposted to the SPSO upon completion.

Resolving complaints early helps us to improve relationships with our customers and enhance the public perception of DGHP. The Business Plan (2018/19) had identified that there had been a decrease in satisfaction in relation to Complaints Handling. In recognition of this the Scrutiny Panel were tasked with carrying out a review of the complaints process.

DGHP achieved Accreditation for Complaints Handling from Housemark Scotland, during which it was identified that DGHP's Compensation Policy should be reviewed to ensure value for money and consistency. As compensation is often linked to the outcome of a complaint it was agreed that the Scrutiny Panel would review this also.

It is hoped that the Executive Management Team and the Board of Management will fully consider both the content of this report and the recommendations made by the panel and in due course will provide a formal response to members to explain how we will implement the proposals.

I would like to thank the members of the panel for their time and effort to help us meet some of the standards and outcomes in the Scottish Social Housing Charter and to help us to improve the services we provide to our customers.



FOREWORD

Scrutiny Panel Members

We welcomed the opportunity to review the Complaints and Compensation practice within DGHP, as tenants we are passionate about ensuring consistency in services throughout the region.

We would like to thank the staff, that have helped us along the way, by attending meetings and for their open and honest views about how they deliver the current services. As this is our fifth scrutiny we were disappointed that there appeared to be a “stigma” that we, the panel, were “out to get them” (staff).

We were extremely disappointed that certain staff who were interviewed, did not keep the confidentiality of “what is said in the room stays in the room” and that certain staff members took matters personally, this has never been the case in any previous scrutiny exercise.

We all volunteer our time, to hopefully make a difference in the lives of tenants and to hopefully make staff members jobs a little easier too.

As our facilitator was the officer responsible for the service we were reviewing we did not feel that it was appropriate for them to be in attendance during the interviewing of staff and feel that we were given a true reflection on how staff identify complaints and their attitude towards complaints handling.

Once you have read and digested this report in full and considered the recommendations that we have made we would appreciate your feedback.



THE LEGISLATIVE BACKGROUND

The Housing (Scotland) Act 2001 saw the introduction of the Scottish Social Housing Charter which introduced regulation and inspection across all social landlords in Scotland. The Charter also sets out the standards and outcomes that landlords are expected to achieve, including customer participation. Each year every Scottish social landlord must complete an Annual Return on the Charter (ARC) to the Scottish Housing Regulator, followed by a Charter performance report to tenants later in the year.

WHY DO WE HAVE TENANT SCRUTINY?

Scrutiny is an important tool for DGHP, as a landlord who is committed to improving the quality of the services we provide to our customers. It can also assist tenants to understand the issues and pressures DGHP face and can therefore help manage expectations around the services being provided.

Scrutiny can only be effective where a consistent approach is adopted by all participants, and where landlords value the constructive feedback and use it to continuously improve the terms of performance and overall quality of service.

Scrutiny also provides an opportunity for tenants interested in shaping the services we provide, to have their voices heard, opinions considered and effect positive change.

SCRUTINY PANEL MEMBERS

DGHP are fortunate to have five returning members to the scrutiny panel who all have a wealth of experience in tenant participation, scrutiny and DGHP, they are:

Ms Dorothy Grant

Ms Mary Muir

Mrs Mary Hogg

Mr David Wilson

Mr Jim Kennedy

AIM

The scrutiny panel reviewed the Complaints Handling Procedure (CHP) and the Compensation Policy from both a customer facing and staff perspective.

They considered consistency in approach to complaints handling, how we communicate outcomes with an aim to providing assurance that the CHP is being followed and that complaints are taken seriously within **all** areas of the organisation.

In terms of the Compensation Policy this was reviewed with an aim to ensure value for money and consistency, as it was identified at an early stage that there were two differing policies.

METHODOLOGY

In recognition of recommendations made by panel members as part of previous scrutiny exercises, documents in relation to the scrutiny subject were provided prior to the initial meeting. The purpose of this was to give members an opportunity to familiarise themselves with the subject at their convenience.

The documents provided are listed below:

Complaints Handling Procedure, Employee and Customer versions
DGHP's Complaints Policy
Q4 and Q1 Performance Information
Q4 and Q1 Compensation information
Comparative information from previous year
Research and Resource information
Accreditation Report from Housemark and Action Plan.

Three members of the panel visited different, open offices to learn how staff deal with any complaints received.

Staff members from a cross section of departments were interviewed by the panel, these ranged from Customer Advisors to Directors. The same questions were asked to all staff to allow the panel to carry out a true comparison of responses.

The panel were also given a demonstration on how to log a complaint and the system used to capture all information relating to the complaint.

The SPSO have an evaluation framework for organisations that the scrutiny panel completed to help assess the efficiency and effectiveness of DGHP's complaints handling arrangements.

COMPLAINTS HANDLING

The panel reviewed the CHP and found this easy to understand, the key element that they highlighted was the definition of a complaint provided by the SPSO:

“An expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by or on our behalf.”

The panel believe this definition to be clear and commented that although staff were aware of the definition and repeated this parrot fashion during the interview process it was not clear that some understood what this meant. The panel explained to staff during the interviews that if a customer calls in to advise that the contractor didn't attend at the agreed appointment time that this should be recorded as a complaint (stage 1) this was not agreed by the majority of those interviewed. This was the customer not being happy or “not really a complaint”.

The panel have highlighted that when carrying out interviews they were advised that staff dealing with customers who advise of a dissatisfaction either in person, by phone, letter or email, that these are not always treated as complaints and are perceived to the customer being “no happy.”

The panel recognise that staff from across the business are resolving expressions of dissatisfaction for customers regularly, however they believe that these are not being recognised as complaints and as a result are not being recorded. The panel feel that it should be recognised that staff do attempt to resolve issues for customers however as these are not being recorded this can't be evidenced.

The panel are concerned that as not all complaints are logged, the figures that DGHP publish in this regard cannot be accurate. However, they do accept that the complaints that are recorded are included in performance data. The panel were made aware of the system error found as part of an internal review that added an additional day to the investigation period, they accept that this has now been rectified.

The panel feel that based on their findings that the organisation does not demonstrate a positive approach to complaints. The example below is the evidence behind this:

Customer contacted DGHP to report a repair, they were advised that the responsibility for this type of repair sat with the tenant. The tenant proceeded to advise that they had been part of a working group that had recommended a change to this. The customer asked to speak to the Operations Manager for Repairs and Maintenance and was told by the

advisor that they “would not disturb their colleague for this issue”. The customer then asked to raise a complaint and was told “no, what have you got to complain about.”

The panel are extremely concerned that other customers are being prevented from raising complaints.

The panel recognised that complaints refresher training was carried out with frontline staff and some other parts of the business during 2018. They have reviewed the training material and while they agree it is fit for purpose they are aware of the SPSO’s free training material for complaints and feel that it would be beneficial to use this going forward. As part of this process the members completed the modules and have commented that this was a beneficial straightforward exercise. They also commented that this was not a time-consuming process and feel that staff could complete this within their working day.

During interviews staff advised that the logging process for complaints was “tricky and time consuming”. The panel requested a demonstration of the system and were able to see how the recording system works and the information required when logging a complaint. Members found the system to be self-explanatory but highlighted that it would be easier if the information could be transferred from one system to another to prevent duplicity.

Members recognised that the CHP encourages staff to resolve complaints at the first point of contact by way of an on the spot apology, explanation of process or other form of action to resolve the complaint quickly and within the five-day timeframe. The panel were aware from previous scrutiny activities that call backs were issued from DGHP to the contractor when customers called to advise that works had not been completed to a satisfactory standard. The definition of a complaint would support these being recorded as front-line resolutions and this is not the case. The panel were advised between 31st December 2018 – 3rd February 2019 that 65 call backs were issued, these were not recorded as complaints. The panel feel it is important to highlight that 54 of those cases were upheld and that this is a missed learning opportunity. They are also concerned that by not recording this type of complaint DGHP are not able to provide a true representation of the contractor’s performance.

Members have commented that from their interviews that staff do not always feel empowered or encouraged to resolve issues or to record complaints unless the customer specifically states the word, complaint. It was also noted that some of the leadership that were interviewed did not demonstrate a positive complaints culture, with certain staff members taking matters personally which has never been the case in any previous scrutiny exercise.

Going back to the afore mentioned example the customer received a phone call in response to the complaint. The customer was not aware that the complaint had been closed following the phone call. The CHP allows for complaints to be closed verbally however the customer should always be advised that the case has been closed and the customer should be signposted to the next stage in the process. This has been further evidenced in information received from research and resource where customers have advised that they didn't know their complaint has been closed.

SPSO COMPLAINTS PERFORMANCE ASSESSMENT TOOL

Due to the different information provided by staff during interviews and the panel members own interpretation of the CHP it was decided to use assessment tool designed by the SPSO to show impartiality and to demonstrate that the outcomes were not of a personal nature.

The tool enables the organisation to self-assess its own performance in relation to six themes of good practice in complaints handling and provides a holistic assessment of whether and to what extent the organisation operates a culture and system that values complaints.

Members completed the assessment based on their review of the service and asked that the Complaints and Policy Manger complete this along with the members of the Senior Leadership Team (SLT). Members had hoped that they would receive 1 response from the SLT however they received 17 anonymous responses. Each response was different, one had not been completed correctly with others showing full marks in all areas, which enhanced the view of the panel that there is no consistency when recognising/responding and learning from complaints. The panel wanted to know and felt that it would be beneficial to know who had completed each form however when they asked for this information they were advised that it was not possible to identify who had completed each survey. They had wanted to see if there were similarities from the sections interviewed to the sections that responded to the survey and their approach to complaints.

The maximum score across all six themes is 86. The themes are:

1. Organisational Culture
2. Accessibility
3. Process and Procedure
4. Quality
5. Learning from Complaints
6. Complaints Handling Performance

A copy of the SPSO Complaints Performance Assessment Tool is attached at appendix 1.

The table below shows the score received in each section from the Complaints and Policy Manager, the Scrutiny Panel and for the purposes of this report an average score from the 17 responses received from SLT has been calculated.

Theme	Standard Score	Scrutiny Score	Complaints & Policy Manager Score	Average score from SLT
Organisation Culture	21	9	12	15
Accessibility	11	4	5	9
Process and Procedure	20	15	18	15
Quality	8	4	8	6
Learning from Complaints	16	5	9	10
Complaints handling performance	10	4	6	7
Total	86	41	58	62

The panel members believe the above results support their view that complaints are not taken seriously within the organisation with a number of those interviewed stating that they don't receive complaints within their section and if a customer is unhappy or dissatisfied that doesn't mean that they are complaining.

The panel also believe that DGHP do not demonstrate learning from complaints. This is based on their view of services provided, common themes within complaints for example missed appointments without communication. The panel are aware that there are several tenants who contact DGHP regularly to express dissatisfaction and that these cases are not recorded as complaints.

COMPLAINTS RECOMMENDATIONS

Recommendations	Actions/comments
	(to be completed by EMT/SLT/Board)

1. To promote a positive complaints culture within the business, this could include examining why staff appear to be fearful of complaints.	
2. Take advantage of the training modules provided by the SPSO to help staff understand the importance of complaints.	
3. Develop a recording mechanism to demonstrate learning from all complaints.	
4. Ensure that outcomes of complaints are logged on each case and that DGHP can demonstrate that customers were signposted to the next stage.	
5. All staff to be responsible for identifying and recording complaints within the system for learning purposes.	
6. To carry out a further performance assessment following the introduction of the points above and compare outcomes.	

COMPENSATION

Members highlighted that there were two compensation policies within the business and were given both versions to review and provide comment on.

It should be noted that the only one of the policies (version 2013) had been approved by the Board of Management. Members made the decision to make recommendations in relation to this version of the policy.

As part of the exercise other organisations were contacted for a copy of their compensation policy however this information was not forthcoming. The SPSO advise that redress may include some or all the following:

- An apology

- An explanation
- Practical action
- Where possible, reimbursement of demonstrable loss and/or costs incurred

When applying any redress this should be fair and proportionate to the situation and a clear explanation of why the redress is being offered.

On reviewing compensation payments made as part of a complaint response, the panel felt that there was no consistent process in when service failure payments were made. There were examples where the contractor had failed to attend an appointment and in some cases a payment was made, and others were not. The panel accept that there would be reasoning for this however they could not find this on the cases reviewed.

Recommendation	Action/Comments (to be completed by EMT/SLT/Board)
<p>1. Develop new guidance for compensation and redress. This does not necessarily have to be a policy document as this is intended for internal use only.</p> <p>Points 2 – 7 should be considered when developing new guidance.</p>	
<p>2. Any payment made due to the action/lack of action of a contractor should be claimed back from them.</p>	
<p>3. Any payments made for temporary heaters should be increased.</p> <p>The panel carried out an experiment and noted a 30p increase after using an electric heater for an hour.</p>	
<p>4. Refrain from using the word distress.</p> <p>The panel feel that the word circumstances is a suitable alternative.</p>	

<p>5. Regarding damage being caused by a contractor the panel would like it referenced that DGHP will take an active role in resolving the issue.</p>	
<p>6. If payments are being offered rent accounts should be checked to ensure no debt exists.</p>	
<p>7. There should be reference to the maximum that can be offered and who authorises this as well as what evidence is required.</p> <p>Members feel that as this is tenant's money that is being used, the reasons for awarding should be clearly evidenced in each case. There is no requirement to make a payment for a missed appointment. The SPSO will not instruct DGHP to do so.</p>	

CONCLUSION

Scrutiny Panel Members

As DGHP is currently in a time of change, we feel that this is the ideal opportunity to promote a positive complaints culture. We feel that learning from complaints is essential to driving the improvement of services.

We are of the view that if all expressions of dissatisfaction are not being recorded this gives a false impression of the quality of the services DGHP provide or those that are provided on their behalf. We would like to emphasise again that we feel the figures that are being reported in terms of cases that fall under the definition of a complaint are not accurate and do not allow DGHP to learn and improve as they could.

Complaints should be used a driver for change and not only where a service has failed, an example we discussed was that a customer could complain about a policy/process/guidance used by staff, it may be the staff member has followed the process correctly meaning the complaint is not upheld, however if there were a significant number of expressions of dissatisfaction about the same policy/process/guidance to demonstrate DGHP are listening to their customers this may prompt a review.

To allow us to receive feedback and to ensure all recommendations receive an action/comment the panel would like this to be a standing item with the relevant group until all recommendations have received a response.

Finally, the panel are aware that there is a draft version of the Complaints Handling Procedure out for consultation from the SPSO and are encouraged that some of the changes reflect their findings.

Thank you again for the opportunity to review this service.