

CONSULTATION ON CREATING COMPLAINTS HANDLING STANDARDS FOR THE NORTHERN IRELAND PUBLIC SECTOR

Response to Consultation

Key points

- **Robust engagement is required to understand the range and complexity of complaints and the regulatory or legislative responsibilities that each sector is subject to**
- **Create an agreed definition of what is and what is not a complaint**
- **10-working day response timescale is more manageable and realistic for stage 1**
- **Two formal investigation stages are still required to ensure that complex complaints are robustly addressed**

Date 30th September

ABOUT NIFHA

The Northern Ireland Federation of Housing Associations, formed in 1977, is the representative body for Northern Ireland's 20 registered housing associations.

Our members are all not-for-profit organisations. Together, supported by the Department for Communities and the Housing Executive, they provide just under 56,000 social and affordable homes.

Housing associations access private finance to effectively double the number of homes they could build with government housing association grant alone.

Housing associations also deliver high quality care and support to help people stay as independent as possible. Working in partnership with other organisations, they also invest millions each year in community services and facilities.

Our sector employs more than 3,200 people and manages housing assets worth £4.5 bn.

NIFHA welcomes the opportunity to comment on the Consultation on creating complaints handling standards for the Northern Ireland public sector.

PART 1: SETTING THE CONTEXT

Northern Ireland Public Services Ombudsman (NIPSO) has plans to improve complaints handling across the public sector in Northern Ireland.

Under Part 3 of the Public Services Ombudsman Act (Northern Ireland) 2016 (the Act) NIPSO have been given the authority by the Northern Ireland Assembly to produce a set of principles and procedures to help standardise complaints handling by public bodies in Northern Ireland.

NIPSO believe this plan will:

- Create a **positive** culture where complaints are welcomed and valued as an important source of feedback.
- **Simplify** the way complaints are handled.
- **Encourage** many complaints to be resolved much earlier than at present.
- Set clear and consistent standards for effective and **high quality** investigation of complaints.
- Promote best practice in complaints handling by creating **networking and learning opportunities** for public bodies and their staff.

Help to provide ongoing **support and guidance** to public bodies to support best practice complaints handling.

PART 2: CONSULTATION QUESTIONS

STATEMENT OF PRINCIPLES (SOP)

The draft SOP consists of six basic principles that NIPSO believe all public bodies should follow when handling a complaint.

The six key principles are:

1. Start off right
2. Fix it early
3. Focus on what matters
4. Be fair
5. Be honest
6. Learn and improve.

In addition to the content of the principles, NIFHA would suggest for consideration are,

Be clear- public bodies should be encouraged to avoid jargon/technical terms in complaint responses

Be accessible- public bodies should provide a range of avenues for service users to complain

MODEL COMPLAINTS HANDLING PROCEDURE

The draft Model Complaints Handling Procedure (MCHP) is designed to: make sure complaints to public bodies are dealt with in a straight-forward and simple way; provide a general complaint's handling procedure that all public bodies will broadly follow where complaints are resolved early, and where this is not possible, complaints are thoroughly investigated. The draft MCHP also makes it easier for public bodies to analyse and learn from the complaints they receive.

Each element of the draft MCHP is outlined below and commented on.

- a) A Complaint Handling Procedure should contain an agreed definition of what is and what is not a complaint.**

NIFHA agrees with this element.

We welcome an agreed definition of what is and what is not a complaint as this should contribute to consistency of approach across sectors and improve the experience for complainants.

It should also help service providers prioritise actual complaints and improve service efficiency.

We feel other parameters with regard to complaint handling could/should be standardised e.g., time frames within which complaints should be lodged and agreed definition and procedure for dealing with 'vexatious' complaints.

- b) A register of all complaints received should be kept by public bodies.**

NIFHA agrees with this element.

Housing Associations undertake a number of public functions but are not public bodies per se. All registered Housing Associations are required to provide complaint data annually to the Department

for Communities in compliance with regulatory requirements. As such all Associations currently retain a register of complaints.

We would suggest it would be good practice for all public bodies to retain a register of complaints. This would assist with effective administration of complaints and queries.

c) Complaints should be dealt with in no more than two stages; an initial 'frontline response' based on early resolution and a stage 2 'investigation' where early resolution is not possible, and a complaint needs to be thoroughly investigated.

NIFHA acknowledges that while no more than 2 formal stages are preferable, further clarification is needed in regard to what would be deemed as a frontline response.

Many housing associations felt that 2 formal investigation stages are required to ensure that complex complaints are robustly addressed.

Being able to conduct 2 investigation stages provide opportunity for

- Internal and external liaison with relevant stakeholders
- Address equality issues and or seek specialist advice/guidance regarding complex mental health issues
- Oversight and scrutiny at senior level ensuring organisation commitment to best practice in customer service
- Affords the opportunity to identify and authorise required procedural changes
- Ensures complainant feels fully 'heard' by the public body in question. This is particularly important as a social landlord as housing associations do not interact with service users on a one-off basis- and have an enduring relationship with tenants and retaining positive relationships and resolving issues together is key to this.

The Associations operate an informal stage where resolve complaints at front line level is sought- these are generally low-level complaints or enquiries that can be resolved by the relevant Officer.

There is a separate two stage process for formal complaints where front-line resolution is not possible and a higher level of investigation is required. This might include a Chief Executive response at Stage 1; and an independent panel review at Stage 2. The Association feels the effectiveness of its current complaints' procedure is reflected in low number of complaints being referred to NIPSO.

Given the complexity of the majority of housing related complaints the majority of complaints automatically progressing to Stage 2 for the required level of investigation. A primary concern of the proposed model relates to complainants who remain unsatisfied after the new 'Stage 2 investigation'. The proposed model states that such complainants, subject to satisfying the test for maladministration, progress to NIPSO. This however raises the following concerns,

- There will be an increase in referrals to NIPSO. Currently NIPSO investigations can take up to 50 weeks which arguably does not offer timely resolution. Timely resolution is a key component of any complaints process. This is particularly concerning in relation to housing matters which can relate to key issues such as access to housing, serious disrepair and or disability related matters.

Has consideration been given to increased referrals and the impact this will have on already long investigation timeframes? Has /will an equality impact assessment be undertaken to determine the impact extended resolution times will have on specific complainants?

- Not all complaints will meet the definition of maladministration- does this mean there will be a number of complainants who cannot advance to further consideration.

Has /will an equality impact assessment been undertaken to ascertain types of complaints/ complainants who may be affected by this?

We agree that early resolution is a key element of any complaints process, but it should not be to the detriment of the complainant securing comprehensive, timely, thorough, and reasoned response to their complaint.

Therefore, the current system having 3 tiers allows consideration and indeed reconsideration of any decisions from a range of perspectives. This means that rarely does the ombudsman have any finding from that.

A change to a 2-stage approach will depend on the Housing Association's ability to empower investigating officers to resolve and respond to complaints consistently, professionally and in a timely manner. This will be achieved through training and shift in culture.

NIFHA and its members look forward in exploring these issues more fully in the sector engagement forums however we suggest further examination of the nature of housing complaints is undertaken to ascertain fully impact of proposed model on complainant.

We would also add any standardised definition, reporting and methodology should be cross referred with the HA reporting such as DfC Regulatory Guide to ensure they are consistent and avoid dual reporting and recording that are not consistent or duplicate effort.

- d) Based on experiences in other places, a 'frontline response' should be responded to within a maximum of 5 working days, with the possibility of an extension in exceptional circumstances of up to 5 additional working days.**

It may prove difficult for smaller organisations, with limited resources to undertake a full investigation and issue a full response within 5 working days.

For the majority of formal complaints 5 days at stage 1 does not give the opportunity to undertake a meaningful assessment of the complaint and engagement with the complainant. A 10-working day response timescale is more manageable and realistic.

Clarity is required on what a 'frontline response' is and suggest that this detailed within guidance and policy handling procedure.

While it is recognised that some complaints can be resolved quickly; these tend to be informal complaints which are handled at front line level and do not require escalation through a formal complaints process. Under the proposed model these enquiries will be addressed in stage 1.

Can you clarify what constitutes as exceptional circumstances e.g., would annual leave/holiday periods be considered as part of this?

We welcome acknowledgement within the consultation that even where early resolution is feasible resolution response times may be impacted by

- Availability of relevant staff due to leave, absence, training.
- complaint received late in working day which effectively reduces frontline resolution time frame to 4 days.

We suggest that 5 days is calculated from a day after the complaint has been received. For example, if a complaint is received on Monday, the due date for response would be on the following

Monday. In this way, if a complaint is received at 3.30pm on Monday, we still have full 5 working days to respond to it.

In addition to examples provided within the consultation the following circumstances impact resolution times

- availability of relevant external stakeholder e.g., repair contractor
- availability of complainant

e) All complaints escalated to stage 2 ‘investigation’ should be acknowledged within 3 working days.

Agreed (with due regard for holiday periods etc) Acknowledgement within 3 working days provides the complainant prompt assurance that their complaint has been received and will be addressed. Working days also provides sufficient leeway to enable Associations to meet this target providing high standards of customer care

f) A full response to stage 2 complaints should be provided as soon as possible but no later than 20 working days from the time the complaint was received for investigation

Agreed. Large public bodies receive volumes of correspondence via a variety of channels. Administration requirements and good record keeping necessitates recording of all incoming queries/complaints and circulation to the appropriate personnel which in itself may take at least a day from date of receipt. That said we recognise that complainants should enjoy timely response to complaints and as such we feel that 20 working days provides opportunity to investigate and respond to the complainant subject to the further extension for complex cases.

g) In more complex cases, if it is not possible to meet the 20-day timeframe, a revised timescale should be provided, and an update at least once every 20 working days on the progress of the investigation.

Agreed. It is widely recognised that complaints received are increasingly complex and challenging, requiring careful assessment to determine key issues. We welcome the proposal that an extension beyond the 20-day time frame is possible and feel an update every 20 days ensures that the complainant is kept abreast of progress.

h) Information about complaints received should be reported and publicised.

Agreed, Housing associations already publish complaints statistics within Annual reports and reports to Department for Communities. Standard reporting on complaints would be beneficial. Housing Associations have mechanisms for reporting and monitoring complaints within their organisations including Committee / Board level. In addition, Association’s report complaint information to their regulator i.e., Department for Communities within the Annual Regulatory Reporting process.

i) Public bodies should demonstrate active learning from complaints.

Agreed. Housing associations are committed to good practice, continuous learning and improving the customer journey. Annual Review of complaints reports on many aspects of complaints and includes lessons learnt for continuous improvement.

SUGGESTED APPROACH TO IMPLEMENTATION

NIPSO feels standardisation is necessary across all public bodies, however it also recognises that circumstances may sometimes differ between sectors. It is therefore expected that detailed

discussions will be needed with public bodies within each sector, to decide precisely what their complaints handling procedures should look like.

Five distinct sectors have been identified: health and social care, councils, government departments, housing, and education.

- a) NIPSO is proposing to introduce MCHPs for public bodies on a sector-by-sector basis. Do you consider this is the most effective approach? If not, what would you propose?**

NIFHA recognises that each sector has its own challenges. Robust engagement with each sector is required to understand the range and complexity of complaints and the regulatory or legislative responsibilities that each sector is subject to.

As Housing Associations, do not fully meet the definition of a public body and are subject to Departmental regulation with regard to complaints and regulatory oversight by the Charities Commission. Prior to any review of our current complaints models it is our view that regulatory or legislative conflict needs to be addressed.

- b) NIPSO has yet to decide the first sector(s) it will work with to introduce the MCHPs. Some of the factors being considered in this decision are: the number of complaints received by the sector, size/complexity of the sector, risk attached to public service provision. Do you have any views on this issue?**

Existing regulatory or legislative requirements should be acknowledged and considered prior to engagement with housing sector. Given concerns highlighted regarding the loss of an investigation stage propelling complainants to NIPSO and the potential lengthy resolution times we would ask that more fundamental assessment of the proposals is undertaken prior to sector engagement.

- c) Are there any issues or concerns specific to any particular sector or area of work, that you feel NIPSO should take into account when refining MCHPs?**

It is important to take into consideration the nature of repair reporting and timescales, a majority of concerns raised by tenants would be due to these and clarification should be provided on whether they should be recorded as frontline complaints.

As housing providers can have a 'lifetime' relationship with tenants and as such cannot 'withdraw service' from complainants who are abusive or vexatious as other public bodies can.

This can pose a particular difficulty in liaising with such complainants and be extremely stressful for staff. Given housing providers unique position in this regard we would welcome support and guidance in the review of 'unacceptable actions policy'.

- d) If you have any further comments on these proposals, or any other suggestions or comments about NIPSO's Statement of Principles, MCHP and/or approach for implementing complaints standards and ensuring compliance with them, please provide details below.**

Training in the implementation of the new processes is essential and specific training on how to undertake a complaint investigation and NIPSO's expectations would be beneficial for stage 1 and stage 2 complaints.

PART 3: SUGGESTION

MODEL OF GOOD PRACTICE

There is the potential to lose good practice models- for example the Housing Association who has a process that includes an independent panel consisting of tenant representatives in their current Stage 2 Complaint process. This provides a vehicle for the Association to hear their 'customer's voice' and to feed into their continuous journey of improvement and learning together.

REMEDIES

Guidance would be welcomed on complaints policy or procedure to offering remedies to complainants when their complaints are upheld. This would be helpful for investigating officers.

SIGNPOSTING TO NIPSO

With regard to the proposed wording of the referral to NIPSO to be included at the end of the Stage 2 complaint response letter, we suggest the wording is reduced in length considerably.

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