

Housing
Ombudsman Service

**The Housing
Ombudsman's
Complaint Handling Code**

Date published: 9 March 2022

Date applicable: 1 April 2022

Contents

Introduction	3
The complaints process	4
1. Definition of a complaint	4
Exclusions.....	4
2. Accessibility and awareness.....	5
3. Complaint handling personnel.....	6
4. Complaint handling principles.....	6
5. Complaints stages.....	8
Stage 1	8
Stage 2	9
Stage 3	10
6. Putting things right.....	11
7. Continuous learning and improvement.....	12
Self-assessment and compliance.....	13
8. Self-assessment.....	13
9. Compliance	14
Appendix A – Service request or complaint – flow charts and case studies.....	15
Appendix B – Self-Assessment Form.....	21

Introduction

An effective complaints process enables a landlord to learn from the issues that arise for residents and to take steps to improve the services it provides. Complaint handling performs an important strategic role for an organisation, providing vital intelligence on its performance, culture and reputation.

Some landlords see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process:

- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- Complaints provide senior staff with essential insight into day-to-day operations allowing them to assess effectiveness and drive a positive complaint handling culture.
- Good complaint handling promotes a positive landlord and resident relationship.

The Ombudsman's Complaint Handling Code sets out requirements for member landlords that will allow them to respond to complaints effectively and fairly. The purpose of the Code is to enable landlords to resolve complaints raised by their residents quickly and to use the data and learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and residents. Compliance with the Code forms part of the membership obligations set out in the Housing Ombudsman Scheme and our [Complaint Handling Failure Order Guidance](#) sets out in detail what actions the Ombudsman will take on any failure to comply with the Code or the Scheme.

The Code seeks to be prescriptive only where the Ombudsman believes clear and consistent practice by all landlords is essential. These elements are indicated by the word 'must'. The Ombudsman recognises that each landlord will need to adapt its complaints policy and processes to meet the needs of its residents. Consequently, there are some areas where a landlord can use its discretion, either for all residents or on a case-by-case basis, to achieve best practice in complaint handling indicated by the word 'should'.

Landlords will be asked to self-assess against the Code annually on a 'comply or explain' basis and publish this on their website. Non-compliance could result in the Ombudsman issuing complaint handling failure orders. Separate guidance on these has been published by the Ombudsman and is available on our website

The Code will act as a guide for residents setting out what they can and should expect from their landlord when they make a complaint. The requirements in the Code also provide residents with information about how to make a complaint and how to progress it through their landlord's internal complaints procedure.

The Code supports the regulatory approach to complaints ensuring that a landlord's approach to complaints is clear, simple and accessible and ensures that complaints are resolved promptly, politely and fairly.

The complaints process

1. Definition of a complaint

- 1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.
- 1.2 A complaint must be defined as:
'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'
- 1.3 The resident does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord's complaints policy.
- 1.4 Landlords should recognise the difference between a **service request** and a **complaint**. A service request is a request from a resident to their landlord requiring action to be taken to put something right. Service requests should be recorded, monitored and reviewed regularly. A complaint should be raised when the resident raises dissatisfaction with the response to their service request. For further guidance on how to decide whether the approach is a service request or a complaint, see our flow charts and example case studies in Appendix A.
- 1.5 Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.
- 1.6 Chasers on a service request, such as a missed appointment, can often be resolved 'there and then' with an apology and the provision of another appointment and may not need to enter the complaints system. However, if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.

Exclusions

- 1.7 A landlord must accept a complaint unless there is a valid reason not to do so.
- 1.8 A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents. For example:

- The issue giving rise to the complaint occurred over six months ago. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues.
 - Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
 - Matters that have previously been considered under the complaints policy.
- 1.9 If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct the landlord to take on the complaint.

2. Accessibility and awareness

- 2.1 Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.
- 2.2 Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.
- 2.3 Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.
- 2.4 Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.
- 2.5 Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.

- 2.6 Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.
- 2.7 Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.
- 2.8 Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors for impartial advice.

3. Complaint handling personnel

- 3.1 Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the "complaints officer". For some organisations, particularly smaller landlords, the Ombudsman recognises that this role may be in addition to other duties. The role is responsible for ensuring that appropriate arrangements are in place for liaison with the Housing Ombudsman and appropriate cover exists to ensure consistency of service.
- 3.2 The complaints officer may allocate complaints handling to another person. Where this is the case, the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.
- 3.3 Effective complaint handling skills are one of the most important factors in ensuring that the complaints handling works well. Complaint handlers should:
 - be able to act sensitively and fairly
 - be trained to handle complaints and deal with distressed and upset residents
 - have access to staff at all levels to facilitate quick resolution of complaints
 - have the authority and autonomy to act to resolve disputes quickly and fairly.
- 3.4 Residents are more likely to be satisfied with complaint handling if the person dealing with their complaint is competent, empathetic and efficient.

4. Complaint handling principles

- 4.1 The Ombudsman encourages the early and local resolution of issues between landlords and residents and recognises that there may be times appropriate action can be agreed immediately. Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to

resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure **within five days of receipt**.

- 4.2 Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.
- 4.3 Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
- 4.4 A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.
- 4.5 Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.
- 4.6 A complaint investigation must be conducted in an impartial manner, seeking sufficient, reliable information from both parties so that fair and appropriate findings and recommendations can be made.
- 4.7 The complaint handler must:
 - deal with complaints on their merits
 - act independently and have an open mind
 - take measures to address any actual or perceived conflict of interest
 - consider all information and evidence carefully
 - keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- 4.8 Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.
- 4.9 Communication with the resident should not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord.
- 4.10 Landlords should keep residents regularly updated about the progress of the investigation even where there is no new substantive information to provide.

- 4.11 Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication.
- 4.12 The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:
- set out their position
 - comment on any adverse findings before a final decision is made.
- 4.13 A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint.
- 4.14 A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.
- 4.15 A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.
- 4.16 Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and learning culture.
- 4.17 Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained.
- 4.18 Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.
- 4.19 Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.

5. Complaints stages

Stage 1

- 5.1 Landlords must respond to the complaint **within 10 working days** of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.

- 5.2 If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.
- 5.3 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.
- 5.4 Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.
- 5.5 A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.
- 5.6 Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 5.7 Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- 5.8 Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:
 - the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter to stage two if the resident is not satisfied with the answer

Stage 2

- 5.9 If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.

- 5.10 On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.
- 5.11 Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.
- 5.12 The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.
- 5.13 Landlords must respond to the stage two complaint **within 20 working days** of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.
- 5.14 If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.
- 5.15 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.
- 5.16 Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
- and
- if the landlord has a third stage, details of how to escalate the matter to stage three
 - if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.

Stage 3

- 5.17 Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.

5.18 Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint **within 20 working days** of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.

5.19 Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.

5.20 Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied

6. Putting things right

6.1 Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- providing a financial remedy
- changing policies, procedures or practices.

6.2 Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.

- 6.3 Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be ‘put right’ in terms of process or systems to the benefit of all residents.
- 6.4 Factors to consider in formulating a remedy can include, but are not limited to, the:
- length of time that a situation has been ongoing
 - frequency with which something has occurred
 - severity of any service failure or omission
 - number of different failures
 - cumulative impact on the resident
 - resident’s particular circumstances or vulnerabilities.
- 6.5 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 6.6 In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.
- 6.7 In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.
- 6.8 For further information on remedies please see <https://www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policy-on-remedies/>

7. Continuous learning and improvement

- 7.1 A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes, the quality of the service provided, the ability to learn and improve, and the relationship with their residents. The Ombudsman encourages landlords to use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 7.2 Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.
- 7.3 A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord’s complaint handling performance.

7.4 As a minimum, governing bodies should receive:

- Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders
- Regular reviews of issues and trends arising from complaint handling,
- The annual performance report produced by the Ombudsman, where applicable
- Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.

7.5 Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.

7.6 Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- take collective responsibility for any shortfalls identified through complaints rather than blaming others
- act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.

Self-assessment and compliance

8. Self-assessment

8.1 Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.

8.2 Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.

8.3 Following each self-assessment, a landlord must:

- report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members
- publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents

- include the self-assessment in their annual report section on complaints handling performance

8.4 The Ombudsman may require landlords to repeat the self-assessment following a formal investigation if there are significant concerns over the landlord's complaint handling.

9. Compliance

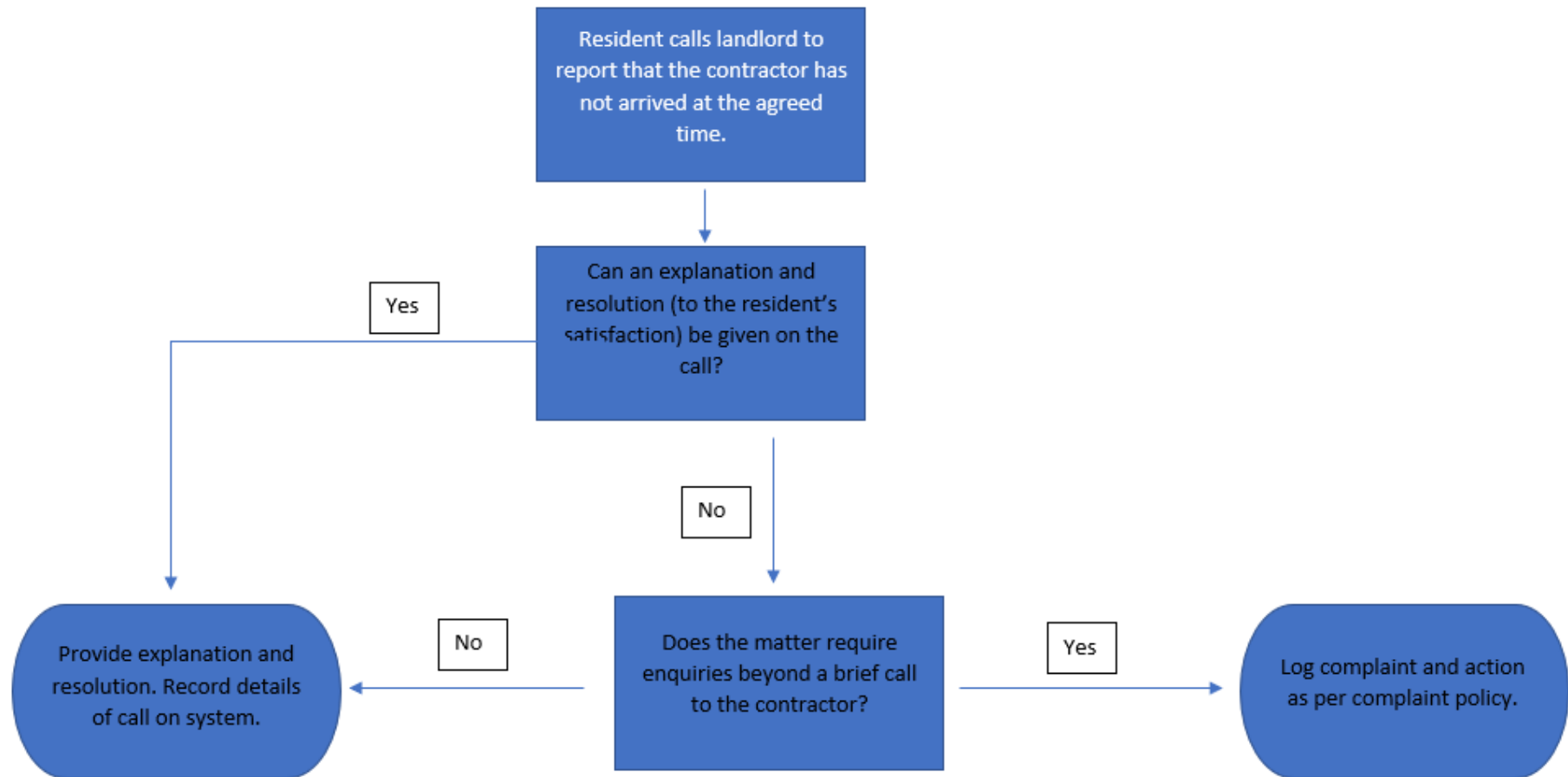
9.1 Under the Housing Ombudsman Scheme a member landlord must:

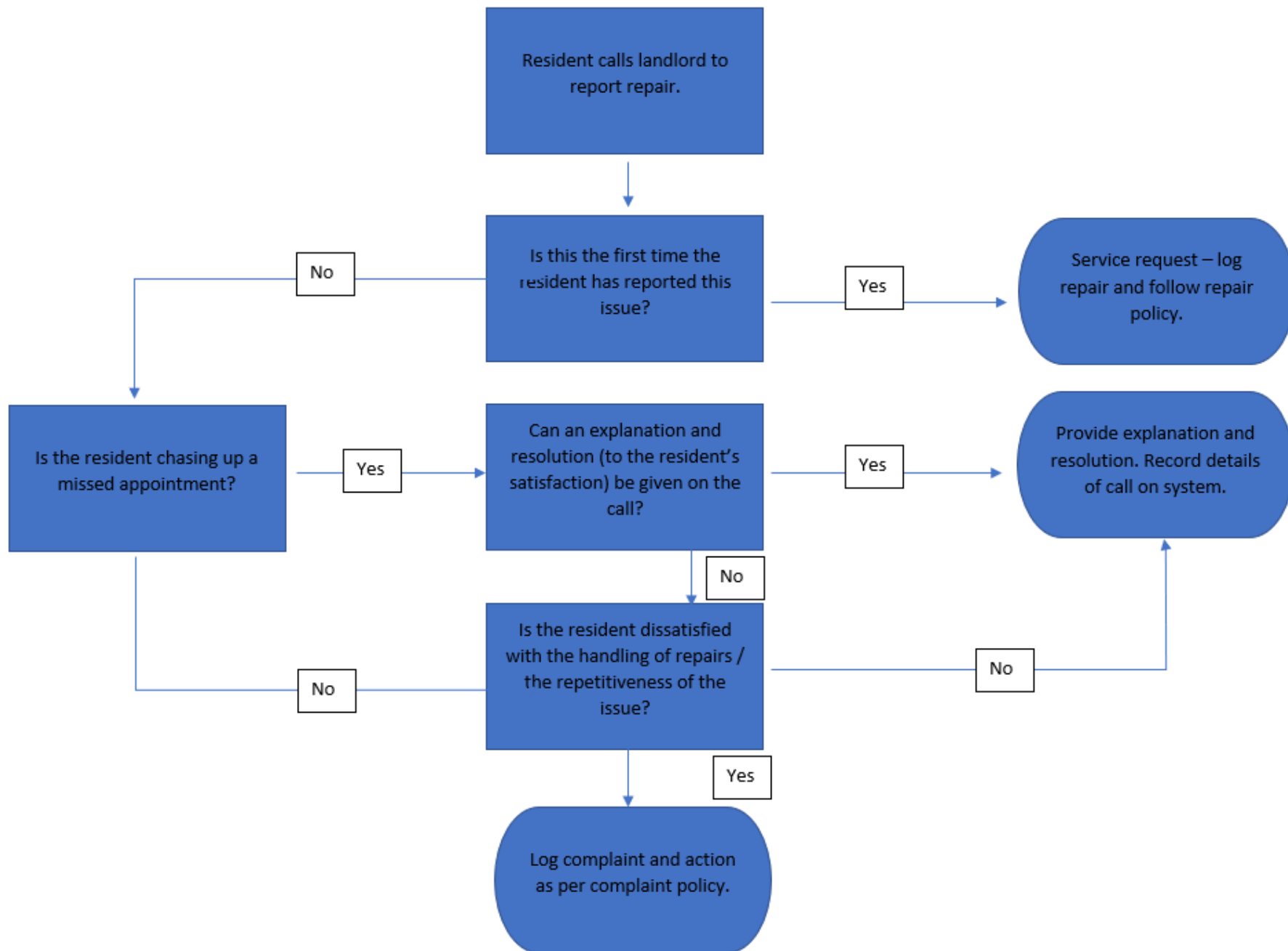
- agree to be bound by the terms of the Scheme
- establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman
- as part of that procedure, inform residents of their right to bring complaints to the Ombudsman under the Scheme
- publish its complaints procedure and where applicable, its membership of the Scheme, and make information about both easily accessible to those entitled to complaints on its website and in correspondence with residents
- manage complaints from residents in accordance with its published procedure or, where this is not possible, within a reasonable timescale.

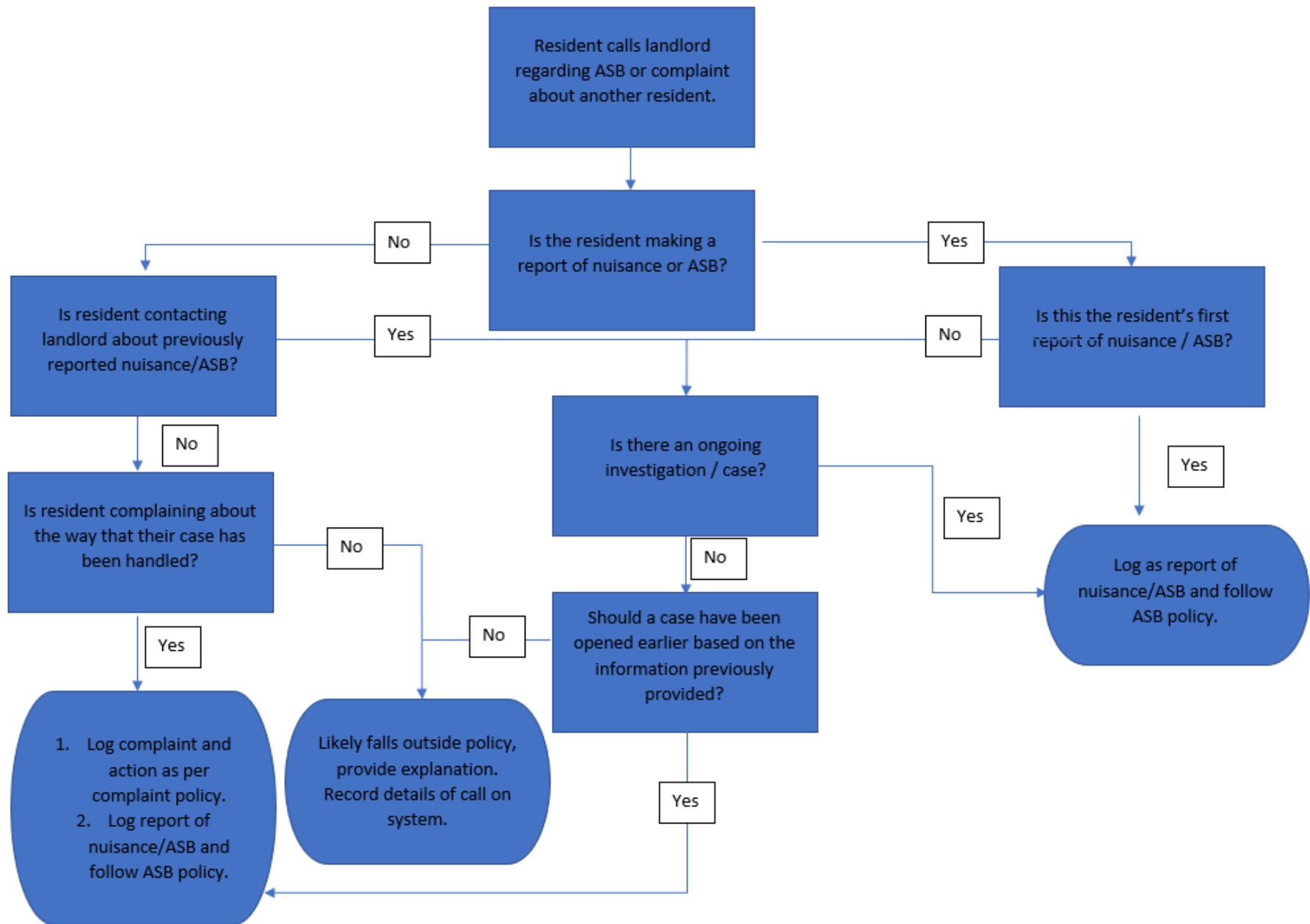
9.2 Failure to comply with the conditions of membership may result in a Complaint Handling Failure Order and a requirement to rectify within a given timescale (paragraphs 13 and 73 of the Housing Ombudsman Scheme). Full details of when the Ombudsman will determine that there has been a complaint handling failure can be found in our [guidance document](#).

9.3 When carrying out a complaint investigation the Ombudsman will consider whether the landlord dealt with the complaint in accordance with the Code. Any failure identified could result in a finding of service failure, maladministration or severe maladministration for complaint handling and orders and recommendations will be made to put matters right and ensure compliance with the Code.

Appendix A – Service request or complaint – flow charts and case studies







Case study A – Resident calls to report contractor has not arrived at the agreed time

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the landlord is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the landlord should keep a record of the call and should consider if there is any learning (i.e. should the landlord have been informed the contractor was delayed so it could alert Ms B and any other affected residents)

Alternative scenario

Ms B calls her landlord to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the landlord with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

Whilst the landlord can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The landlord will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.

Case study B – Resident calls to report a repair

Mr D calls the landlord to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted his landlord about it.

This is a service request and should be handled in accordance with the landlord's repairs policy.

Alternative scenario A

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the landlord has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the landlord's service that should be investigated and put right. The landlord should also explore any learning opportunities.

Alternative scenario B

Mr D calls the landlord regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the landlord is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted. The call handler raises a job for a new radiator and opens a complaint case for Mr D.

Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the landlord. It is also clear that something is not working as it should do within the landlord's process, which should be investigated as part of the complaint.

Case Study C – Resident calls to report noise nuisance/ASB

Mr A calls his landlord to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the landlord that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the landlord to do something about the noise.

This is a report of noise nuisance / ASB. The landlord should explain the ASB procedure to Mr A and clearly outline what the next steps are. The landlord should follow its ASB policy in responding to this allegation.

Two months later Mr A calls his landlord again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked. The landlord confirms it will add this new information to Mr A's case file. The landlord contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the landlord's request.

Although the neighbour's behaviour is escalating, the landlord continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.

Alternative scenario

Two months after his initial report, Mr A calls his landlord. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his landlord that he has reported some instances to the police, and he has filled in the diary sheets as the landlord has asked but he has not heard anything from the landlord since his initial report. Mr A tells the landlord that he has done everything asked of him, but the landlord has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his landlord that this is impacting on his mental health, and he is worried that it could escalate further.

The landlord has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the landlord should also open a complaint case to look at its handling of Mr A's reports of ASB.

Appendix B – Self-Assessment Form

This self-assessment form should be completed by the complaints officer and discussed at the landlord’s governing body annually.

Evidence should be included to support all statements with additional commentary as necessary.

Explanations must also be provided where a mandatory ‘must’ requirement is not met to set out the rationale for the alternative approach adopted and why this delivers a better outcome.

Section 1 - Definition of a complaint

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.2	A complaint must be defined as: <i>‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.</i>		
1.3	The resident does not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord’s complaints policy.		
1.6	... if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.		
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.		
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents.		

1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.		
-----	--	--	--

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a service request , where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.		
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.		

Section 2 - Accessibility and awareness

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.		

2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.		
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.		
2.5	Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.		
2.6	Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.		
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.		
2.8	Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.		

Section 3 - Complaint handling personnel

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.1	Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the "complaints officer".		
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	Complaint handlers should: <ul style="list-style-type: none">• be able to act sensitively and fairly• be trained to handle complaints and deal with distressed and upset residents• have access to staff at all levels to facilitate quick		

	<ul style="list-style-type: none"> resolution of complaints have the authority and autonomy to act to resolve disputes quickly and fairly. 		
--	--	--	--

Section 4 - Complaint handling principles

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.1	Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure within five days of receipt.		
4.2	Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.		
4.6	A complaint investigation must be conducted in an impartial manner.		

4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully • keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. 		
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication		
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made. 		
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint		
4.14	A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.		
4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all		

	correspondence with the resident, correspondence with other parties and any reports or surveys prepared.		
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic		
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.		
4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.		
4.8	Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties.		
4.9	Communication with the resident should not generally identify individual members of staff or contractors.		
4.10	Landlords should keep residents regularly updated about the progress of the investigation.		
4.16	Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and		

	learning culture.		
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained		
4.19	Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.		

Section 5 - Complaint stages

Mandatory 'must' requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint <u>within 10 working days</u> of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.		
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.		
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.		
5.8	Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:		

	<ul style="list-style-type: none"> • the complaint stage • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions • details of how to escalate the matter to stage two if the resident is not satisfied with the answer 		
--	--	--	--

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.9	If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.		
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.		
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.		
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.		

5.13	Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.		
5.16	<p>Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions <p>and</p> <ul style="list-style-type: none"> • if the landlord has a third stage, details of how to escalate the matter to stage three • if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 		

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.17	Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.		
5.20	<p>Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage 		

	<ul style="list-style-type: none"> • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions • details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied 		
--	---	--	--

Best practice 'should' requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.		
5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.		
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.		
5.7	Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.		

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.14	If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.		
5.15	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response		

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint <u>within 20 working days</u> of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.		
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.		

Section 6 - Putting things right

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.		
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.		
6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.		
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.		
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.		

Section 7 - Continuous learning and improvement

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.		

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.3	A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.		
7.4	As a minimum, governing bodies should receive: <ul style="list-style-type: none"> • Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders • Regular reviews of issues and trends arising from complaint handling, • The annual performance report produced by the Ombudsman, where applicable • Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge. 		

7.5	Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.		
7.6	Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to: <ul style="list-style-type: none"> • have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments • take collective responsibility for any shortfalls identified through complaints rather than blaming others • act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 		

Section 8 - Self-assessment and compliance

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.		
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.		
8.3	Following each self-assessment, a landlord must: <ul style="list-style-type: none"> • report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members • publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents • include the self-assessment in their annual report section on complaints handling performance 		