

Housing Ombudsman – Complaints Handling Code Self-Assessment.

Client:	Lewisham Family Co-operative Association Limited
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Introduction

The Housing Ombudsman Service ('Ombudsman') published their revised Complaints Handling Code ('the code') on the 8 February 2024 which will have a 'go-live' date of the 1 April 2024 (Housing Ombudsman Service, 2024).

Towards the latter part of 2023, the Ombudsman carried out a consultation of the proposed code following the implementation of the Social Housing Regulation Act 2023 ('The Act').

The Ombudsman previously issued their complaints handling code in 2021, however, this revised edition will consider statutory obligations laid down by 'The Act' which gives them enhanced powers to act against social housing providers failing to address complaints by issuing a 'Complaint Failure Order'.

The Ombudsman will work closely with The Regulator of Social Housing where issues are identified. Having a complaints policy that is 'fit for purpose' will not only detract from being issued with a failure order, it will also help to ensure that as a landlord, you are working in line with the revised 'Regulatory Standards' (The Regulator of Social Housing, 2024).

It is imperative that you have a complaints policy that reflects the numerous changes in the social housing sector in recent years. As such, I have carried out a self-assessment using the revised code against your current complaints policy. Column 1 of the table below shows the section of the code identified in the self-assessment; column 2 highlights if your current complaints policy meets the revised code, and evidence of where it is recorded; and column 3 highlights what needs to be done to comply.

I have incorporated all the points listed from column 3 into a revised Complaints Policy template which is shown at Appendix 1 of this report.

The management committee are welcome to adopt the template in its entirety, or if you would prefer to draft your own policy, you will need to ensure that all areas identified in the table below is incorporated. Once the committee have approved the Co-operative's revised complaints policy, you will need to take steps to have it ratified at your next general meeting.

Complaints Policy Self-Assessment

Section of revised Complaints Handling Code	Existing Policy – Is it compliant with the revised code?	If not compliant, action to be taken / addressed in revised policy.
(1) Definition of a complaint:		
1.2 – -Does the policy use the Housing Ombudsman of a complaint?	Yes – section 2	Incorporate “however made” in revised version - section
1.3 - Does the policy give the resident choice for ‘dissatisfaction’ to be raised as a complaint?	Yes – section 1	Amend policy to reflect advising tenants have the choice to make a complaint if they are ‘dissatisfied’ with an area of service.
1.4 -Landlord to include the difference between a service request and a complaint.	No	Paragraph to be inserted those shows: what is a complaint; and what is a service request.
1.5 -Complaint to be raised if tenant raises dissatisfaction with their response to service request if whilst ongoing.	No	Paragraph to be inserted with 1.4.
1.6 – Dissatisfaction raised through a survey is not defined as a complaint. Tenants to be informed how they can make a complaint should they wish to.	No	Paragraph to be inserted with 1.4.
(2) Exclusions:		
2.1 – If landlord refuses to accept complaint, they need to demonstrate their reasoning.	Yes – section 4	

2.2 – Policy to set out where complaints will not be accepted.	Yes – section 4	
2.3 -Landlord must consider if they will accept complaints outside of 12 months.	No	To liaise with the client – would be better to apply ‘discretion as per 2.4 in policy.
2.4 – Landlord to consider if they will apply discretion as per 2.3 where there are reasons to do so. Ombudsman may instruct landlord to accept complaint.	No	To liaise with client.
2.5 -Blanket approach to complaints not to be taken.	Yes – section 4	
(3) Accessibility & Awareness:		
3.1 – Include various options to make complaints. Anticipate Equality Act 2010 and make reasonable adjustments.	Yes – section 1	
3.2 -Complainants to have more than one person that they can make a complaint to.	Yes – section 1	
3.3 -Low levels of complaints received can indicate residents are unable to complain.		
3.4 -Landlord to make complaint policy available in clear, accessible format detailing the two stages of the complaints process.	Yes	MBH to look at publishing the complaints policy on their website.
3.5 -Policy to include how they will publicise details of the complaints policy.	Yes – section 8	
3.6 – Does the policy allow for representatives to deal with the complaint on the tenant’s behalf and can they represent or accompany the tenant at any meeting with the landlord?	No	To be inserted under section 4.
3.7 – Landlord to provide information on their right to access the Ombudsman service.	Yes – section 5.	

(4) Complaint Handling Staff:		
4.1 – Landlord to have dedicated person / team responsible for complaints handling.	Yes – section 5.	
4.2 – Complaints lead to have authority to resolve disputes promptly and fairly.	Yes – section 5.	
4.3 - Landlord to promote culture on learning from complaints.	No	Include section on learning from complaints.
(5) The Complaint Handling Process:		
5.1 – Single policy for complaints covered by the code.	Yes – complaints policy.	
5.2 – Policy should not include informal complaints stage.		Remove this from the policy.
5.3 -Policy should not include more than two stages.	Yes	
5.4 – Use of independent adjudicators to resolve complaints must be as part of the two-stage process.	No	Update procedure for this.
5.5 – Landlord to ensure where adjudicators are used follow the complaints code.	No	As above.
5.6 – Does the response at stage 1 or 2 set out the landlords understanding of the complaint and seek clarification if unclear.	No	Update section 4.
5.7 – Is the policy clear what complaints will be accepted / responsible for?	Yes – section 4.	
5.8 – Does the policy show that complaints will be treated individually and investigated with an open mind.	Yes – section 4.	Look at the wording.
5.9 – Does the policy set out what the landlord will do if they cannot meet the timeframe for responding to the complaint?	Yes – section 6.	

5.10 – Does the policy allow for reasonable adjustments under the Equality Act 2010?	Yes – section 3.	
5.11 -Does the policy list reason for not escalating the complaint through the complaint stages?	Yes – section 4.	Review against section 2.
5.12 – Are records of each complaint kept and outcomes recorded?	Yes – section 7.	
5.13 – Are there processes in place to ensure complaints can be remedied at any stage of the process?	Yes – section 6	
5.14 – Does the policy list where restrictions will made against tenants / representatives for managing unacceptable behaviour?	Yes – section 4.	
5.15 – If restrictions are put in place, does the landlord show due regard for the provisions of the Equality Act 2010.	Yes – section 4.	Review
(6) Complaints Stages 1 and 2:		
6.1 -Are there processes in place to resolve complaints quickly and if unable to do so, does the policy allow for explanation or apology. Does it show that stage 1 and 2 are responded to by different people.	Yes – section 6	Update and include option for adjudicator. 6.10 to 6.20 of the assessment are duplicates of stage 1 for stage 2 so are incorporated into sections 6.1 to 6.9.
6.2 – Does the policy allow for complaint to be acknowledged within 5 working days?	Yes – section 6.	
6.3 – Does the policy state response to stage 1 will be completed in 10 working day and stage 2 within 20 days.	Yes – section 6.	
6.4 – Does the policy allow for an extension where issues are complex?	Yes – section 6.	

6.5 – Does the policy provide details of the Ombudsman where an extension is applied.	No	Include under section 6.
6.6 – Does the policy allow for the tenant to be updated when the answer to the complaint is known, not when completed.	Yes – section 6.	
6.7 – Does the policy reflect policy, law and good practice where decisions are made?	Yes – section 6.	
6.8 -Are further issues incorporated into the complaints response if relevant or are they raised as a new complaint.	No	New paragraph to be inserted to reflect this.
6.9 – Does the policy show that responses sent include understanding of what the complaint is; the decision; and action to be taken?	Yes – section 6	Update.
(7) Putting things right:		
7.1 - Does the policy acknowledge where things have gone wrong?	Yes – section 6	
7.2 – Does the remedy reflect the impact on the tenant.	Yes – section 6.	
7.3 – Does the remedy offer set out what the landlord intends to do and by when?	Yes – section 6.	
7.4 – Does the remedy take account of the guidance issued by the Ombudsman?	No	New paragraph to be inserted.
(8) Reporting & Compliance:		
8.1 -Does the landlord allow for complaints performance to be scrutinised.	Yes – section 9.	
8.2 – Is complaints performance reported to the management committee?	Yes – section 9.	Look at publishing annual report on the website.

(9) Scrutiny & oversight (continuous learning and improvement):		
9.1 Does the landlord allow for service improvements based on complaints received?	Yes – section 1.	Section 9 of the code addressed under previous sections: <ul style="list-style-type: none"> • 9.2 • 9.3 • 9.4 • 9.5 • 9.6 • 9.8
9.7 – Is there a provision for the Member Responsible for Complaints to update the management committee.	No	Paragraph to be inserted that committee will be updated monthly in the managing agents’ management report.

Conclusion

Whilst your existing complaints policy addresses a large portion of the revised Complaints Code, there were some gaps identified which have now been included.

Action required – the management committee is asked to approve the revised Complaint Policy that incorporates the gaps identified.

References

Housing Ombudsman Service, 2024. *Complaint Handling Code 2024*. [Online]

Available at: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/complaint-handling-code-2024/>

[Accessed 10 February 2024].

The Regulator of Social Housing, 2024. *Guidance: Regulatory Standards*. [Online]

Available at: <https://www.gov.uk/guidance/regulatory-standards>

[Accessed 29 February 2024].