

## **Somerset West and Taunton Council**

**Tenants' Strategic Group** – 28<sup>th</sup> November 2022

### **Housing Ombudsman Complaint Handling Code - Self-Assessment update**

This matter is the responsibility of Executive Councillor Member for Housing.

Report Author: Claire Reed, Case Management Lead – Housing Performance and Improvement

#### **1. Executive Summary / Purpose of the Report**

The report is to update the Tenants' Strategic Group on progress made since the report of July 2022 in relation to our compliance with the Housing Ombudsman's revised Complaint Handling Code and our most recent self-assessment against it.

#### **2. Recommendations**

The Tenants' Strategic Group is asked to note this report and are invited to ask questions.

#### **3. Background and Full details of the Report**

As you will be aware, the Housing Ombudsman revised their Complaint Handling Code in April 2022 with a requirement that landlords under the Ombudsman scheme must be compliant with the amended Code by 1<sup>st</sup> October 2022.

We undertook our first self-assessment against the revised Code in June 2022, a copy of which was shared with TSG at the meeting on 25<sup>th</sup> July. Following this self-assessment, we were able to establish a compliance rate of 84% for the *mandatory 'must' requirements* and 74% for the *best practice 'should' requirements* of the Code.

The Housing Ombudsman acknowledges that there may be reasons why a landlord is unable to fully comply with the Code for reasons beyond their control, and it is acceptable to the Ombudsman for the landlord to explain in their self-assessment why compliance cannot be achieved in these circumstances. A few areas of non-compliance were identified in the June assessment, due to the Housing directorate being bound by the wider, overarching Somerset West and Taunton Complaints Policy and IT systems.

Although our regulatory obligation is to self-assess against the Code once a year, we felt that it was judicious for us to carry out a further assessment in September, in anticipation of the 1<sup>st</sup> October deadline. Carrying out this additional assessment has allowed us to evaluate the progress of the complaints work that we have been doing in recent months.

It is worth noting that we had previously committed to carrying out a self-assessment every six months, but this timeframe is currently under review and a decision will be made depending on the democratic route required for the new Complaints Policy. We will update TSG further in due course.

The most recent self-assessment has also allowed us to consider how housing complaints and the requirements of the Code will be incorporated into the new Somerset Council's Complaints Policy. The Performance team has recently submitted a housing complaints centric document (written in conjunction with the Complaint Handling Code) as part of the policy work that is ongoing under LGR. Our September self-assessment therefore considered the new policy, as well as Somerset West and Taunton's current Complaints Policy. It is critical that the requirements of the Regulator and the Ombudsman are accommodated in the new Complaints Policy, to guarantee our continuous compliance as we become one Council.

We are happy to share the results of the self-assessment that was carried out in September 2022. The completed copy of the most recent self-assessment document can be found at Appendix 1 and should be read in partnership with this report.

In line with the Code, the document has also been published to Somerset West and Taunton Council's website, here: [Self Assessment Form complaints \(somersetwestandtaunton.gov.uk\)](https://www.somersetwestandtaunton.gov.uk/self-assessment-form-complaints)

#### Findings of the self-assessment (September 2022):

Following the September self-assessment, we are pleased to report that the Housing directorate has increased compliance with the *mandatory 'must' requirements* of the Code to 92%. It is noteworthy that compliance would have stood at 97%, but for the wider Council policy and IT issues mentioned above which are beyond our control. Adherence with the *best practice 'should' requirements* of the Code has increased to 94%.

The areas of the Complaint Handling Code are where full compliance had not been achieved following September's self-assessment are set out below:

#### 4. Complaint handling principles:

| <b>Code section</b> | <b>Mandatory (m) / best practice (bp)</b> | <b>Action</b>   |
|---------------------|---|---|
| 4.2                 | <i>m</i>                                  | We are not able to add extra text to complaint acknowledgements as current Council IT system restricts characters. We are unable to comply with this part of the Code whilst part of SWT. The Housing Performance team are currently working on processes to provide detailed acknowledgements to complainants which will ensure compliance. The new triaging and IT system proposed as part of LGR will facilitate this.<br>The timescale of this is out of our control as implementation is wholly dependent on the new IT system going live. |
| 4.13                | <i>m</i>                                  | We are not able to comply with this clause of the Code as the Housing service currently sits under the wider Council's Complaints Policy, and timescales are not included. We have added a timeframe to the housing wording for the new draft policy that complaints must be escalated within six months.<br>We are unable to give a timeframe on this point as it relies fully on the sign off of the new Complaints Policy but approval of the policy will provide compliance.  |
| 4.17                | <i>bp</i>                                 | Resources are available in the form of counselling and 'Care First' plus support from line management.<br>We will consider the guidance available from the LGO on supporting staff who have been complained about and apply this to Housing to ensure staff are supported and engaged.  |

#### 5. Complaint stages:

| <b>Code section</b> | <b>Mandatory (m) / best practice (bp)</b> | <b>Action</b>   |
|---------------------|---|---|
| 5.1                 | <i>m</i>                                  | The current Complaints Policy and handling procedures are compliant (stating stage 1 is 10 working days) but we recognise we still have work to do in this area as our performance figures have not met our target. On this basis only, we marked this section as non-compliant in the self-assessment.<br>The Housing Performance Senior Case Manager has been focussed on reducing complaint response times as her number one priority project. |
| 5.13                | <i>bp</i>                                 | As 5.1, our Complaints Policy and procedures are compliant (stating stage 2 is 20 working days to respond) but our performance figures do not reflect this.<br>We are committed to improving these figures through the Housing Performance team's work.   |

Note: In relation to code section 5.1 (responding to stage 1 complaints within 10 working days). It is important to highlight that our policies and procedures are already aligned with the Complaint Handling Code, which demonstrates compliance with this mandatory requirement. However, in September's self-assessment we recognised that our response times to stage 1 complaints remained inconsistent, and we were not meeting the standard that we would expect against the Code. We therefore felt that it would be disingenuous to state in early September that we were compliant with this mandatory part of the Code.

Additional resource in the Housing Performance team and the resolution of some of the staffing issues we had been experiencing in key positions since the Spring have allowed us to focus on our complaints response times as a priority. This work is currently the principal project of our Complaints Senior Case Manager.

We are delighted to be able to report that the response times for stage 1 complaints in August was 85% within the ten working day standard, and 96% in September. We are confident that we are making strong progress in this area that we will be fully compliant with section 5.1 and 5.13 by the time we next self-assess against the Complaint Handling Code.

We will provide a further report to TSG with an updated self-assessment following the sign off and implementation of the new Council's Complaints Policy.

**4. Risk Assessment (if appropriate)**

A risk assessment is not required to accompany this report.

**5. Are there any Finance / Resource, Legal implications directly to do with this report?**

There are no financial implications directly to do with the recommendations in this report

**6: Are there any Equality and Diversity Implications?**

There are no equality implications directly to do with this report

**7. Are there any Data Protection Implications?**

There are no equality implications directly to do with this report

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## Appendix 1 – 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:<br><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> | Yes            | Complaints Policy does not specify residents or group of residents as policy is for all Council directorates.<br>Covered under 4.1 4.2 in Complaints Policy.<br><br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |

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| 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.                      | Yes | 4.3 in Complaints Policy<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b>  |
| 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.  | Yes | Stage 1 complaint process<br><b>Included in draft Housing Addendum to LGR Complaints Policy (Put Things Right)</b>  |
| 1.7 | A landlord must accept a complaint unless there is a valid reason not to do so.  | Yes | Complaints Policy – section 4.2 lists examples/reasons for complaint.<br>Website now includes this text.<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b>                        |
| 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.   | Yes | Exceptions are listed in Annex 1 and section 5 of the Complaints Policy.<br><b>LGR Complaints Policy complies – s4 in draft v3</b>  |
| 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. | Yes | We write to customers to explain so are compliant on this part.<br>Website provides wording about right of appeal.<br><b>Included in draft Housing Addendum to Somerset Council Complaints Policy</b> |

### 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 <b>service request</b> , where a resident may be unhappy with a <b>situation</b> that they wish to have rectified, and a <b>complaint</b> about the <b>service</b> they have/have not received. | Yes            | Section 5.1 and 5.2 of Complaints Policy talks about initial service requests.<br><b>New LGR Complaints Policy complies in s4</b> |
| 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.                   | Yes            | Acuity advise residents of this when carrying out surveys on our behalf.  |

## 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. | Yes            | 7.2 – 7.4 of Complaints Policy covers channels to raise complaints<br><br><b>New LGR Complaints Policy complies in s7</b>  |
| 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.  | Yes            | Policy online (pdf) had accessibility check before being published. Available in different formats upon request. Website wording reflects this.<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b>                        |
| 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.  | Yes            | Corporate Website complies. Housing pages all link to complaints page.<br><b>One to consider for when new Somerset Council website is created</b>  |
| 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.     | Yes            | Equality statement separately on website (linked in 3.1 of Complaints Policy)<br>Policy references – 3.1 (bullet point 7 & 8), 6.2, 6.3, 12.2<br><b>New LGR Complaints Policy complies s6 and wording included in draft Housing Addendum</b> |

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| 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. | Yes | Complaints Policy is on website.<br>Website wording includes details of HO scheme and links to Code and self assessment. <b>LGR - Will need to ensure this is done from 1<sup>st</sup> April 2023 to remain compliant</b><br>We regularly provide details of HO scheme information in tenant newsletters, handbook, forward plan, annual reports etc. and we have set up a folder of evidence of this. |
| 2.7 | Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.  | Yes | As above, this is included in regular newsletters to tenants, online and evidence recorded.  |
| 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.                 | Yes | Stage 1 responses now include wording on this and where residents are contacted during complaints process, this information is provided to them.<br>Website details that residents can access HO at any time during process.   |

### 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. | Yes            | Policy 7.4 complies<br>Confidentiality covered in 2.1, 2.2 in Complaints Policy.<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |

### 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". | Yes            | Council's Customer Experience Manager is current link officer to HO<br>Customer Resolution team within Housing Performance take responsibility for all Housing complaints handling.   |
| 3.2          | ...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.  | Yes            | The Council's Customer Experience Manager and Housing Performance's Customer Resolution team attend regular CPD and training. Performance team engage with specific, relevant HO training.<br>All Housing staff attended HQN complaints training and most attended customer service training Oct 2021 |

## 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"> <li>• be able to act sensitively and fairly</li> <li>• be trained to handle complaints and deal with distressed and upset residents</li> <li>• have access to staff at all levels to facilitate quick resolution of complaints</li> <li>• have the authority and autonomy to act to resolve disputes quickly and fairly.</li> </ul> | Yes            | All Housing staff attended HQN complaints training and most (those managing complaints) attended customer service training Oct 2022<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |

## Section 4 - Complaint handling principles

## Mandatory 'must' requirements

| Code section | Code requirement   | Comply: Yes/No | Evidence, commentary and any explanations  |
|--------------|--|----------------|--|
| 4.1          | <p>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.</p> <p>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.</p> <p>When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure <b>within five days of receipt.</b></p> | Yes            | <p><b>Included in draft Housing Addendum - we do not name a stage 0 but will use an unofficial 'put things right' stage with customer's agreement.</b></p> <p>Compliant – triaging is usually undertaken within two days at present. If anything is unclear in complaint, clarity is sought from customer.</p>   |
| 4.2          | <p>Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking.</p> <p>If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.</p>   | No             | <p>Currently restricted with Council IT system character limitation which prevents us setting out understanding of complaint in acknowledgement.</p> <p><b>LGR - New triaging process and IT system proposed means we will be able to send more detailed acknowledgements so will ensure compliance. Process will be in place ready for new IT system go-live.</b></p> |
| 4.6          | <p>A complaint investigation must be conducted in an impartial manner.</p>   | Yes            | <p>All responses are checked by Housing Performance's Customer Resolution team.</p> <p>Covered by 3.1 of Complaints Policy (bullet points 2 &amp; 6).</p> <p><b>LGR – covered in Complaints Policy in Fairness section (s2) and draft Housing Addendum</b></p>   |

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| 4.7  | <p>The complaint handler must:</p> <ul style="list-style-type: none"> <li>• deal with complaints on their merits</li> <li>• act independently and have an open mind</li> <li>• take measures to address any actual or perceived conflict of interest</li> <li>• consider all information and evidence carefully</li> <li>• keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.</li> </ul> | Yes | <p>Covered by Complaints Policy in 3.1 (bullet points 2 &amp; 6) and 12.1 to 12.3<br/> <b>Included in draft Housing Addendum to LGR Complaints Policy</b></p>  |
| 4.11 | <p>Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication</p>  | Yes | <p>All reasonable arrangements are considered and discussed with the complainant</p>   |
| 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"> <li>• set out their position</li> <li>• comment on any adverse findings before a final decision is made.</li> </ul>   | Yes | <p>Escalating to stage 2 provides opportunity for resident to comment before final decision is made.<br/><br/> Staff members who are complained about are spoken to by investigating manager at stage 2 for their position and comment.</p>                                    |
| 4.13 | <p>A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint</p>   | No  | <p>Housing currently part of wider Council's Complaint Policy, and this is not covered so unable to comply.<br/> <b>Included in draft Housing Addendum to LGR Complaints Policy – timeframe of 6 months</b></p>  |
| 4.14 | <p>A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints</p>  | Yes | <p>When accepted at stage 1, complaint can proceed through full escalation process if requested or it is deemed appropriate. We do not have additional criteria to decline a complaint at stage 2.<br/> <b>Included in draft Housing Addendum to LGR Complaints Policy</b></p> |
| 4.15 | <p>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.</p>  | Yes | <p>Firmstep records complaint from cradle to grave. Customer Resolution team keep spread sheet records of all complaints. Customer data is retained in line with Council's data retention policy.<br/> <b>LGR -Compliance will continue with new IT system</b></p>             |

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| 4.18 | Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint. | Yes | Unreasonable Customer Behaviour and Vexatious Complaints Policy covers this.<br>Complaints Policy refers 14.1 & 14.2<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |
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### 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  | Yes            | We do not make assumptions until we have the full picture of the complaint and we have had the opportunity to investigate, but we will be clear with residents as to what we are able to do to resolve a complaint. We manage expectations through the stage 1 complaint. |
| 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. | Yes            | Current policy 1.5 and 3.1 (bullet point 4, guiding principles)<br><b>Put Things Right (informal stage) in draft Housing Addendum</b>   |
| 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.                                  | Yes            | Complaints Policy 6.2 to 6.4 complies<br><b>Included in LGR Complaints Policy s7 and draft Housing Addendum</b>   |
| 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.  | Yes            | This is covered in the stage 1 response   |
| 4.9          | Communication with the resident should not generally identify individual members of staff or contractors.  | Yes            | All responses are checked by Performance team to ensure compliance  |
| 4.10         | Landlords should keep residents regularly updated about the progress of the investigation.   | Yes            | Performance team procedure documents reflect this.<br>Complaints Policy provides agreed timescales (10 and 20 working days) and communication if extensions are required.   |
| 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   | Yes            | TSM Satisfaction Survey – every 6 months. Senior Case Manager's project work includes customer satisfaction surveys (ties in with TSM)  |

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| 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 | No  | Staff have access to counselling services through work if required and are provided with support from line managers where needed. Currently an action for the Housing Performance Senior Case Manager to look at this in more depth in a complaints context. |
| 4.19 | Any restrictions place 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.   | Yes | Each application of the policy is considered on a case by case basis and considers vulnerabilities and needs.<br><b>Reference the Act is included in LGR Complaints Policy and draft Housing Addendum</b>  |
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## 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 <b><u>within 10 working days</u></b> 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. | No             | Complaints Policy ( <b>and LGR</b> ) does state 10 working days for stage 1 complaints so our policy is compliant. Policy also covers communicating new deadlines with customers (annex 2 complaints process map).<br><b>Work is ongoing work to improve response times as a dept. This is a priority for Senior Case Manager</b> |
| 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.                    | Yes            | Policy covers (under 9.5) and this is put into practice<br><b>Included in draft Housing Addendum to LGR Complaints Policy.</b><br>HP team keep an 'Outstanding Actions' log and follow these through with service area  |

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| 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.   | Yes | Housing Performance team gatekeep complaints to comply with this. Guidance and training (HQN) undertaken and future training planned with Council's Customer Services team. |
| 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"> <li>• the complaint stage</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> </ul> details of how to escalate the matter to stage two if the resident is not satisfied with the answer | Yes | Changes have been made to ensure that HP include this information on all stage 1 complaints now.  |

## 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 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. | Yes            | No exclusions under policy.<br><br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |

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| 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.                                   | Yes | <b>LGR - Work is ongoing with Housing Performance team to ensure we are compliant when the new IT system allows.</b>   |
| 5.11 | Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.   | Yes | Current Complaints Policy covers<br><b>LGR Complaints Policy complies</b>  |
| 5.12 | The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.  | Yes | Point 1.6 and annex 2 of policy covers. Usually a more senior member of staff considers at stage 2.<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b>  |
| 5.13 | Landlords must respond to the stage two complaint <b><u>within 20 working days</u></b> 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. | No  | Policy does state 20 working days for stage 2 complaints. Policy covers communicating new deadlines with customers (annex 2 complaints process map).<br><b>Marked as non-compliant only due to ongoing work to improve as a dept. This is a priority for Senior Case Manager</b> |

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| 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"> <li>• the complaint stage</li> <li>• the complaint definition</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>• if the landlord has a third stage, details of how to escalate the matter to stage three</li> <li>• if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied.</li> </ul> | Yes | Carried out as standard at stage 2. Gatekeeping by HP team ensure this takes place. |
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### Stage 3

| Code section | Code requirement  | Comply: Yes/No | Evidence, commentary and any explanations |
|--------------|---|----------------|---|
| 5.17         | <p>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.</p> | Yes            | Two stage Policy in force                 |

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| 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"> <li>• the complaint stage</li> <li>• the complaint definition</li> <li>• the decision on the complaint</li> <li>• the reasons for any decisions made</li> <li>• the details of any remedy offered to put things right</li> <li>• details of any outstanding actions</li> <li>• details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied</li> </ul> | N/A |  |
|------|--|-----|--|

### 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.  | Yes            | Policy accounts for this under annex 2. Being considered by SCM as part of process review           |
| 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. | Yes            | Included in our correspondence with the complainant if we are contacting them to request extension. |
| 5.4          | Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the  | Yes            | Performance team gatekeeping complaints for Housing ensures historical records can be accessed      |

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|            | complaint if this will help to resolve the issue for the resident.  |     |   |
| <b>5.7</b> | 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. | Yes | Separate issues raised as new complaint. Related issues are added into existing complaint but also logged for stats purposes on complaint handling. |

### Stage 2

| <b>Code section</b> | <b>Code requirement</b>   | <b>Comply: Yes/No</b> | <b>Evidence, commentary and any explanations</b>  |
|---------------------|---|-----------------------|---|
| <b>5.14</b>         | 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.   | Yes                   | Agreed in discussions between handling manager and complainant.<br>Currently being considered as part of Senior Case Manager's project work to improve processes. |
| <b>5.15</b>         | 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 | Yes                   | Included in our correspondence with the complainant if we are contacting them to request extension.   |

### Stage 3

| <b>Code section</b> | <b>Code requirement</b> | <b>Comply: Yes/No</b> | <b>Evidence, commentary and any explanations</b> |
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| 5.18 | Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint.<br>Where a third stage is in place and has been requested, landlords must respond to the stage three complaint <b>within 20 working days</b> of the complaint being escalated.<br>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. | N/A | No third stage |
| 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.  | N/A | No third stage |

## 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. | Yes            | Housing Performance as a central complaint handling team are impartial. Policy covers remedial action (8.1, 8.2 and 9.2-9.5)<br><b>Marked as non-compliant only due to ongoing work to improve as a dept. This is a priority for Senior Case Manager</b> |

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| <b>6.2</b> | 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. | Yes | Redress Policy complies.<br>Complaints Policy covers remedial action (8.1, 8.2 and 9.2-9.5)<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b> |
| <b>6.5</b> | 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.  | Yes | Complaints Policy covers remedial action (8.1, 8.2 and 9.2-9.5)<br><b>Included in draft Housing Addendum to LGR Complaints Policy</b>                             |
| <b>6.6</b> | 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.   | Yes | Redress Policy specifies quantifiable losses and statutory losses.<br>Complaints Policy refers to Redress Policy (9.6,9.7)  |

### Best practice 'should' requirements

| Code section | Code requirement   | Comply: Yes/No | Evidence, commentary and any explanations   |
|--------------|--|----------------|---|
| <b>6.3</b>   | 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.           | Yes            | Reporting and learning from complaints (13.1 – 13.6) in Complaints Policy refers.<br>Senior Case Manager role includes project on learning from our complaints. |
| <b>6.7</b>   | 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. | Yes            | Statutory payments covered in Redress Policy (section 4).   |

## 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. | Yes            | Reports are provided 6 monthly and annual reports to Tenant Strategic Group, Housing Briefing, members and Senior Management.<br>Regular updates in tenant and staff newsletters.<br>'You Said, We Did' on the website. |

### 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.   | Yes            | Director of Housing and Portfolio Holder for Housing fulfil this role. Corporate Scrutiny Committee (15 Cllrs) who have sight of complaint reports.   |
| 7.4          | As a minimum, governing bodies should receive: <ul style="list-style-type: none"> <li>Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders</li> <li>Regular reviews of issues and trends arising from complaint handling,</li> <li>The annual performance report produced by the Ombudsman, where applicable</li> <li>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.</li> <li>The annual self-assessment against the Complaint</li> </ul> | Yes            | Compliant in that reports containing this information are provided 6 monthly to Housing Briefing (PfH) and TSG.<br>Trends and learning currently included as a project for the Housing Performance Senior Case Manager.<br>Compliant in that individual Ombudsman outcomes are shared with Councillors or Members if they have been involved with the complaint.<br>Management responses are tracked through the Performance team.<br>The self assessment document will be provided at least once a year. |

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|     | 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. | Yes | Performance team Senior Case Manager currently fulfils this role through HSMT. The Senior Case Manager is currently considering this as part of their project work. |

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| 7.6 | <p>Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:</p> <ul style="list-style-type: none"> <li>• have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments</li> <li>• take collective responsibility for any shortfalls identified through complaints rather than blaming others</li> <li>• act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing.</li> </ul> | Yes | <p>Complaints Policy (annex 2) refers to collaboration between service areas/directorates to resolve a complaint. Housing Performance coordinate complaints where investigations cross multiple areas.</p> |
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## 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.   | Yes            | Commitment to complete self-assessment every six months   |
| 8.2          | Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.  | Yes            | Self assessment carried out September 2022 for new Code compliance and to check content of draft LGR policy and addendum.   |
| 8.3          | <p>Following each self-assessment, a landlord must:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents</li> <li>• include the self-assessment in their annual report section on complaints handling performance</li> </ul> | Yes            | <p>Document presented to Portfolio Holder – see action above at 7.3</p> <p>Once completed</p> <p><b>Assessments are included in 6 monthly and annual reports, newsletters, Housing Briefing 7.3</b></p> |

