

Complaint Handling Code FAQs

Definition of a complaint

If a resident contacts about service provision, can you deal with it quickly and informally, or does it have to move to stage 1 in accordance with the Code?

No. Contact from residents pursuing an issue with service provision for the first time can and should be handled quickly and effectively to obtain the best outcome for the resident.

These are considered as service and should be handled in accordance with the policies in place for an escalated service request. Issues resolved in this way should still be logged on landlord systems for learning purposes. Landlords should explain their approach to the resident, and give their reason(s).

Where substantial further enquiries or actions are needed to resolve the matter (such as looking into why a repair request was not actioned, or a payment was not made in the target timescale), or the resident requests it, the issue can become a complaint and should be dealt with in accordance with the Code.

This does not necessarily mean that the complaint cannot be then addressed quickly if that is the appropriate method of handling.

If a resident verbally expresses dissatisfaction with the landlord's service provision must this be logged as a complaint?

Yes. Any expression of dissatisfaction, whether made verbally or in writing, must be acknowledged and logged at stage 1 of the complaint's procedure within 5 days of receipt. The Code states that the resident does not have to use the word 'complaint' for it to be treated as such.

What if a resident objects to you dealing with an expression of dissatisfaction formally and moving it to stage 1?

It is about understanding what the resident wants out of that situation. If the landlord deems it appropriate, feels there is service failure and they could learn from the situation, then there is no harm putting that through a complaints process.

We often hear residents raise lots of different issues at different times, and every situation/set of circumstances is different, so it should be made at the landlord's discretion based on the individual case. But even when a resident does not wish for it to be a formal complaint, if the landlord feels it is warranted, then you know the process is there to access and use.

But if the landlord decides that it is outside of timescale, the process is now deemed closed - so yes, refer to our service at that point.

The code says we must log a complaint if the tenant is dissatisfied. Does this include when the tenant has said they do not want it logged as a complaint they just want it sorted?

The current code says: '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.'

Yes. If a resident asks that a complaint is not logged, landlords can currently decide not to log it formally. They should record their decision and reason(s) to ensure a clear audit trail. Landlords may wish to use this opportunity to understand why a resident does not want a complaint and ensure that it is addressing any actual or perceived barriers to the process.

Acknowledging a complaint

When acknowledging a complaint is it acceptable to do a verbal acknowledgement or does it have to be written?

It can be verbal as long as you have good records of that. You should always be thinking: 'What would I give the Ombudsman?'. If a resident said you did not acknowledge their complaint, we would ask for evidence from you and by having a good record you will be able to show that you acknowledged it, when, and by who.

From a good practice point of view, we encourage landlords to pick up the phone and speak to residents because it can resolve issues without needing to go through the complaints process and onto us. You may want to confirm things in writing, for example with an email afterwards.

By speaking to the resident, you can find out the bigger picture, what is behind the complaint, and if there is anything you can do now to redress that.

Is it OK if a landlord's process for acknowledging complaints is slightly different to how it is set out in the Code?

We ask you to comply or explain.

If you are doing something different, then explain this in the self-assessment. If you are still clarifying the complaint, acknowledging and discussing it with the resident, adding it to your self-assessment, and most importantly if the residents are happy then there is no reason to change the process.

We've been recording any first reports of ASB through the handling advice and acknowledging as an expression of dissatisfaction and responding and closing the complaint but continuing the process through our ASB process.

Do we then need to keep a record of dissatisfaction through an ASB process in line with the complaint's advice? We've had differing advice over the recording of these issues.

This is often a theme in our casework. There is a difference between a report of ASB and how a landlord has handled that case. If the landlord initially gets a report of ASB, it is not necessarily an expression of dissatisfaction, that's a report of somebody that's experiencing a nuisance and annoyance.

If the resident is not happy about how the landlord has handled their report, the landlord may wish to raise that as a formal complaint.

The 2 are very separate so utilise your ASB Policy initially. If that process is not processed satisfactorily to the resident, then at that point, they could be encouraged to either issue a Community Trigger or raise a formal complaint about the handling of their complaint case.

We produced a [Spotlight Report on Noise](#) where we encourage landlords to have a separate policy for noise, for example, but also ASB policies and how to follow that.

Accessibility and awareness

Must a landlord provide access to its complaints procedure through all the channels listed in the Code?

No. The Ombudsman recognises that not all channels listed in the Code may be available to a landlord, but where a channel is available, it is expected that it will be accessible to someone seeking to raise a complaint.

As stated in the Code, having only one channel available to make a complaint is unlikely to be considered reasonable.

Should landlords include a reference to the Housing Ombudsman Service in the acknowledgement and throughout the complaint responses?

Your website should say that people have a right to come to the Housing Ombudsman. You can include details of the Ombudsman at any stage of your complaint process, but you should be clear that we will not be able to investigate until the resident has completed the process.

[View guidance on telling residents about our service.](#)

At the end of stage 1 response, you should provide information on how to escalate the matter to stage 2 if the resident is unhappy. At the end of stage 2 you should signpost to the Ombudsman.

Residents have a right to come to us at any stage of the complaint process, particularly if the complaints process is not moving. These issues are dealt with by our Dispute Support team.

The Code requires the complaints policy and process to be on a landlord's website. What if a landlord does not have a website?

The Ombudsman recognises that there may be a minority of landlords which do not have a website and in those instances, it is reasonable that the complaints policy and process are not available on a resource that the landlord does not have.

The Ombudsman expects that, in these instances, information regarding the complaints policy and process is shared as widely as possible via alternative means such as leaflets, posters, newsletters and relevant correspondence with residents.

Do landlords have to respond to a complaint via the method it was made?

The Ombudsman would not necessarily expect landlords to use the same method used by the resident to raise the complaint. For example, it would not be appropriate for a complaint response to be shared on open social media. Landlords are expected to engage with residents early in the complaint to discuss their preferred method of communication.

Does a landlord need permission in writing from the resident before dealing with their nominated representative?

There needs to be an auditable record that the resident has nominated a representative to act for them – this can either be in writing or it can be a confirmation of the arrangement that is sent to the resident with the option to refute it. The complaint policy and procedure should clearly set out how a landlord will handle requests for a representative.

The Code states that the complaints policy must set out how they will respond to requests for reasonable adjustments in line with the Equality Act. If a landlord has a separate policy that details this, does it need to be repeated in the complaints policy?

No. Provided there is a clear stance in a published policy about how requests for reasonable adjustments will be handled, it is sufficient for the complaints policy to link to that policy.

Does early engagement with the Ombudsman interfere with the landlord's complaints procedure?

No. While a complaint is in the landlord's complaints procedure our role is to support effective complaint handling at a local level. This may involve clarifying the areas of complaint and the outcomes sought by both parties, but would not involve passing any comment on the complaint and what the decision or outcome of the complaint should be.

Complaint handling personnel

Do you have to set up a specific complaint team to deal with complaints?

The Ombudsman recognises that landlords will need to put in place the structures and arrangements for complaint handling that best suits their organisation. While we require there to be a dedicated "complaints officer", this may be in addition to other duties. We also recognise that a landlord may not need to resource a specific team to handle complaints to a high standard and accordingly, this is not a requirement of the Code.

How should complaints about the actions of third parties be handled?

If a landlord's responsibility has been delegated to another organisation, then the handling of complaints about that responsibility may also be appropriate to delegate. The landlord is still responsible for the final complaint decision and for complying with the terms of its membership of the Housing Ombudsman Scheme and compliance with the Code.

If working for a contractor, should the complaint go to the landlord, or should it come straight to the Housing Ombudsman?

If the resident is unhappy with the service being delivered by the contractor, the landlord is responsible, and you can go through their complaints process and then they can come to the Housing Ombudsman.

If this question is from an employee of a contractor, going through the landlords' complaints procedure and coming to the Housing Ombudsman is not the right pathway. We only deal with complaints from residents of social landlords (and voluntary member landlords).

Complaint handling principles

Does the 5 working days for acknowledgement start from the day the complaint is received by the contact centre or by the complaint handler?

The timeframe starts from the day the complaint is received by the landlord. If complaints are received by teams that are not responsible for handling complaints, landlords should have processes in place to ensure the complaint is passed to the relevant team (or person) to allow them to acknowledge the complaint.

How do timeframes apply to complaints raised by advocates/representatives?

Stage 1 timescales for handling complaints start from the point that consent is received for the advocate to represent the resident. If consent is not provided at the point the complaint is made, and is required by the landlord's policy, the Ombudsman expects landlords to request consent in the acknowledgement to avoid unreasonable delays to the complaint.

The Code states that communication with residents should not generally identify individual members of staff or contractors. Does this mean that landlords should not include names of employees in any responses to complaints?

It is important that a landlord takes responsibility for the actions of its employees and contractors rather than apportioning responsibility by directly naming individuals where there is no reason to do so. There may be instances where the details of

individuals may be appropriate and any reference to individuals should be compliant with data protection legislation.

What does the Ombudsman consider to be a reasonable timescale for escalation?

The Code does not give a timescale for escalation requests as we recognise that what is reasonable will differ from landlord to landlord.

Landlords must include their timescales for an escalation request in the complaint policy as well as recognition that there will be certain complaints. For example, with particularly complex complaints, where it may be appropriate to extend the escalation timescale.

What would be a 'reasonable reason' for declining an escalation request?

The Ombudsman encourages landlords to use every stage of the internal complaint procedure as a genuine opportunity to resolve a dispute with a resident. The Code requires landlords to clearly set out the reasons for declining to escalate a complaint and these should be the same as the reasons for not accepting a complaint:

That the complaint should not be looked at further because it would compromise legal proceedings to do so. Or because it has now become clear that this complaint has previously fully exhausted the complaints process.

Refusing to escalate a complaint because of a merit assessment of the resident's reasons for escalation is unlikely to be considered reasonable. Refusing to escalate a complaint because the resident is seeking to challenge an outcome that they had previously agreed to is also unlikely to be considered reasonable. People are allowed to change their mind about what they consider to be an appropriate outcome – it is then the role of the stage 2 reviewer to consider whether the original outcome agreed was appropriate.

Complaint stages

What do you class as the maximum timescale to respond to a complaint by a resident?

The TSM technical data return should reflect the timescales in the Code (10-20 working days) as a default. However, as the Code allows for extensions, with the resident's agreement, landlords can reflect this in their return. When an extension is agreed with the resident and the response delivered within that extension, that counts as within target.

Do you have to log another complaint if the agreed timeframe for handling a complaint is not met?

We do not expect landlords to automatically log a further complaint if they exceed the timescales for handling the complaint. However, if residents raise this as a further complaint, then it must be recorded.

If a landlord identifies that they are likely to miss the agreed timeframe for handling the complaint, this should be explained to the resident in the next available update along with details of any new timeframe. Landlords should not wait until the agreed timeframe has expired before alerting the resident to the issue. The new timeframe will need to be agreed with the resident and, if they are not in agreement, they have the right to challenge the proposed timeframe to the Ombudsman.

Is it ever acceptable for a landlord to respond to a stage 1 complaint without stating the outcome, for example whether it was upheld?

The Complaint Handling Code section 4 lists the principles of complaint handling, the complaint stage, definition, decision of the complaint, the reasons for any decisions made, the details of any remedy offered, any outstanding actions and details how to escalate to the next stage.

Within that it's important for the landlord to highlight where and what they've got wrong. Whether you define it as upheld, partially upheld, not upheld, how you want to define that is up to your organisation. But it is important that you are utilising the complaint principles from the Code.

If a formal stage 1 has not been answered in the prescribed timescales, should we automatically escalate to a final review?

If stage 1 has not been responded to by the deadline (be it the 10 days or the end of any extension), the resident has the right to come to the Housing Ombudsman. The landlord still must complete the stage 1 before they can do the stage 2.

The Code does give the ability to offer extensions. For example, if there is a complex complaint at 9 working days old, the landlord is not going to be able to resolve within 10 working days, but they would be looking to get the response out to the resident in the next 10 working days.

What we are looking for is a plan which is acceptable to the resident, and if it is not then the resident can always come to the Housing Ombudsman Service.

Does day 1 count from logging the complaint or from when the complaint is received? What happens if you go outside of the timeframe?

The Code says that complaints should be logged and acknowledged within 5 days. This means 5 working days, so if you log a complaint on day 1, you've then got 10 working days to respond at stage 1 after the complaint is logged and acknowledged. If you log and acknowledge the complaint on day 5, you've got 10 working days from that moment to respond at stage 1, after logging and acknowledging the complaint. What we look at is the impact on the resident, so if you log on day 6, but you respond to the complaint at stage 1 7 to 8 days after that, the whole time is still around 15 working days, which is unlikely to have a huge impact on the resident.

The Code says to acknowledge and log within 5 days of receipt. Then the stage 1 response time is 10 working days from the day logged. Should you measure the 10 working days from the point it's logged or from the point it is allocated?

It is from the date that acknowledgement letter is sent out, as long as it is within those 5 working days, your time starts from that acknowledgment.

If letters are late going out, for example day 11, does the Housing Ombudsman feel that this is acceptable?

We know things can happen to delay things at the very end. If you are consistently sending out late responses and this is not the minority, you need to be looking at your complaint handling processes and procedures. You should look at whether it is a systemic issue around the resourcing of your complaints function.

If it is just the minority and it has not had an adverse impact on the residents, then it is not cause for concern.

If you respond at stage 2 of a complaint advising there is a plan in place for repairs to be completed and close the complaint, if the repairs fail, should the complaint be reopened or for a new complaint to be raised at stage 1 regarding the new failure?

This is one of those grey areas, but it's about separating the complaint and the remedy. Obviously if there's an action plan in place, assuming that there's a level of complexity to the case as well. You've had your stage 2, therefore the resident should have had their referral rights to our service. So the resident can bring it to our attention and that's not a problem. We will look for the evidence and do our investigation.

But for the landlord at that point, you would have the plans in place and be following through with that remedy. So it's for the landlord to continue communicating with the resident and trying to put that right. Depending on the case of course, we would not necessarily advise that another separate complaint is opened because it's just the remedy side of the original complaint. It is about separating the two and continuing with the resident, looking to resolve any repairs that have not been met within the action plan.

In a complaint outcome, if you've identified that a repair needs to be completed within a timescale and have written to the resident to confirm this timescale, however the repair is not completed within the agreed time noted in the outcome letter. Should the complaint stay at stage 2, or should it go back to stage 1 as an incomplete repair?

Firstly, you need to separate the complaint from the remedy. If you respond appropriately at stage 1 but are unable to fulfil the remedy promised due to a van breakdown for example, the resident will remain unsatisfied and that can move to stage 2. This is because you have not addressed the original failing.

If in the intervening period between going to stage 2, you make the repair and the resident informs you they are happy and do not want to proceed with the complaint anymore, you can look to withdraw the complaint. In cases such as this, record keeping is essential so you can evidence why you took the steps you took.

Our complaints policy allows residents 15 days to request a stage 2. Is this good practice?

In the code it states there needs to be a timescale for escalation to stage 2 for residents. We do not specify the length of time. We do encourage landlords to have a level of discretion and to assess case by case.

If the resident comes to escalate their complaint and they have not been able to within the timescale, is the landlord being reasonable in declining to move it forward? Is there some personal reason, for example medical reasons, that a resident has not been able to meet the timescale?

Is it good practice to include stage 3 in the complaints process, to give residents a chance to request an Independent Tenants Panel if unhappy with the stage 2 result?

The Code encourages resident involvement in complaint handling and views this as a sign of a healthy and positive complaint handling culture, but the Ombudsman does not consider that a stage 3 is necessary.

Instead, resident involvement may be more appropriate in scrutiny panels and other quality assurance work.

Why is there no guidance in the Code about stage 3?

The Ombudsman does not consider that a third complaint stage is necessary or in keeping with the principles of efficient complaints handling. Accordingly, we are not including it in the Code.

What is the role between the Housing Ombudsman Service and New Homes Ombudsman? Who should leaseholders refer to after stage 2 if it is about an issue with their new home?

We are reviewing our memorandums of understanding over the next year but in line with the Code, landlords should signpost all residents to the Housing Ombudsman after stage 2 and we will signpost to New Homes Ombudsman as required.

Putting things right

Some complex complaints can take longer to fully resolve, particularly when work needs to be scheduled. Is it okay to keep these complaints open to ensure agreed actions are completed?

No. Landlords must issue the complaint response to the resident once the answer to the complaint is known, not when the outstanding actions required to address the issue, are complete. This affords the resident the opportunity to challenge the conclusions of their complaint, including whether the proposed actions are appropriate.

Where the outstanding issues involves undertaking work which may take weeks or months to complete, the landlord should inform the resident of the timescale for the works to be completed and must track and action the outstanding work expeditiously and provide regular updates to the resident.

If goodwill compensation is offered as redress, should you issue the payment even if the customer has not explicitly accepted it?

The landlord must judge this on a case-by-case basis in dialogue with the resident. It should be noted that accepting compensation offered by a landlord at the final stage of the internal complaint procedure does not prevent residents from being able to escalate their complaint to the Ombudsman.

When a landlord upholds a complaint, should you include the lessons identified in there?

If the landlord can identify where they've gone wrong, then the next part of that conversation is what can we do to put it right? Is there learning in that process? Is this something that keeps coming through? Is there a missing training/knowledge gap there? How can we action plan to get the issue rectified? How can we share this learning with the organisation to ensure that it does not happen again?

It's important that the landlord's transparent in this respect so they can feel they've been heard, and the landlord has really taken on board the impact of what has happened, and they are taking action to change.

Continuous learning improvements

What systems do you expect landlords to implement to learn from complaints?

Record keeping and data recording are critical to enabling learning from complaints. If data is not recorded about what has been complained about and what the answer to the complaint was, it cannot be meaningfully analysed for learning to feed back into service provision. The systems that a landlord will need to ensure that this data is recorded in a way that is capable of being analysed and acted upon will differ from landlord to landlord, but what is critical is a good data culture and an understanding of the importance of complaints in generating learning.

Resolution process

If a complaint has been investigated in line with the Complaint Handling Code at stage 1 and 2 within the landlords' complaint handling process, and then escalates to the Housing Ombudsman. Can the landlord take another look at it, and revise what was offered in compensation/redress?

Our first stance would be to question what did not happen at stage 1 or at stage 2. We publish our guidance on remedies to suggest the kind of compensation and remedies we think are appropriate, and we encourage the resolution of complaints as early as possible.

You should try and adequately remedy a complaint as early in the complaints process as possible, there should not be a 'secret locker' of extra remedies that you can unlock if someone chooses to come to the Ombudsman.

However, if it does happen to come to the Ombudsman and someone else at the landlord organisation looks and says, I think we need to offer more compensation, that is OK. Always be open to putting things right for the resident but try and do it as early in the process as you can.

Self-assessment

Are landlords expected to contact you to let you know of the issues and what we are doing about it?

When it comes round to your self-assessment you need to comply or explain. When you self-assess and you find you have a significant period where you have not been logging and acknowledging within 5 working days, then do not answer yes to that, say 'no, but this is our plan to get back on track'.

Under our new powers from the Social Housing Regulation Bill, we will be taking a more proactive approach asking for that information. If that is the case, then landlords can still explain why something is not working, and let us know the plan to make sure these mistakes do not continue to happen.

Does the whole self-assessment document need to be on the website for residents to download, or can it be a summary/bullet point list?

The requirement is to upload the whole self-assessment document, but we accept there is a communications element around making it accessible.

We have seen examples of some landlords publishing recordings/webinars via their website, going through and talking about the self-assessment.

Other landlords have drawn out key elements and combined these with complaint handling performance.

We would encourage landlords to look at how you can bring the self-assessment to life, to encourage residents' involvement, but from a requirements point of view the full self-assessment document must be available on the website.

Disrepair claims

What should landlords do when a disrepair claim runs alongside a complaint?

You should engage with the tenant and advise them that the quickest way to resolve this is through a complaints process/alternative dispute resolution outside of the legal framework.

The resident can always log something as a legal case later on down the line, but if the two are happening you need to decide how inextricably linked the complaint is to the disrepair claims.

And if you decide there is no way we can look at this complaint because we are going to jeopardise what is considered through the legal route, make sure you record and communicate this to the resident, explaining that once that legal route is finished, we are happy to pick up what is left.

If the complaint is a claim for damages or injury, is it acceptable to deal with as action along the line, as these claims can take some time to agree?

This is about the interface between what is a complaint and what is not. The Code is clear in that you should be communicating clearly with the resident about how they want this addressed. Do they want to go down the complaints route or do they want to go down a disrepair/legal claim route?

What we are clear about is that through the complaints process, if you find something that has gone wrong that you are responsible for as the landlord you should be able to remedy that through the complaint procedure without the need to go down a disrepair claim, separate legal claim or insurance claim route.

If the remedy to a complaint is a large piece of work, like fitting new windows throughout a home, would a response along the lines of 'the windows will be installed by the end of this financial year' for example be specific enough in the timescale?

You need to be looking at how you can remedy the impact on the resident. What we are looking for from remedies is addressing what has gone wrong as quickly as

possible with the resident. But there might be a set of circumstances where you have a short-term fix because the long-term fix is going to take a little bit longer, for example moving the resident out.

What we would not expect is for residents to wait for planned long term works to address something that has gone wrong in the short term.

Shared ownership

Should a prospective shared owner customer complaint be dealt with by the Housing Ombudsman?

Yes. We can deal with shared ownership complaints, but they can be challenging as what we can do is reflective of the nature/level of the shared ownership and the individual circumstances within the particular case.

Smaller landlords

Do you work with landlords that you've not had referrals about or those who have not had any cases with the Ombudsman? Such as smaller landlords that do not have many cases.

The 'Duty to Monitor' under the statutory powers given to us by the Social Housing Regulation Act will have to ensure compliance/statutory compliance so this will build on the interaction we have with smaller landlords or ones that are not necessarily on our radar. It also means we do not have to wait for a complaint before we can investigate them for non-compliance with the Code.

We always remind landlords that the self-assessment is there as a guide, as well as the Complaint Handling Code.