

Guidance on Annual Submissions

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Summary

- Member landlords must comply with the Ombudsman’s Statutory Complaint Handling Code “the Code”. Landlords must demonstrate compliance at least annually through an annual submissions process.
- Annual submissions must be provided via the dedicated electronic form. In exceptional circumstances, and only with prior agreement with the Ombudsman, landlords may use an alternative method.
- Section one of the submissions form requires landlords to provide key information about their organisation and approach to complaint handling. This includes the requirement to provide links to key publications which form part of the landlord’s compliance with the Code.
- Section two of the submissions form sets out the provisions of the Code. Landlords must confirm if they comply with each individual provision. Landlords are not required to provide evidence or commentary (other than as required in section 3 above); this will be considered through a review of the landlords published self-assessment.
- Where a landlord is not able to comply with the Code, they must set out the actions and timescales for achieving compliance or demonstrate how they have made all reasonable endeavours to meet the intentions in an alternative way.
- Section three of the submissions form is optional. It seeks to gain additional insight into complaint handling activities and to inform future work by the Ombudsman. Feedback and comments will not be used as part of our assessment of compliance with the Code.
- Landlords may review and update the self-assessment against the Code during its financial year, either in response to significant changes in their operating environment or following an order by the Ombudsman. If they have done so, they must re-submit their new self-assessment to the Ombudsman, using the electronic submissions form, and inform us on completion.
- Failure to provide the annual submission may result in the Ombudsman finding failure to comply with the Code. Findings of non-compliance may result in the Ombudsman issuing and publishing a Complaint Handling Failure Order (CHFO).

Statutory powers

The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints.

It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued.

The Ombudsman consulted on the Code and our intended approach to the duty to monitor in late 2023. The statutory Code will take effect from 1 April 2024 and our duty to monitor compliance will commence at the same time.

Paragraphs 9-12 of the [Housing Ombudsman Scheme](#) set out the membership obligations to which all landlords must adhere. Paragraph 9b specifies that landlords must establish and maintain a complaints procedure in accordance with the Code.

Paragraphs 13-15 of the Scheme set out the power and steps that the Ombudsman can take if a landlord is failing to comply with their membership obligations. One of these steps is to issue, and publish, a CHFO.

Monitoring compliance with the Code

The Social Housing (Regulation) Act 2023 (the Act) placed a duty on the Ombudsman to monitor compliance with the Code. The Ombudsman will use the duty to monitor to support landlords in improving their complaint handling practices for residents.

The Ombudsman's [Code Compliance Framework](#) ('the framework') sets out how we will assess whether a landlord has met the requirements set out in the Code.

The framework also sets how we will engage with landlords to resolve any instances of non-compliance with the Code. It also explains the learning support offered and the powers available to the Ombudsman should landlords fail to act in response to our Code compliance engagement.

Annual Submissions

The purpose of the annual submission is to enable the Ombudsman to monitor landlords' compliance with the Code. It ensures that all landlords provide information in a consistent way that allows effective analysis and insight into compliance with the Code.

The annual submission also aims to collect additional information about landlords to ensure that our records are current, capture insights into wider complaint handling activities by the sector and to help inform future activities by the Ombudsman to extend fairness in complaint handling.

To simplify the process, the Ombudsman does not require landlords to provide copies of key documents, rather links to publications are requested. Similarly, when providing details set out in the self-assessment, landlords are required to confirm if they comply with each provision, and commentary is only required where a landlord does not comply.

Dates for submission by landlords have been aligned with the Regulator of Social Housing's requirements for the publication and submission of Tenant Satisfaction Measures (TSM) outcomes. The dates are as follows:

- Landlords with 1000 homes or more are required to submit their form by 30 June each year
- Landlords with less than 1000 properties are required to submit their self-assessments at the point they publish their TSMs or 12 weeks after their year-end, whichever is sooner

Where a landlord is unable to meet the deadline set above, they must contact the Ombudsman at the earliest opportunity via email: compliance@housing-ombudsman.org.uk. Extensions to submissions will only be agreed in exceptional circumstances such as where a business continuity planning event has occurred or similar.

Landlords are encouraged to provide their annual submission in good time prior to the final deadline where possible.

Where a landlord has reviewed and updated the self-assessment against the Code during its financial year, either in response to significant changes in their operating

environment or following order by the Ombudsman, they must provide their updated submission via the electronic form.

Completing the annual submission

Landlords are required to provide their annual submission via our dedicated electronic form. Alternative formats, such as word documents, excel spreadsheets or PDFs will be accepted only in exceptional circumstances and with prior agreement.

The submissions form is split into three sections:

- section one requires information about the landlord to be provided
- section two requires landlords to confirm compliance with Code provisions
- section three requests the landlord provides further relevant information

Landlords must complete sections one and two as part of the annual submission.

Section three is optional and will be used to inform further work by the Ombudsman.

Section One

Section one requires landlords to provide key information about their organisation. This ensures the Ombudsman has complete and accurate information that reflects the landlord's status and the roles held by key individuals.

Landlords can delegate completion of the submission to any suitable member of staff who has the authority and/or approvals to do so.

As part of section one, landlords are required to provide links to key publications that form part of the requirements of the Code. These are:

- The self-assessment against the Code
- The annual complaint performance and service improvement report
- The governing body's response to the report
- The complaints policy

When providing these links, landlords are expected to ensure that the links are live and complete; this will minimise the need for further contact and clarification from the Ombudsman.

Section Two

This section requires landlords to confirm their compliance with each provision of the Complaint Handling Code.

By doing so, landlords are confirming they have assured themselves that all complaints made about services provided to residents (directly or indirectly to their residents) in their capacity as a landlord, are handled in line with the Code.

Landlords are not required to provide evidence and information to support their assessment of compliance in the submissions form; this will be detailed in the full self-assessment published on their website and linked in section one of the annual submission.

If a landlord does not comply with provision(s) set out in the Code, they must select 'no' and explain when they will achieve to compliance or demonstrate how they have made all reasonable endeavours to meet the intentions in an alternative way.

Section Three

The purpose of this section is to allow the Ombudsman to gain further insights and information about complaint handling activities across the sector. This section is optional; landlords may choose to answer all or some of the questions included.

Feedback and comments captured in this section will not be considered as part of the assessment of compliance with the Code, rather to inform further work by the Ombudsman which may include:

- Developing additional guidance and/or training via the Centre for Learning
- Sharing learning and insights to landlords through publications
- Assessing the impact of the Code and duty to monitor activities

Resubmissions

Landlords are required to re-assess compliance with the Code where there have been significant changes in their operating environment, including mergers, acquisitions, and instances where business continuity planning has been initiated.

Landlords may also be ordered to review their self-assessment by the Ombudsman.

If a landlord has reviewed and updated their self-assessment outside of the annual review process, they must resubmit their annual submissions form. When they do so, landlords should inform the Ombudsman and confirm the reason for the review.

Failure to provide the annual submission

If a landlord is unable to provide their submission by the relevant date they must contact the Ombudsman immediately, outlining the reasons why and to engage in discussions with the Ombudsman on the next steps and actions required.

Landlords that fail to provide their submission or resubmission by the relevant date may be issued with a Type 3 CHFO. If there is non-compliance with the order, we will consider whether a referral to the governing body or the Regulator of Social Housing is required.

Further information on our approach to [Complaint Handling Failure Orders](#) is available on our website.