

Complaint Handling Code FAQs

Section 1: Definition of a complaint

Can a landlord use its own definition of a complaint in its complaint policy?

Landlords are expected to use the definition of a complaint set out in the Code in its complaints policy (and any other relevant policies and/or procedures). This is as follows:

‘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 or group of individuals.’

Where a landlord wishes to deviate from this definition in alternative documents such as fact sheets or resident guides, it must ensure the meaning of the definition is retained.

Is a landlord required to log a complaint even if it's the first time the resident is reporting the issue?

It is reasonable for landlords to have an opportunity to respond to a service request for issues reported for the first time. Where a landlord decides to respond to a report from a resident by raising a service request, the resident should be informed of the decision and the next steps.

Residents that express dissatisfaction with the landlords' approach to resolving the substantive issue, or the outcome, must be given the opportunity to make a complaint. The complaint should be raised at stage 1 of the complaints procedure.

The landlord should continue its efforts to resolve the service request even if a complaint has been made. A landlord should not wait for the outcome of the complaint investigation to progress the service request.

If a resident contacts about service provision, can a landlord deal with it quickly and informally, or does it have to move to stage 1?

Informal complaint stages are not permitted in landlord complaints policies.

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Residents that express dissatisfaction with the landlords' approach to resolving the substantive issue, or the outcome, must be given the opportunity to make a complaint. The complaint should be raised at stage 1 of the complaints procedure.

The landlord should continue its efforts to resolve the service request even if a complaint has been made. A landlord should not wait for the outcome of the complaint investigation to progress the service request.

For ongoing reports of anti-social behaviour, are landlords required to log these as complaints?

Landlords should have a separate policy for handling reports of anti-social behaviour (ASB). Reports of instances of ASB experienced by a resident should not be recorded as a complaint but rather dealt with in line with a landlord's ASB policy.

However, if a resident expresses dissatisfaction with the landlord's handling of their reports of ASB or the handling of their ASB case, the landlord should raise a complaint and carry out a review of its handling of the ASB case as part of its complaint investigation.

Where a resident raises dissatisfaction, if the landlord asks the resident if they want to raise a complaint and the resident confirms they do not, is it acceptable not to raise a complaint?

If a landlord considers it appropriate to raise a complaint to fully investigate a matter and to provide a suitable remedy and response, it can decide to raise a complaint.

Complaints do not have to be a long, drawn-out process and can be beneficial in feeding back on service provision and highlighting where changes or learning is needed.

Raising a complaint also means a resident has clear escalation routes outlined if the matter is not resolved to their satisfaction. The landlord may wish to reassure its resident of this if they are doubtful about wanting to raise a complaint.

However, if a resident specifically asks that a complaint is not logged, landlords can decide not to raise a complaint. Landlords should record its 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.

Landlords must ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure at any point or result in any unreasonable delay.

Does a landlord have to accept a complaint if a third party/representative is not authorised?

Landlords should outline how it will handle complaints raised by third parties/representatives in its complaints policy. Landlords should ensure this meets the requirements of relevant legislation.

Are landlords required to log Members Enquiries as complaints?

Landlords should handle Members Enquiries (from MPs or Councillors) in the same way it would handle contact made by a resident. Often, Members Enquiries start as enquiries and lead to service requests being raised.

It is reasonable for landlords to have an opportunity to respond to Members Enquiries as service requests for issues reported for the first time. Where a landlord decides to respond in this way, the Member should be informed of the decision and the next steps.

Members or residents that express dissatisfaction with the landlords' approach to resolving the substantive issue, or the outcome, must be given the opportunity to make a complaint. The complaint should be raised at stage 1 of the complaints procedure.

The landlord should continue its efforts to resolve the service request even if a complaint has been made. A landlord should not wait for the outcome of the complaint investigation to progress the service request.

Where landlords receive Members Enquiries and its file shows previous repeat contact from a resident about the same issue, this indicates the resident is still dissatisfied with the handling or outcome of the issue/concern and that they have had to escalate the matter to try and get it resolved. In this scenario, the landlord should contact the resident to explore the reasons they remain dissatisfied and ask if they would like the matter investigated as a complaint. The landlord can still respond to the Members Enquiry to explain the action it has taken.

Can a landlord use its own definition of a service request in its complaints policy?

Landlords are permitted to use its own definition of a service request and are expected to set out the definition and how it will handle service requests in its complaints policy (and any other relevant policies and/or procedures).

Adapted from the Queensland Government website, this is an example of a service request definition:

“a request that the organisation provides a service or fixes a problem when reported”

Will the Ombudsman be requesting information about the number of service requests received?

A landlord should ensure it is recording all service requests received in line with relevant legislation. Landlords may find it helpful to review our [Knowledge and Information \(KIM\) report](#).

Where the Ombudsman has reason to believe a landlord is not compliant with the Code, it may request evidence to demonstrate compliance. Any requests for information made by the Ombudsman will be in line with our [Code Compliance Framework](#).

How should service requests be recorded, monitored and reviewed and how often should reviews take place?

Data recording is crucial to enable the landlord to learn from service requests. If data is not recorded about the types of service requests received or the service provided/outcome, it cannot be meaningfully analysed for learning and feed back into service provision.

Landlords may find it helpful to review our [Knowledge and Information \(KIM\) report](#).

The systems that a landlord will need to ensure data is recorded in a way that is suitable for analysis will differ from landlord to landlord, but for all landlords, a culture that understands the importance of capturing data accurately will be needed.

Landlords should record all service requests received and monitor each to completion. The detail and way in which it records this information and how regularly it reviews it will be led by the individual landlord. When deciding this, the landlord will need to consider what information it would like to understand and report on. As a minimum, the landlord should record the area of service provision and the dates it was received and resolved.

If a resident raises dissatisfaction with the handling of their service request, are landlords required to raise a complaint even if it hasn't finished handling the service request?

Whilst it is reasonable that landlords have an opportunity to respond to a service request, residents who express dissatisfaction with the landlords' approach to resolving the substantive issue, or the outcome, must be given the opportunity to make a complaint. The landlord should continue its efforts to resolve the service request even if a complaint has been made. The landlord should not wait for the outcome of the complaint investigation to progress the service request. The complaint should be responded to as soon as the outcome is known, not when the service request is closed.

If a resident raises dissatisfaction with the handling of their service request, are landlords required to raise a complaint at stage 2?

No. A complaint regarding a failed service request or dissatisfaction with the handling of a service request is not the same as a service request in itself.

The complaint should be logged at stage 1 and handled in accordance with the landlord's stage 1 process.

This is because it is the first time it is being notified of the resident's dissatisfaction with the handling of the service request and should have the opportunity to address the complaint as it would any other.

Sometimes it's challenging working out whether a resident is raising a complaint or not, especially if the resident contacts regularly to raise dissatisfaction. What is your advice?

We understand that not every resident will present their complaint in the same way and it may not always be obvious whether something is intended as a complaint.

Landlords should ensure staff have received sufficient training to equip them with the skills to identify complaints, even where it may not be explicitly stated. Examples of this may include:

- "You have sent someone out three times to fix the communal door intercom but it is still not working, and it is impacting on my deliveries"
- "The lift has broken and I have been unable to get out of the flat for several days as I am in a wheelchair"
- "You have done nothing about the anti-social behaviour I've been reporting to you over the last year. I don't think you're taking the case seriously"

A landlord should also have clear definitions of both complaints and service requests detailed within their complaints policy to reduce ambiguity.

If it remains unclear whether an expression of dissatisfaction is intended as a complaint, the landlord should be proactive in clarifying this with the resident.

It is especially important that staff are able to identify where a resident may be vulnerable and has difficulty articulating their complaint or accessing and following

the landlord's complaints procedure. Landlords should ensure there are appropriate procedures in place to support vulnerable residents through the complaints process.

We recommend that all appropriate customer facing staff have complaint handling, customer service and customer vulnerability training that is refreshed regularly.

What about expressions of dissatisfaction raised on social media? Do these need to be logged as complaints?

Negative comments or messages on social media do not need to be tracked or logged as complaints. It would be desirable for the landlord to signpost these to its complaints process, but the Ombudsman recognises that it may not always be possible to do so.

If a landlord specifies in its complaints policy that it does accept complaints through its social media channels, then these should be logged and responded to accordingly.

We have a customer satisfaction survey and sometimes receive negative feedback and expressions of dissatisfaction in the forms. Should these be logged as complaints?

No. A negative survey response should not automatically trigger a complaint.

Landlords are expected to signpost residents to its complaints policy, when requesting feedback.

Landlords can signpost residents to its complaints process in the following ways:

- introduction/opening paragraph on surveys
- as part of a generic response template a resident would receive upon completion of the survey
- pre-recorded privacy statement

This is sufficient to allow the resident access to raise a complaint if they wish for their dissatisfaction to be addressed.

Section 2: Exclusions

What would be considered a valid reason to exclude a complaint?

Landlords can only exclude complaints where there is a valid reason to do so, and these reasons must be clearly set out in its complaints policy.

Landlords are responsible for determining where a complaint may be excluded, however the landlord must satisfy itself that it has acted fairly and reasonably.

Examples of where a landlord may decide not to accept a complaint:

- the complaint made to the landlord is the same matter which is or has been subject to legal proceedings
- where the same issue has previously exhausted the landlord's internal complaints process
- complaints that have been brought to the landlord after 12 months – although landlords should exercise discretion when considering whether to exclude a complaint on this basis

Can we exclude complaints made in a vexatious or abusive manner?

It is not appropriate to take a blanket approach to excluding complaints from individuals with challenging behaviour.

The landlord's complaint policy should set out how a landlord will handle complaints made in an unacceptable or vexatious manner. The landlord should also have an unacceptable user policy, or similar, supporting this.

The landlord is responsible for determining the process they will use to manage these complaints; however, it should ensure that it is minimising the impact of the unreasonable behaviour for staff, but also, that it is not unnecessarily blocking access for residents to the complaints process.

Landlords should consider the use of restrictions as a tool for effectively handling complaints made by individuals with challenging behaviour. Excluding these complaints should always be a last resort and the landlord should be able to demonstrate that it has tried to assist the resident.

A landlord must not confuse a resident requiring reasonable adjustments with unreasonable behaviour and should therefore consider its reasonable adjustments policy first and foremost.

What are our obligations to a resident when we are refusing a complaint?

Landlords can only exclude complaints where there is a valid reason to do so, and these reasons must be clearly set out in the landlord's complaints policy.

Where a landlord has decided that there is a valid reason not to accept a complaint, it must provide a written response to the resident.

The landlord must provide a clear explanation of why the matter is not suitable for the complaints process, referencing the specific exclusion in its complaints policy that applies.

The landlord must also ensure it explains, within its response, the resident's right to take the decision to the Housing Ombudsman. Where relevant, landlords can also signpost the resident to other organisations or service provisions that could help.

The landlord must ensure it keeps a record of complaints it refuses to accept and should include a summary of the volumes and types of complaints that it has refused to accept in its annual complaints performance and service improvement reports.

What are our obligations under the Code when we opt to refuse a complaint?

Where a landlord has decided that there is a valid reason not to accept a complaint, it must provide a written response to the resident, as detailed above.

The landlord should also clearly set out any exclusion categories within its complaint policy.

The landlord must ensure it keeps a record of complaints it refuses to accept and should include a summary of the volumes and types of complaints that it has refused to accept in its annual complaints performance and service improvement reports.

What if part of the complaint is excluded but part of it is not?

Where a landlord has decided to exclude part of the complaint, this should be clearly communicated to the resident within the complaint acknowledgement and response.

The landlord must provide a clear explanation of why the matter is not suitable for the complaints process, referencing the specific exclusion in its complaints policy that applies.

The landlord should advise of the next steps for the aspects of the complaint that are being carried forward and advise the resident of their right to approach the Ombudsman regarding the excluded matters.

We are concerned about residents having 12 months to bring a complaint and feel it may lead to an influx of new complaints, making our complaint volumes unmanageable.

The landlord must accept complaints made to it within 12 months of the issue occurring, or within 12 months of the individual becoming aware of the issue.

Extending the timeframe for accepting complaints reflects good practice in complaint handling and ensures that residents have a sufficient amount of time to raise complaints about their home.

Whilst it may increase complaint volumes in the short-term, this is not expected to be a significant and ongoing increase and the landlord would be expected to structure its resources accordingly to meet demand.

Landlords should also exercise discretion and consider accepting complaints over 12 months in the follow scenarios:

- individual personal circumstances such as bereavement, illness
- vulnerabilities
- where the resident has not been aware of the issue and could not reasonably be expected to have brought the complaint forward sooner

Landlords must provide suitable guidance and training to staff who are involved with complaint handling to ensure they are not excluding complaints unreasonably.

Does a matter that falls outside the Ombudsman's jurisdiction still need to be raised as a complaint?

All complaints raised to the landlord must be logged as complaints.

If a matter falls outside of its complaints policy, and the landlord decides to exclude the complaint on this basis, the resident must be informed as detailed above.

Whether a matter falls outside of the Ombudsman's jurisdiction is for the Ombudsman to determine and should not have any bearing on the landlord's internal complaint process.

It is not appropriate for the landlord to exclude complaints on this basis.

Section 3: Accessibility and awareness

Must a landlord provide access to its complaint's procedure through different channels?

Yes. Landlords are expected to provide different pathways for residents to raise a complaint. These could include, but are not limited to, face to face meetings, telephone contact, the landlord's website or via a representative.

The landlord should consider how best to increase accessibility of its complaint procedure when deciding which pathways to offer. The landlord's complaint policy must set out how it will publicise details of the complaints policy, including information about the Ombudsman Scheme and this Code.

Residents should be able to raise their complaint in any way and with any member of staff. All staff should therefore be aware of the complaints process and be appropriately trained and equipped to be able to pass details of the complaint to the appropriate person or team.

How can landlords maximise accessibility of their complaints procedure?

Landlords should regularly review the accessibility of its complaint procedure to ensure barriers preventing access are identified and remedied.

Landlords should ensure that complaint pathways are clear and accessible for residents. For example, if the landlord states that it accepts complaints via telephone, the telephone number should be clearly publicised in a variety of locations, including, but not limited to, the complaints policy; regular email or postal communications; in a clear and easy to find location on the website or on residential notice boards.

A landlord may wish to seek resident engagement when reviewing the accessibility of its complaints procedure.

We offer residents the opportunity to fill in a complaint form online, email us and raise a complaint through our social media channels. Is this enough?

Whilst the Ombudsman does not specifically dictate what these channels should be, the landlord should provide a variety of methods with its duties under the Equality Act 2010 in mind.

The landlord must consider how best to maximise the accessibility of its complaint procedure to all demographics of its residents when deciding which pathways to offer. For example, a landlord must not accept complaints exclusively by online methods.

Providing a complaints procedure that is only accessible online will inevitably mean that there are some categories of residents that may be excluded from the complaint process. This is not acceptable, and the landlord should review its policy.

A landlord may wish to seek resident engagement when reviewing the accessibility of its complaints procedure.

Does a landlord need to consider its duties under the Equality Act 2010 when considering access to its complaint's procedure?

Yes. On occasion, residents will require reasonable adjustments to access the landlord's complaints service. Landlords should consider any requests for reasonable adjustments, or where it has identified that an adjustment may be required, in accordance with its relevant policy for example its reasonable adjustment policy.

Landlords should also take note of any previously agreed reasonable adjustments or contact preferences and implement these throughout the complaints process. Any agreed reasonable adjustments must be kept under active review.

Landlords should ensure that all customer-facing staff have received suitable training on vulnerable residents and reasonable adjustments to enable them to adequately support the needs and requirements of residents during the complaint process.

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

There should be a 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 complaints procedure should clearly set out how a landlord will handle requests for a representative.

Must a landlord accept a complaint raised by a representative?

Landlords are expected to provide residents with the opportunity to nominate a representative to deal with their complaint on their behalf should they wish to do so. The landlord's complaint policy should clearly set out how it will handle requests for representatives and how they are able to access the landlord's complaint process.

Residents may wish to be represented or accompanied at any meetings with the landlord.

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 some 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.

In these circumstances, landlords must undertake all reasonable endeavours to deliver the intentions of the Code in an alternative way. For example, the landlord could share information regarding the complaints policy and process as widely as possible by leaflets, posters, newsletters and in a public area that is easily accessible.

Where a landlord has published its complaints procedure on its website it should ensure the information is available in a clear and accessible format. A landlord's complaint procedure should be easily accessible on the landlord's website and residents should not be required to sign-in or create an online account before they are able to raise a complaint.

Are landlords required provide information to residents about access to the Housing Ombudsman Service?

Residents have a right to come to us at any stage of the complaint process.

Landlords should publicise to residents information about their right to access the Housing Ombudsman Service and how they are able to do this. This information should be easily accessible to residents and should therefore be communicated in a variety of ways. This could include via its website, leaflets, posters, newsletters and relevant correspondence with residents.

Landlords are expected to include details of the Ombudsman at both stages of the complaint process. At the end of its stage 1 response, the landlord should provide information on how to escalate the matter to stage 2 if the resident is unhappy and contact details for the Ombudsman should they wish to seek further advice regarding their complaint. At the end of stage 2 landlords should signpost residents to the Ombudsman.

Section 4: Complaint handling staff

We are a small landlord and will struggle to assign a person or a team to take responsibility to handle complaints.

The Ombudsman recognises that landlords will need to put in place structures and arrangements for complaint handling that will best suit its organisation. However, the landlord, no matter of size, is required to have a dedicated 'complaints officer' but this role may be in addition to other duties. The 'complaints officer' should also be responsible for reporting to the governing body (or equivalent) and be a point of contact when liaising with the Housing Ombudsman.

The Code says the complaints officer responding to the complaint must have the authority and autonomy to act to resolve disputes promptly and fairly. However, resolutions and remedies offered require approval by a manager.

The landlord should ensure its complaints officer has the authority to investigate and offer resolutions effectively and within the timescales set out in the Code for responding to complaints.

Where a resolution or remedy will require further approval, the landlord must have a process in place to enable prompt internal approval to achieve a complaint response within the timeframes set out in the Code for responding to a complaint.

Does the complaints officer require access to all staff including the CEO?

To ensure a prompt resolution of complaints, the landlord should ensure that the complaints officer has the freedom and access to communicate across the whole organisation for the purposes of complaint investigations. This should extend to external contractors or third parties where necessary.

We provide a range of services and are concerned prioritising complaint handling will remove resources from other services which could lead to more complaints.

The landlord is expected to suitably resource its complaints function. While an increase in complaints may be seen in the short term, the landlord will start to notice the benefit of having increased oversight of service provision through complaints. Prioritising complaint handling and providing a robust complaint service will support the landlord by providing insight on recurring issues, highlight the strengths and weaknesses within the landlords' services and opportunities for the landlord to review and make improvements.

What does it mean by all relevant staff should be suitably trained. Should this not just be the complaint officer who deals with complaint handling?

Landlords should provide suitable guidance and training to all staff that will be involved with complaint handling and not just its 'complaint officer'. This will ensure that staff understand what is required within their role when dealing with complaints such as how to log them, the timescales involved and what a resident can expect in the process. Information about a landlord's complaints procedure should be available in several ways and this should include via its staff.

Training should be refreshed on a regular basis but sooner if there are significant changes to the structure of the organisation or there are changes to the landlord's complaint policy.

Section 5: The complaint handling process

We have a Homeownership team that deal with shared ownership and leasehold properties and complaints from these residents are handled in line with that team's policy. Can this continue?

The Code requires landlords to have a single complaint policy for dealing with complaints. Landlords must deal with complaints consistently, regardless of the tenure of the resident (i.e. whether they are a tenant, leaseholder, shared owner, etc) it should not have separate policies for different users.

We feel that trying to resolve a resident's concern before it becomes a complaint at an informal stage can be more effective and resolve the issue quicker. Can we continue with this?

Landlords must ensure that there is one policy in place for complaints that is compliant with the Code. Landlords are not permitted to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion and a barrier in accessing the complaints procedure.

Landlords have the opportunity to resolve service requests (that meet the criteria set out in Section 1 of the Code) within its usual processes, prior to the issue becoming a complaint.

We have a third stage as our complaints policy does not only cover housing complaints and therefore, feel that it would not help our complaints team or residents if we are having to work with two different complaint processes.

A process with more than 2 stages is not permitted as this makes the complaint process unduly long and delays access to the Ombudsman. We do recognise that a landlord will need to amend its complaints policy to meet this requirement of the Code in these circumstances and the landlord will have until 1 April 2024 to do this.

If the complaint is being responded to by the landlord's contractor, and the resident remains unhappy, should the complaint come back to the landlord to respond, or can it be referred directly to the Housing Ombudsman?

Where a landlord's complaint response is handled by a third party (such as a contractor) at any stage, it must form part of the two stage complaints process set

out in the Code. Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.

Residents must not be expected to go through two complaints processes.

It is unclear what the resident is complaining about, and we have been unable to reach the resident for clarification, how should we proceed.

If any aspects of the complaint is unclear, the complaint officer should continue to be proactive in trying to obtain clarification from the resident. The complaint officer should consider that some residents may not be able to articulate the extent of the issue or its impact and in this scenario, that landlord should consider whether any reasonable adjustments are required.

If the landlord has been unable to ascertain the full complaint issue, when it sends the complaint acknowledgement in writing to the resident it should ensure a 'complaint definition' is included and this will give the resident a further opportunity to contact the landlord to clarify the complaint. If the resident does not, the landlord should continue with the investigation based on the information and complaint definition it has.

How can we manage complaints from residents with unacceptable behaviour if we aren't able to exclude them?

The landlord is responsible for determining how it manages these complaints however, it should ensure that it is minimising the impact of the unreasonable behaviour for staff, but also, that it is not unnecessarily blocking access for residents to the complaints process.

The use of restrictions may be effective to progress the complaint whilst also protecting staff and discouraging poor behaviour. Some examples of restrictions, where they might be appropriate and conditions for their application:

- Email or letter contact only – this may be appropriate where a resident may be abusive during phones calls or face-to-face contact. The landlord should be satisfied that the resident is both capable and has access to follow the complaint process in this manner.

- Through a representative only – this may be appropriate where a resident is persistently abusive, and the complaint has stalled because of the unreasonable behaviour. The landlord should ensure that the resident has an appropriate representative before considering this.
- Reduced contact – this may be appropriate where the resident is contacting the landlord or raising excessively large numbers of complaints. The landlord should exercise caution when deciding whether communication is excessive and look at whether the complaints being raised are duplications; whether they are valid separate complaints; and whether the frequency of contact is proportionate to the magnitude of the problem.

All restrictions must be reasonable and must be reviewed regularly. It is not reasonable for a restriction to be in place indefinitely. If the resident desists, the landlord should consider the removal of any restrictions.

Any restrictions or action taken with regard to unreasonable behaviour should be clearly communicated.

Restrictions should be used appropriately and only where needed to facilitate complaint handling. The landlord should keep in mind that the aim is to build and maintain good relationships with its residents. Restrictions should not be used as a tool to block complaints.

How much time do landlords have to provide complaint acknowledgements?

A landlord should acknowledge a complaint at stage 1 within 5 working days of it being received.

A landlord should acknowledge a complaint made at stage 2 within 5 working days of the complaint escalation being received.

What are suitable intervals for keeping a resident informed about their complaint if a response falls outside the timeframes set out in the Code?

How often a landlord needs to update a resident will depend on the nature of the complaint, how long it anticipates the outstanding actions to remain and how often the resident feels they need updating. The landlord is expected to agree this with the resident.

Where are landlords required to keep a record of any reasonable adjustments or disabilities disclosed and how long should a landlord keep a record of these?

The landlord should satisfy itself that how, where and how long it records this information is in accordance with GDPR legislation.

Can a complaint end at stage 1 if the landlord sees no benefit in escalating to stage 2?

No. A landlord should escalate a complaint to stage 2 if a resident remains dissatisfied with the outcome at stage 1. If the landlord has reason to exclude the complaint at stage 2, this must be in line with its complaints procedure and a letter should be sent to the resident confirming its reasons for this and signposting the resident to the Housing Ombudsman.

Section 6: Complaint handling stages

How many stages should our complaints policy have?

Landlord complaints policies must have two stages. A landlord is not permitted to have any informal complaint stages, additional stages beyond stage 2 or any less than 2 stages.

To make the complaints process clear to residents, landlords should refer to the two stages as stage 1 and stage 2.

When should the complaint be acknowledged and how will this impact on the overall timescale to provide the resident with a stage 1 response?

Landlords must ensure that complaints are acknowledged in writing within 5 working days of the complaint being received. The 5 working days should commence from the date the resident raises the complaint. Delays in the landlord forwarding a complaint to the correct person/department or delays logging the complaint on its system should not have an impact on the date the acknowledgement is issued to the resident.

The Code refers to 'working days' and not calendar days. For the acknowledgement timescales, the day the complaint is received is day zero of the 5 working days.

If the complaint is received on a non-working day or outside of the landlord's working hours, for example, a complaint received at 11pm in a 24-hour call centre, the date received would be counted as the next working day within the landlord's working hours.

From the date the acknowledgment is provided to the resident, landlords are expected to provide its written stage 1 complaint response within 10 working days.

A landlord is not permitted to delay sending a complaint acknowledgement beyond 5 working days and therefore the stage 1 complaint response will always be due within a maximum of 15 working days from the date the complaint is received by the landlord.

Can a landlord extend the stage 1 timescales?

A landlord's complaints procedure should be compliant with the Code in that an acknowledgement is due within 5 working days of the complaint being received and a stage 1 response is required within 10 working days of the complaint being acknowledged.

A landlord is permitted to extend individual complaint timescales as and when needed at stage 1 but this must be no more than 10 working days. Any extension must be clearly explained to the resident along with the reasons for this and the date they can expect to receive a response.

What would be deemed as a valid reason for extending the stage 1 response timescales?

Landlords may identify that more time is required to investigate and respond to stage 1 following its assessment and therefore the landlord may consider using an extension. Reasons for an extension should be assessed on a case-by-case basis.

The landlord is required to write to the resident explaining the reasons for the extension and confirming the date they can expect to receive a written stage 1 response. The contact details of the Housing Ombudsman should also be provided in this letter.

Landlords should not use an extension greater than an additional 10 working days without good reason. Landlords should ensure that the appropriate level of resources

is allocated as staff sick leave or holiday should not be deemed as an acceptable reason to extend a complaint.

Is a landlord required to complete all actions or remedies offered within 10 working days?

No, a landlord is not required to complete all outstanding actions offered in resolution to the complaint before providing its stage 1 response.

With the stage 1 response, the landlord should provide an action plan for any actions or remedies to resolve the issue(s), detailing the date the resident can expect the action to be completed. For example, if the resident's complaint is in relation to outstanding repairs, the landlord is not expected to complete all the repairs within 10 working days. Instead, an action plan should be provided in the stage 1 response setting out when the repairs are due to be completed.

Landlords should monitor the action plan and keep the resident updated on the progress of any outstanding actions until all actions are completed.

What if the complaint cannot be resolved in 15 working days?

A landlord is permitted to extend individual complaint timescales as and when needed at stage 1 but this must be no more than 10 working days. Any extension must be clearly explained to the resident along with the reasons for this and the date they can expect to receive a response.

Landlords should not use an extension greater than an additional 10 working days without good reason. Landlords should ensure that the appropriate level of resources is allocated as sick leave or holiday should not be deemed as an acceptable reason to extend a complaint.

If the landlord requires an extension beyond 10 working days, the landlord is required to write to the resident explaining the reasons for the extension and confirming the date they can expect to receive a written stage 1 response. The contact details of the Housing Ombudsman should also be provided in this letter.

What if the resident accepts part of the complaint but remains dissatisfied with other aspects of the stage 1 response?

A resident can request to escalate all or only parts of their stage 1 complaint to stage 2. The resident does not have to be dissatisfied with all stage 1 issues to have their complaint reviewed at stage 2. For example, should the complaint include outstanding repairs to the roof and to the boiler, but the resident is dissatisfied with the outcome of the roof repair, the complaint issue surrounding the roof repair should be escalated to stage 2. Effective communication is key in establishing which parts of the complaint the resident remains dissatisfied with that require further review at stage 2.

As stage 2 is the final stage of the landlord's complaints process, the landlord should ensure it is reviewed by a member of staff authorised to make final decisions on behalf of the organisation.

What if the resident has not provided their reasons for escalating their complaint to stage 2?

A resident does not have to provide the landlord with their reasons for expressing dissatisfaction with their stage 1 complaint. The landlord should be encouraged to communicate with the resident to establish their reasons for escalating and their desired outcome however, the landlord should not refuse an escalation request based on the resident not providing their reasons.

A stage 2 response should be a review of the initial stage 1 response. Therefore, reasons for escalation are not required for this review to be carried out.

When should the stage 2 complaint be acknowledged and how will this impact on the overall timescale to provide the resident with a stage 2 response?

Landlords must ensure that each escalation request is acknowledged in writing within 5 working days of the escalation being raised by the resident. It is important to clarify that these 5 working days should commence from the date that the resident requests that their complaint be escalated.

The Code refers to 'working days' and not calendar days. For the acknowledgement timescales, the day the escalation request is received is day zero of the five working days.

If the escalation request is received on a non-working day or outside of the landlord's working hours, the date received would be counted as the next working day within the landlord's working hours.

From the date the acknowledgment is provided to the resident, landlords are expected to provide its written stage 2 complaint response within 20 working days.

What if we currently have an independent adjudicator or a resident panel that reviews our complaints at stage 3?

The Complaint Handling Code is clear that stage 2 must be the resident's final stage of the landlord's complaint process. Any further stages results in the process being too lengthy and causes delays in residents receiving an outcome.

Landlords may feel that including its residents in the complaints process contributes positively to scrutiny. Should landlords wish to keep their resident panels, these should be included in one of the two stage complaint stages and not form an additional stage of its own.

The final stage 2 complaint response should include the Housing Ombudsman's contact details and ensure that the resident is aware of their right to escalate their complaint for investigation, should they remain dissatisfied.

Section 7: Putting things right

Where something has gone wrong how can we put things right?

A landlord's complaint handling is an opportunity to rebuild trust and improve relationships with residents.

Landlords should ensure that the focus of its complaint handling remains on resolving issues and providing remedies where things have gone wrong. Landlords should be open and transparent acknowledging where things have gone wrong, setting out the actions it has already taken or intends to take to put things right.

This could include:

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

How do we decide what is an appropriate remedy?

When considering an appropriate remedy, as far as possible, the landlord should aim to return the resident to the position they would be in had the service failure not occurred and additionally, account for the fact it did occur. For example, where a complaint is about a reoccurring leak the landlord could consider the following:

- carrying out the required repair work
- any other potential remedial works/damages
- length of time the situation has been ongoing
- number of service failures
- severity of any service failure or omission
- impact on the resident
- particular circumstances or vulnerabilities
- any wider learning

Landlords should take account of guidance issued by the Ombudsman when deciding on appropriate remedies. Any compensation awarded by the landlord should align with its published compensation policy.

Landlords can find further information in our [Guidance on remedies \(housing-ombudsman.org.uk\)](https://www.housing-ombudsman.org.uk)

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 are expected to issue the complaint response to the resident once the answer to the complaint is known, not when the outstanding actions required to resolve the complaint are completed.

Remedies should be clearly communicated to the resident within their complaint response. The resident should receive a breakdown of what the remedy is and how the landlord has reached its decision for each part of their complaint.

Should landlords track and update residents about any scheduled work/actions set out in its complaint response?

Yes. Where the outstanding issues involve 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 should track and action the outstanding work expeditiously and provide regular updates to the resident. This affords the resident the opportunity to challenge the conclusions of their complaint, including whether the proposed actions are appropriate.

The remedy offer made by the landlord should clearly set out what will happen and by when, in agreement with the individual where appropriate. Any remedy proposed must be followed through to completion.

Section 8: Self-assessment, reporting and compliance

Where should we submit and publish our annual self-assessment?

Landlords are required to:

- produce an annual complaints performance and service improvement report for submission to the governing body
- produce a response from the governing body
- publish both of these documents on their website

A landlords self-assessment forms part of its annual complaints performance and service improvement report.

A link to these documents from the landlord's website should be submitted via our dedicated electronic form.

Our electronic form for submitting a self-assessment will be available from 1 April 2024 along with further guidance. The Ombudsman will only be able to accept alternative formats such as word documents or PDFs in exceptional circumstances to ensure consistency across data analysis.

When will landlords have to complete submissions?

Dates for submission of the electronic form by landlords have been aligned with the Regulator of Social Housing's requirements for the publication and submission of TSM outcomes.

Landlords with 1,000 homes or more are required to submit their form by 30 June each year.

Landlords with less than 1,000 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 landlords have self-reviewed due to a significant restructure, merger and/or change in procedures, these will be reviewed on submission.

Where the Housing Ombudsman has made an order to the landlord to review its self-assessment or to re-submit, clear timescales will be provided within the order.

It is important to note that although the deadline for submission differs depending on the size of the landlord, compliance in policy with the Complaint Handling Code is required by 1 April 2024.

What if we are not yet compliant with a certain provision in the Complaint Handling Code?

Landlords are required to be compliant with the Complaint Handling Code from 1 April 2024.

Where a landlord's policy does not comply with the Code, it must provide a detailed explanation for non-compliance in its self-assessment and the date by which it intends to comply.

Where there are exceptional circumstances which mean a landlord cannot meet specific requirements of Code, for example a small provider does not have a website, the Ombudsman will take a proportionate approach. In these circumstances, landlords must undertake all reasonable endeavours to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

Where a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, it must inform the Ombudsman of its reasons, provide information to residents who may be affected and publish this on their website. The landlord must provide all parties with a timescale for returning to compliance with the Code and the reasonableness of exemptions to the Code during this period may be assessed by the Ombudsman.

What action will be taken by the Housing Ombudsman if a self-assessment is not submitted by the deadline?

Landlords that fail to provide their submission form by the relevant date may be issued with a Type 3 CHFO setting a timescale for compliance. If there is non-compliance with the order, we may consider if a referral to the governing body or the Regulator of Social Housing is required. For further information on monitoring compliance with the Code, please see our [Code Compliance Framework](#).

What happens to our self-assessment should we undergo a merger or another significant restructure?

Significant organisational changes, mergers and/or changes in procedures may impact on a landlord's service delivery and complaint handling. Therefore landlords are required to self-review to ensure that alignment with the Complaint Handling Code is maintained through these changes. Landlords will need to resubmit our electronic form and these will be reviewed on submission.

We are undergoing an exceptional circumstance that is preventing us from complying with the Complaint Handling Code, what should we do?

Landlords experiencing exceptional circumstances, for example a cyber-attack, should inform the Housing Ombudsman if it results in it being unable to comply with

the Code. Landlords must provide information about the services affected, any changes to contact information and the impact on complaint handling processes. The landlord will need to set out where compliance with the Code is not being met, any procedures it has put in place to mitigate this and provide an expected date for when it will become compliant.

Additionally, the landlord must make residents aware as soon as possible and publish this on its website. The landlord should highlight key information such as interim contact methods, web complaint forms, web forms to log repairs, ASB reporting tools and any revised timeframes for response.

Section 9: Scrutiny and oversight

As a landlord we have concerns about publishing information about our complaints. The number of complaints may be perceived as if we are failing, rather than looking at the ratio of complaints against the number of properties we have.

On the surface, high volumes of complaints must not be seen as a negative as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that individuals are unable to complain.

Being open and transparent about complaints should be seen as a positive way for a landlord to promote learning and understanding, review lessons learned and to make any improvements to service provision.

Landlords are now required to publish Tenant Satisfaction Measures (TSM's); these will include information on complaint handling and therefore this information will already be available to residents.

Publishing complaint information can also be used to promote any positive feedback that has emerged from complaint handling.

What reports, and information will be required and how do landlords submit this information to the Ombudsman?

Landlords are required to:

- Produce an annual complaints performance and service improvement report, which must include:
 - the annual self-assessment against the Code to ensure their complaint handling policy remains in line with its requirements
 - a qualitative and quantitative analysis of the landlord's complaint handling performance - this must also include a summary of the types of complaints the landlord has refused to accept
 - any findings of non-compliance with the Code by the Ombudsman
 - the service improvements made as a result of the learning from complaints
 - its actions following any annual report about the landlord's performance from the Ombudsman
 - its actions following any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord

The landlord must also ensure that the annual complaints performance and service improvement report has been reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.

A link to these documents from the landlord's website should be submitted via our dedicated electronic form which will be available on our website from 1 April 2024 along with further guidance.

Alternative forms, such as word documents, excel spreadsheets or PDFs will be accepted only in exceptional circumstances and where this has been agreed with the Ombudsman in advance. This is to ensure consistency of data collection and analysis.

Will the Ombudsman be providing a template or further guidance around what should be included in the annual complaint's performance and service improvement report?

The annual complaints performance and service improvement report must include:

- the annual self-assessment against the Code to ensure their complaint handling policy remains in line with its requirements
- a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept
- any findings of non-compliance with the Code by the Ombudsman
- the service improvements made as a result of the learning from complaints
- its actions following any annual report about the landlord's performance from the Ombudsman
- its actions following any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord

The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.

Further guidance on completing a self-assessment and using the electronic submission form will be added to our [Centre for Learning on our website](#).

Please can you provide more information and clarity on the Member Responsible for Complaints role and who this should be?

For further information, guidance and FAQ's please visit [Member Responsible for Complaints \(MRC\) | Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

Is the annual complaints performance and service improvement report, and board response to it, required for the TSM reporting period 2023/24?

To simplify the process, the reporting of complaints handled within Code timescales as part of the self-assessment has been aligned to the requirements of the Regulator of Social Housing's Tenant Satisfaction Measures (TSM).

Landlords must report their performance complaints responded to within Complaint Handling Code timescales (CH02) in line with the detailed requirements set out in Tenant Satisfaction Measures – Technical Requirements (published on the Regulator of Social Housing's website).

Dates for submission of the electronic form by landlords are as follows:

- Landlords with 1,000 homes or more are required to submit their form by 30 June each year.
- Landlords with less than 1,000 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.

Landlords can choose to include additional information regarding how they have performed for the period from April 2024 until their submission is due should they wish to do so.