

New Housing Ombudsman Service (HOS) Complaint Handling Code

The purpose of this information sheet is to provide an update for members regarding the new Housing Ombudsman Service (HOS) Complaint handling code.

Introduction

The HOS published a new Complaint Handling Code in July 2020, setting out good practice that allows landlords to respond to complaints effectively and fairly.

Key areas in the Code

- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints procedure - only two stages necessary and clear timeframes set out for responses
- Ensuring fairness in complaint handling with a resident-focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture through continuous learning and improvement
- Demonstrating learning in Annual Reports.

A link to the code is set out below

- [Complaint Handling Code](#)

Self Assessment

The HOS expects landlords to carry out regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code. The HOS also expects landlords to report the outcome of their self-assessment to their governance members. In the case of local authorities, elected members, additionally landlords are expected to publish the outcome of their assessments. The HOS may request sight of the assessment and supporting evidence and may require landlords to periodically repeat the self-assessment, e.g. following any amendments to the Code or significant change to the landlord organisational structure.

Purpose

The purpose of the Code is to enable landlords to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture

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amongst staff and residents. Landlords will be asked to self-assess against the Code on a comply and explain basis. Non-compliance may result in the Ombudsman issuing complaint handling failure orders.

Accessibility and Awareness

Where a landlord has set up channels to communicate with its residents via social media, such as Facebook and Twitter, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.

The complaints policy and process should be publicised in leaflets, newsletters, online and as part of regular correspondence with residents. A copy should be provided when requested. Landlords shall provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.

Landlords shall provide early advice to residents regarding their right to access the HOS, not only at the point they have exhausted the landlord's complaints process. The HOS can assist residents throughout the life of a complaint. This affords the resident the opportunity to engage with the Ombudsman's dispute support advisors.

Complaints Procedure

The Ombudsman welcomes involvement by residents or senior executives outside the complaints team as part of the review process and this is in the service action plan to achieve during 2021 with the implementation of a tenant scrutiny panel.

Duty to co-operate with the Ombudsman

When the resident remains dissatisfied at the end of the landlord's complaints process, they may bring their complaint to the HOS. Landlords shall cooperate with the HOS requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, the landlord shall provide the HOS with an explanation for the delay. If the explanation is reasonable, the Ombudsman will agree a revised date with the landlord.

Failure to provide evidence to the HOS in a timely manner may result in the Ombudsman issuing a complaint handling failure order.

Continuous learning and improvement

Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.

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An effective complaints process enables a landlord to learn from the issues that arise for residents and to take steps to improve the services it provides and its internal processes. Landlords should have a system in place to look at the complaints received, their outcome and proposed changes as part of its reporting and planning process, additionally, themes or trends should be assessed to identify any systemic issues, serious risks or areas for improvement and appropriate action.

Landlords shall report back on wider learning and improvements from complaints to their residents, managers and staff. Feedback shall be regularly provided to relevant scrutiny panels and committees. Learning and improvement from complaints will be included in the landlord's Annual Report.

Compliance

Each quarter the Ombudsman will publish the total number of complaint handling failure orders issued, the names of the landlords and reasons for the orders and will share this information with the Regulator of Social Housing. The number of complaint handling failure orders issued against a landlord will form part of the Ombudsman's annual landlord performance reports and will be available on the Ombudsman's website.

The Ombudsman may request evidence of a landlord's self-assessment in order to confirm satisfactory compliance with the Code. Where there have been failures to comply with the Code or in operating an effective complaints procedure, the Ombudsman may issue a complaint handling failure order and ask the landlord to complete the self-assessment as part of the rectification action and to report back to the Ombudsman on its outcome.

Summary

The elements outlined above are part of our normal working practices with our residents but like most things there are always areas where improvements can be made, however small, they may have a positive impact on the lives of our residents.

As a responsible landlord we should always be striving to be the best we can be for our residents and ourselves as a local government organisation.

The Tenant Services self-assessment can be found on the Council's website [here](#).