Housing Ombudsman Complaint Handling Code

South Kesteven District Council Housing Services Self-Assessment 2022

Compliance with the Complaint Handling Code

South Kesteven District Council's Housing Service is committed to being compliant with the Housing Ombudsman Complaint Handling Code.

What is this self-assessment?

The Housing Ombudsman Service, with whom all social housing landlords are registered with, looks at complaints about housing services that have been reported to them. Any tenant has the right to complain to their landlord about the service they have received. If they are not satisfied with the response given to their complaint, they have the right to report it to the Housing Ombudsman who will investigate it with the landlord on the tenant's behalf.

The Housing Ombudsman introduced a new Complaint Handling Code in 2021 setting out the standard to which it expects social landlords to achieve in addressing complaints made by their tenants about the service they receive. Failure to meet these standards may lead to action being taken to address this by the Housing Ombudsman.

A key element of this requires a social landlord to review our approach to dealing with complaints and how they ensure it meets the requirements of this new code. To show they have done this, social landlords must conduct a self-assessment of their complaints policy and procedure and how we meet this requirement and the actions we will take where we do not.

This must be approved by the social landlord's senior management and published on their corporate website for all to read it.

This is the second self-assessment South Kesteven District Council's Housing Services have carried out. Where it is necessary or we believe it will provide an improved service, we will change our procedure each time we carry out this self-assessment

What does it cover?

The self-assessment consists of 8 sections, each of which sets out:

Mandatory 'must' requirements

These set out the standards we must meet as part of the Compliance code

Best practice 'should' requirements (in gray)

These set out the standard we should aim to achieve based on good practice by other social landlords

Section	Code requirement	Comply	Evidence, commentary and any explanations
1.2	A complaint must be defined as: 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.	Yes	Contained with Housing Customer Feedback Policy and corporate Customer Feedback Policy which can be found at <u>http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=27948&p=0</u>
1.3	The resident does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord's complaints policy.	Yes	Definition covers any feedback of dissatisfaction as a complaint. Third party submissions are treated as complaints.
1.6	if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint	Yes	Complainant will be contacted for clarification and issue logged as a stage 1 complaint.
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.	Yes	All feedback is considered a valid complaint unless it comes under one of the conditions of not a valid complaint as set out in complaint policy.
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents.	Yes	Policy sets out clear guidelines when a complaint would not be accepted as valid.
1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.	Yes	Compliant should be contacted and explanation given as to why it is not valid complaint and how it will be dealt with. This is being addressed via the new corporate system.

Section	Code requirement	Comply	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a service request, where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.	Yes	Policy defines what is a complaint and what is a service request.
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.	Yes	Comments from surveys are addressed collectively, but where there is a clear complaint this will be looked at in line with the customer feedback policy Comments that may be seen as a complaint are dealt with, this could be via rant and rave or various other platforms.

Section 2	Section 2 – Accessibility and awareness - Mandatory 'must' requirements				
Section	Code requirement	Comply	Evidence, commentary and any explanations		
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone,	Policy allows complaints to be made in any format. We accept complaints in any format, and these are recorded on Meritec.			
	in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system	Yes	As part of the corporate system, feedback is being provided to continually improve contact and communication.		
2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.	Yes	Policy is available on council website and a summary is provided in the tenant's newsletter. Copies are available on request.		
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.	Yes	Website has dedicated section for reporting issues. As part of ongoing improvements we alert customers as to how complaints and feedback can be given, this is under continual review.		

2.5	Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints	Yes	Set out in the policy.
	handlers have had appropriate training to deal with such requests.		
2.6	Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.	Yes	Information is included in the tenant's newsletter, and we include information to letters to tenants when appropriate.
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.	Yes	Information is included in the tenant's newsletter, and we include information to letters to tenants when appropriate.
2.8	Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted.	Yes	In policy and also in responding to complaints, tenants are advised they can contact ombudsman at any time. Also in newsletter.
Section 2	e – Best practice 'should' requirements		
Section	Code requirement	Comply	Evidence, commentary and any explanations
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.	Yes	Policy/procedure explains how to deal with complaints on social media, this is part of an ongoing communication plan with customers.

Section 3	Section 3 – Complaint handling personnel - Mandatory 'must' requirements				
Section	Code requirement	Comply	Evidence, commentary and any explanations		
3.1	Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the "complaints officer".	Yes	This is addressed at corporate level and within housing itself. Complaints are monitored in terms of being completed for reporting purposes.		
3.2	the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.	Yes	Training is provided for those responding to complaints. Complaints are handled by managers of the service, where necessary a complaint will be dealt with by a manager outside of the service area involved.		
	3 – Best practice 'should' requirements	Commit	Friday of a supervision of a supervision of the sup		
Section	Code requirement	Comply	Evidence, commentary and any explanations		
3.3	 Complaint handlers should: be able to act sensitively and fairly be trained to handle complaints and deal with distressed and upset residents have access to staff at all levels to facilitate quick resolution of complaints have the authority and autonomy to act to resolve disputes quickly and fairly. 	Yes	Procedure sets out guidelines on how to address complaints and complaints are dealt with a level that allows early resolution.		

Section 4	Section 4 – Complaint handling principles - Mandatory 'must' requirements				
Section	Code requirement	Comply	Evidence, commentary and any explanations		
4.1	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	Yes	All actions and correspondence regarding a complaint is recorded and linked to that complaint. Attempts are mad to contact a complainant at early stage to resolve the issue informally, but it remains classed as stage 1 complaint at all times. There is no pre stage 1 stage in our policy.		

	result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre- complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure within five days of receipt .		Complaints are acknowledged automatically by Meritec once it is logged. As part of the service improvement officer role informal enquiries are captured and reported on quarterly.
4.2	Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	Response templates set out how to respond to complaints and procedure gives guidelines on what to include. Clarification is sought where required.
4.6	A complaint investigation must be conducted in an impartial manner.	l Yes	Complaint is handled at team leader or service manager level, where necessary this will be done by one outside of the service area being looked at.
			Checks and balances are undertaken to ensure that complaints are answered.
4.7	 The complaint handler must: deal with complaints on their merits act independently and have an open mind take measures to address any actual or perceived conflict of interest consider all information and evidence carefully and keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. 	Yes	Complaints handling procedure sets out guidelines on how complaints should be handled and allows for a consistent approach.
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication	Yes	Residents are contacted in their known preferred method and agreements re frequency if required.
4.12	The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:	Yes	A full review is conducted before a decision is made
	set out their position		

	 comment on any adverse findings before a final decision is made. 		
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint	Yes	Part of the policy and included on any response to the complainant and how they can escalate a complaint.
4.14	A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.	Yes	Any reason for refusing to escalate a complaint are set out in the procedure and policy, complainants are informed of this and how they can have their issue dealt with otherwise.
4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.	Yes	All complaints are logged and dealt with via a corporate complaints handling package and all information relating to a complaint is saved in a linked location.
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint	Yes	Contained within the policy and also under a separate corporate policy on unreasonable behaviour.
Section	I – Best practice 'should' requirements		
Section	Code requirement	Comply	Evidence, commentary and any explanations
	•	Comply	Explained in policy and within procedure of how to manage
4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic	Yes	expectations. Complainant is advised where necessary of this and why, and what can be done.
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required?	Yes	We try to resolve a complaint at the earliest stage taking everything into account.

4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.	Yes	Contained within policy re 3 rd party and advocate representatives.
4.8	Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties.	Yes	Cleary stated with advice taken from others where necessary.
4.9	Communication with the resident should not generally identify individual members of staff or contractors.	Yes	We avoid this where possible and will only identify individuals it is unavoidable.
4.10	Landlords should keep residents regularly updated about the progress of the investigation.	Yes	Complainants are kept informed, and any delays will be discussed with them.
4.16	Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and learning culture	Yes	Via rant and rave. We also ask for comments as part of our response.
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained	Yes	Right to complain is embedded into service and a positive approach to complaints as learning tool is adopted.
4.19	Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.	Yes	Any restrictions are explained to the individual and alternative arrangements made if necessary to ensure they are discriminated against or compromised.

Section 5 – Complaint Stages - Mandatory 'must' requirements					
Section	ction Code requirement Comply Evidence, commentary and any explanations				
Stage 1 Complaints					
5.1 Landlords must respond to the complaint within 10 Yes Our complaints handing system sends reminders to					

	working days of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.		complaint handlers re timescale to ensure they meet the 10 day deadline. This is continually under review and part of the improvement plans.
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.	Yes	A response is sent with actions required to address this set out in the response.
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	Template and procedure sets out how to do this.
5.8	 Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language: the complaint stage the decision on the complaint the reasons for any decisions made the details of any remedy offered to put things right details of any outstanding actions details of how to escalate the matter to stage 2 if the resident is not satisfied with the answer. 	Yes	Template sets this out in sections
	Complaints		
Section	Code requirement	Comply	Evidence, commentary and any explanations
5.9	If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure unless an	Yes	Stage 1 complaints are escalated to stage 2 at complaints request or where it is identified as necessary to resolve elements of the compliant.
	exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly		Where this does not occur, the complainant is contacted to explain why and right to go to ombudsman.

	communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.		
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	Escalated complaints are explained to the person taking on the complaint and information used in stage 1 provided.
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.	Yes	Set out in policy. Complainant is contacted to explain process if required.
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.	Yes	Stage 2 are dealt with by a senior manager
5.13	Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	In policy
5.16	Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language: • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions and	Yes	Template sets out clear format to ensure all points are covered. Stage 3 has been removed and information on going to ombudsman is included in stage 2 response.

	 if the landlord has a third stage, details of how to escalate the matter to stage three if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 		
Stage 3 C	Complaints		
5.17	Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self- assessment. A process with more than three stages is not acceptable under any circumstances.	Yes	Policy is two stage and then ombudsman.
5.20	 Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language: the complaint stage the complaint definition the decision on the complaint the reasons for any decisions made the details of any remedy offered to put things right details of any outstanding actions and if the landlord has a third stage, details of how to escalate the matter to stage three if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 	Yes	This is carried out at stage 2 response. We do not have stage 3.
Section 5	5 – Best practice 'should' requirements	JL	IL

Section	Code requirement	Comply	Evidence, commentary and any explanations
Stage 1		<u>n</u>	n
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	Complainant is contacted and discussed with them.
5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	Yes	Complainant is made aware they can contact ombudsman at any time even during the progress of a complaint.
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.	Yes	All evidence is considered in addressing a complaint, including where necessary previous reports relevant to the issue.
5.7	Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant, and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.	Yes	Where possible, any new information would be included in the original complaint unless they related to new issues not within the original complaints scope in which case it would be listed as a new complaint.
Stage 2			
5.14	If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	Complainant is contacted in such cases.
5.15	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	Yes	Complainant is informed of this

Stage 3			
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint within 20 working days of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.	N/A	We do have a 3 rd stage
5.18	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	N/A	We do have a 3rd stage

Section 6 – Putting things right - Mandatory 'must' requirements				
Section	Code requirement	Comply	Evidence, commentary and any explanations	
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.	Yes	Response makes clear if there is fault and the new system also includes a root cause section and remedy section to ensure the cause of complaint and how it was address ed is captured. We review root causes and where frequent issues are identified, look at how we can action these to avoid them reoccurring	
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.	Yes	Any such responses and decisions are reviewed by service manager.	

6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	Response clearly sets this out.
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.	Yes	Compensation awards clearly set out the reason for this and identifies any elements such as distress etc.
Section 6	6 – Best practice 'should' requirements		
Section	Code requirement	Comply	Evidence, commentary and any explanations
6.3	Code requirementLandlords 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.	Comply Yes	Evidence, commentary and any explanations All complaints are looked at in terms of root causes.

Section	Code requirement	Comply	Evidence, commentary and any explanations
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.	Yes	Report on complaints is presented to senior management and to tenants via the tenants newsletter and annual report.

Section 7	Section 7 – Best practice 'should' requirements			
Section	Code requirement	Comply	Evidence, commentary and any explanations	
7.3	A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.	Yes	The Director of Housing has overall responsibility for ensuring compliance.	
7.4	 As a minimum, governing bodies should receive: Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders Regular reviews of issues and trends arising from complaint handling, The annual performance report produced by the Ombudsman, where applicable Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge. 	Yes	Complaints are reported to management on a frequent basis as part of a corporate process.	
7.5	Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.	Yes	Root causes and frequent reported issues are reviewed to identify where polices etc need tom be reviewed.	
7.6	 Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to: have a collaborative and co-operative approach towards resolving complaints, working with 	Yes	All officers are aware of the importance and purpose of complaints and to see them as learning tools.	

 colleagues across teams and departments take collective responsibility for any shortfalls identified through complaints rather than blaming others act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 	
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Section 8	Section 8 – Self assessment and compliance - Mandatory 'must' requirements		
Section	Code requirement	Comply	Evidence, commentary and any explanations
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.	Yes	This is conducted on an annual basis
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.	Yes	This is completed as when necessary
8.3	 Following each self-assessment, a landlord must: report the outcome of their self- assessment to their governing body. In the case of local authorities, self- assessment outcomes should be reported to elected members publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents include the self-assessment in their annual report section on complaints handling performance 	Yes	The self-assessment is presented to senior management and published on the SKDC website. A summary is included in the annual report.