

**Hammersmith & Fulham Council
Local Government & Social Care Ombudsman
& Housing Ombudsman Guidance Notes
October 2024**

“Hammersmith & Fulham’s Council’s vision is to be the best council. Acting with integrity and working with residents to get things done”

Our vision is underpinned by six priorities:

Building shared prosperity

Doing things with residents, not to them

Taking pride in Hammersmith & Fulham

Creating a compassionate council

Being ruthlessly financially efficient

Rising to the challenge of the climate and ecological emergency

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1. Introduction

All residents have the right to make a complaint to the Ombudsman if they are still dis-satisfied after our Corporate Complaint process has been exhausted.

The resident has the ability to make a complaint either to the Local Government and Social Care Ombudsman or Housing Ombudsman. There are other Ombudsman services, but the complaints we receive predominately come from these 2 organisations.

The Ombudsman will investigate the actions taken by or on behalf of Hammersmith & Fulham.

2. The Role of the Link Officer

Every authority should appoint a link officer who acts as the single point of contact for Ombudsman enquiries and casework. Hammersmith & Fulham has appointed the Resident Experience Manager as our link officer, and they sit within the Resident Experience Team.

All communications are managed through a generic inbox Ombudsman Complaints: H&F Ombudsman Complaints: H&F <OmbudsmanComplaints@lbhf.gov.uk>, for which the entire Resident Experience Team has access to manager staff absence.

All cases are raised in ICaseWork the corporate case management system to allow visibility of cases and performance monitoring/reporting.

3. The Local Government & Social Care Ombudsman Complaint Handling Code

Introduction

Good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. This code sets out what an organisation should do procedurally to handle complaints.

Organisations should embrace complaints through increased transparency, accessibility, and complaint handling governance. Demonstrating that individuals are at the heart of its service delivery and good complaint handling is central to that.

Some organisations see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process:

- > Good complaint handling promotes a positive relationship between an organisation and service users.
- > Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved promptly can take significant resource and time to remedy.
- > Involvement in complaint resolution develops staff ownership, decision-making and engagement.

> Complaints provide senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture.

> Data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision.

The Complaint Handling Code ('the Code'), sets out a process for organisations that will allow them to respond to complaints effectively and fairly. The purpose of the Code is to enable organisations to resolve complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and individuals.

The Code will act as a guide for individuals setting out what they may expect from an organisation when they make a complaint. Organisations should seek feedback from individuals in relation to their complaint handling as part of the drive to encourage a positive complaint and learning culture.

Organisations should have a single policy for dealing with complaints covered by the Code.

The principles, process and timescales in this Code are aligned with the Complaint Handling Code issued by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services covered by both Codes.

The Local Government and Social Care Ombudsman's powers and approach

The Code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974. For the Local Government and Social Care Ombudsman, this Code constitutes important advice and guidance to councils, rather than instructions.

We have issued the Code for local councils in England. Other organisations in the Ombudsman's jurisdiction may find the Code helpful in setting out good practice.

We can recommend an organisation takes action to improve services or provide a personal remedy where it finds fault causing injustice to an individual or group of individuals. Unlike the Housing Ombudsman, we have no specific responsibility for monitoring compliance with the Code in addition to our role investigating complaints of maladministration and service failure.

Using the Code

We expect local councils to carefully consider the Code when developing policies and procedures. Where an organisation decides that it will depart from the Code, it should ensure local decision-making processes have been properly followed.

We may make a finding of maladministration where local councils' policies and procedures depart from the Code without sufficient explanation. We may also make a finding of maladministration where a local council, without good reason, does not meet the standards in the Code when responding to an individual complaint.

Where an organisation is unable to comply with its policies and procedures when dealing with an individual complaint, the individual should be provided with a suitable explanation and signposted to the Ombudsman.

The Code should be considered along with other guidance issued by the Local Government and Social Care Ombudsman.

The Code does not replace any existing statutory complaint processes such as The Children Act 1989 Representations Procedure (England) Regulations 2006 or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Complaint Handling Code

1. Definition of a service request and complaint

1.1 Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In most cases organisations should be able to put things right through normal service delivery processes.

1.2 A service request may be defined as: 'a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.'

1.3 This provides organisations with opportunities to resolve matters to an individual's satisfaction before they become a complaint.

1.4 A complaint may 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 or group of individuals.'

1.5 An individual should 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 should still be handled in line with the organisation's complaints policy.

1.6 Organisations should recognise the difference between a service request and a complaint. This should be set out in their complaints policy.

1.7 Service requests are not complaints but may contain expressions of dissatisfaction. Organisations should have the opportunity to deal with a service request before a complaint is made. A complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. An organisation should not stop its efforts to address the service request if the individual complains.

1.8 Service requests should be recorded, monitored and reviewed regularly.

2. Exclusions

2.1 An organisation should accept a complaint unless there is a valid reason not to do so. If the organisation decides not to accept a complaint, it should be able to evidence its reasoning. Each complaint should be considered on its own merits.

2.2 Organisations should accept complaints referred to them within 12 months of the issue occurring, or the individual becoming aware of the issue. Organisations should consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

2.3 A complaints policy should set out the circumstances in which a matter might not be considered or escalated. Organisations should ensure that these are reasonable, and should not deny individuals access to redress.

2.4 If an organisation decides not to accept a complaint, an explanation should be provided to the individual setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

2.5 Organisations should not take a blanket approach to excluding complaints; they should consider the individual circumstances of each complaint.

3. Accessibility and awareness

3.1 Organisations should make it easy for individuals to complain by providing different channels through which they can make a complaint. Organisations must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who may need to access the complaints process.

3.2 Individuals should be able to raise their complaints in any way and with any member of staff. All staff should be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the organisation.

3.3 High volumes of complaints should 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.

3.4 Organisations should make their complaint policy available in a clear and accessible format for all individuals. This should detail the process, what will happen at each stage, and the timeframes for responding. The policy should also be published on the organisation's website.

3.5 The policy should explain how the organisation will publicise details of the complaints policy, including information about the Ombudsman and this Code.

3.6 Organisations should give individuals the opportunity to have a suitable representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the organisation.

3.7 Organisations should provide individuals with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.

3.8 Where an organisation asks for feedback about its services through a survey, it should provide details of how individuals can complain so they can pursue any dissatisfaction if they so wish.

4. Complaint handling resources

4.1 Organisations should have designated, sufficient resource assigned to take responsibility for complaint handling, including liaison with the relevant Ombudsman and ensuring complaints are reported to the governing body (or equivalent).

4.2 Anyone responding to a complaint should have access to staff at all levels to facilitate the prompt resolution of complaints. They should also have the authority and autonomy to act to resolve disputes promptly and fairly.

4.3 Organisations are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff should be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and resourced accordingly

5. The complaint handling process

5.1 Organisations should have a single policy for dealing with complaints covered by the Code.

5.2 The early and local resolution of issues between organisations and individuals is key to effective complaint handling. Organisations should not have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.

5.3 When an individual expresses dissatisfaction that could meet the criteria for a complaint as set out in section 1 of the Code, they should be given the opportunity to make a complaint. Organisations should recognise that individuals may be reluctant to raise complaints out of fear it may impact services they receive in future.

5.4 The person responding to the complaint should:

- a. clarify with the individual any aspects of the complaint they are unclear about;
- b. deal with complaints on their merits, act independently, and have an open mind;

- c. give the individual a fair chance to set out their position;
- d. take measures to address any actual or perceived conflict of interest; and
- e. consider all relevant information and evidence carefully.

5.5 Where a response to a complaint will fall outside the timescales set out in this Code the organisation should inform the individual of when the response will be provided and the reason(s) for the delay.

5.6 Organisations must make reasonable adjustments for individuals where appropriate under the Equality Act 2010.

Organisations should keep a record of any reasonable adjustments agreed. Any agreed reasonable adjustments should be kept under active review.

5.7 Organisations should not refuse to escalate a complaint through all stages of the complaints procedure unless there are valid reasons to do so. Organisations should clearly set out these reasons, and they should align with the approach to exclusions set out in section 2 of the Code.

5.8 A full record should be kept of the complaint, and the outcomes at each stage. This should include the original complaint and the date received, all correspondence with the individual, correspondence with other parties, and any relevant supporting documentation such as reports. This should be retained in line with the organisation's data retention policies.

5.9 Organisations should have systems in place to ensure that a complaint can be remedied at any stage of its complaints process. Organisations should ensure that appropriate remedies can be provided at any stage of the complaints process without the need for escalation to stage 2 or the Ombudsman.

5.10 Organisations should have policies and procedures in place for managing unacceptable behaviour from individuals and/or their representatives. Organisations should be able to evidence reasons for putting any restrictions in place and should keep an individual's restrictions under regular review.

5.11 Any restrictions placed on an individual's contact due to unacceptable behaviour should be proportionate and demonstrate regard for the provisions of the Equality Act 2010

6. Complaints stages

Stage 1

6.1 Organisations should have processes in place to consider which complaints can be responded to as early as possible, and which require further consideration. Organisations should consider factors such as the complexity of the complaint and whether the individual is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the individual.

6.2 Complaints should be acknowledged, and logged at stage 1 of the complaints procedure **within five working days of the complaint being received**.

6.3 Organisations should provide a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.

6.4 Organisations should decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform individuals of the expected timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) should be clearly explained to the individual.

6.5 When an organisation informs an individual about an extension to these timescales, they should be provided with the details of the relevant Ombudsman.

6.6 A complaint response should be provided to the individual when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions should still be tracked and actioned promptly, with appropriate updates provided to the individual.

6.7 Organisations should address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. Organisations should be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.

6.8 At the conclusion of stage 1 organisations should provide details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

6.9 Where individuals raise additional complaints during stage 1, these should be incorporated into the stage 1 response if they are related, and the stage 1 response has not been provided. Where the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues should be logged as a new complaint.

6.10 Organisations should have systems in place to ensure that a complaint can be remedied at any stage of its complaints process. Individuals should not have to escalate a complaint in order to get an appropriate remedy.

Stage 2

6.11 If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it should be progressed to stage 2 of the organisation's procedure. Stage 2 is the organisation's final response.

6.12 Requests for stage 2 should be acknowledged and logged at stage 2 of the complaints procedure **within five working days of the escalation request being received**. Within the acknowledgement, organisations should set out their understanding of any outstanding issues and the outcomes the individual is seeking. If any aspect of the complaint is unclear, the individual should be asked for clarification.

6.13 Individuals should not be required to explain their reasons for requesting a stage 2 consideration. Organisations should make reasonable efforts to understand why an individual remains unhappy as part of its stage 2 response.

6.14 The person considering the complaint at stage 2 should not be the same person that considered the complaint at stage 1.

6.15 Organisations should issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.

6.16 Organisations should decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform individuals of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the individual.

6.17 When an organisation informs an individual about an extension to these timescales they should be provided with the details of the relevant Ombudsman.

6.18 Organisations should confirm the following in writing to the individual at the completion of stage 2 in clear, plain language:

- a. the complaint stage;
- b. the organisation's understanding of the complaint;
- c. the decision on the complaint;
- d. the reasons for any decisions made;
- e. the details of any remedy offered to put things right;
- f. details of any outstanding actions; and
- g. details of how to escalate the matter to the Ombudsman if the individual remains dissatisfied.

6.19 Stage 2 should be the organisation's final response and should involve all suitable staff members needed to issue such a response.

6.20 A process with more than two stages will make the complaint process unduly long and delay access to the relevant Ombudsman. A process with a single stage means the organisation may lack the ability to check its response before an individual comes to the Ombudsman.

6.21 Where an organisation's complaint response is handled by a third party (e.g. a contractor) or independent adjudicator at any stage, it should form part of the two stage complaints process set out in this Code. Individuals should not be expected to go through two complaints processes.

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

7. Putting things right

7.1 Where something has gone wrong an organisation should acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can 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.

7.2 Any remedy offered should reflect the impact on the individual as a result of any fault identified.

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

7.4 If a proposed remedy cannot be delivered, the individual should be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman,

7.5 Organisations should take account of the good practice guides issued by the Ombudsman when deciding on appropriate remedies.

8. Performance reporting and self-assessment

8.1 Organisations should produce an annual complaints performance and service improvement report for scrutiny and challenge, which should include:

- a. an annual self-assessment against this Code to ensure its complaint handling policy remains in line with its requirements.
- b. a qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept;
- c. any findings of non-compliance with this Code;
- d. the service improvements made as a result of the learning from complaints;
- e. the annual letter about the organisation's performance from the Ombudsman; and
- f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation.

8.2 The annual complaints performance and service improvement report should be reported through the organisation's governance arrangements and published on the section of its website relating to complaints. The response to the report from the relevant governance arrangement should be published alongside this.

8.3 Organisations should also carry out a self-assessment following a significant restructure, merger and/or change in procedures.

9. Scrutiny & oversight: continuous learning and improvement

9.1 Organisations should look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.

9.2 A positive complaint handling culture is important to the effectiveness with which organisations resolve disputes. Organisations should use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

9.3 Accountability and transparency are also integral to a positive organisational culture. Organisations should report back on wider learning and improvements from complaints to stakeholders, such as citizens' panels, staff and relevant committees.

9.4 The organisation should appoint a suitably senior person to oversee its complaint handling performance. This person should assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

9.5 In addition to this, organisations should assign lead responsibility for complaints in governance arrangements to support a positive complaint handling culture. We refer to this as the 'Member Responsible for Complaints' (the Member). This role

could be carried out by an individual or committee depending on the governance arrangements in place.

9.6 The Member should receive regular information on complaints that provides insight on the organisation's complaint handling performance. The Member should have access to suitable information and staff to perform this role and report on their findings.

9.7 As a minimum, the Member should receive:

- a. regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance
- b. regular reviews of issues and trends arising from complaint handling; and
- c. the annual complaints performance and service improvement report.

9.8 Organisations should have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

- > have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- > take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- > act within the professional standards for engaging with complaints as set by any relevant professional body.

Self-assessment

A self-assessment should be completed and shared with the organisation's governance arrangements as part of the complaints performance and service improvement report.

Evidence should show how the organisation follows the Code and its own policies. It should also set out how well it is performing and provide information about service improvements which have been implemented following complaints.

For example, this could include records of quality assurance checks on complaint responses, exclusions and feedback from relevant staff. If the failure to meet an expectation only relates to one service area or department this should be made clear.

When completing the self-assessment, organisations should not focus on the number of complaints received. Recording a high number of complaints may be an indication that the organisation welcomes complaints and that individuals are able to access the complaints process easily. Organisations should focus on timescales for responding to complaints and complaint outcomes.

A suggested self-assessment format is included here, but organisations may adopt their own version to meet local needs and reporting requirements.

The Housing Ombudsman Complaint Handling Code

Foreword

The heartbeat of this Code is enabling a positive complaints culture across the social housing sector.

This positive culture matters regardless of size or type of landlord. It supports strong resident-landlord relationships. It means things can be put right for residents when they have gone wrong. It helps organisations to develop and improve services. And, perhaps above all, it supports the values of justice and fairness that embodies so much of the sector's social purpose.

This Code considers complaints to be more than transactions. Nonetheless, good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. This Code sets out what landlords must do procedurally to handle complaints. Compliance with the Code is most effective within landlords that operate within established dispute resolution principles: to be fair, puts things right, and learn from outcomes.

Landlords must embrace complaints through increased transparency, accessibility, and complaint handling governance, demonstrating that residents are core to its service delivery and good complaint handling is central to that.

This Code aims to support the earliest resolution of complaints while the matters are still within the landlord's own procedure. This can avoid issues escalating with potentially prolonged detriment to the resident, as well as requiring significantly more time and resource by the landlord to remedy.

This Code provides a guide to residents of what to expect if they make a complaint, as well as improving access and awareness to the procedure when they need it. The adoption of this statutory Code and associated duties ensures residents do not experience a postcode lottery in complaint handling.

Embracing the Code can also empower staff. Involvement in complaint resolution develops staff ownership, decision-making and engagement, and should ensure appropriate resources and tools are deployed to handle complaints. It provides senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and identify any organisational risks or issues. Lastly, data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision.

Landlords are expected to annually self-assess against the Code, to engage its governance in that exercise and to publish the outcome. We also encourage landlords to see this exercise as an opportunity to engage residents in setting their

approach to complaints to drive a positive complaints and learning culture. This approach must be captured by the landlord in a single policy for handling complaints.

The positive engagement of landlords in the Code and its principles has brought focus on the importance of complaints and the advent of this statutory Code will drive further change to the benefit of both residents and landlords.

Introduction

Statutory powers

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

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

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

Compliance with the Code

The Ombudsman believes all members must comply with all provisions in the Code as this represents best practice in complaint handling.

Where the Housing Ombudsman finds an organisation has deviated from the Code in policy or practice, it may use its powers to put matters right and ensure compliance with the Code. 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.

Monitoring compliance with the Code

The Ombudsman would like all landlords to have strong local complaint handling and a positive complaint handling culture – resolving complaints earlier and potentially without referral to the Ombudsman extends fairness to the benefit of all residents. This also leads to better services and strengthens relationships with residents. We will use the duty to monitor compliance to further these aims by supporting better practice and providing opportunities for landlords to demonstrate complaint handling improvements.

Support for improvement will be provided through the Centre for Learning, accessible via our website, which hosts an ever-growing range of tools targeted at complaints handlers, senior managers and governing bodies.

We will monitor compliance in three ways. This will involve ensuring that the landlord:

- has scrutinised and challenged its compliance with the Code at its governing body through review of its self-assessment against the Code, its complaints handling performance and its learning from complaints, and published the outcome on its website annually;
- complies with the Code in policy; and
- complies with the Code in practice.

Where a landlord does not meet the requirements in any of the areas and does not move into compliance within a reasonable timescale, the Ombudsman may issue a 7 Complaint Handling Failure Order (CHFO). The Ombudsman provides separate guidance on CHFOs on its website.

The Complaint Handling Code

1. Definition of a complaint

1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

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 landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.’

1.3 A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.

1.4 Landlords must recognise the difference between a **service request** and a **complaint**. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

1.5 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.

1.6 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.

2. Exclusions

2.1 Landlords must accept a complaint unless there is a valid reason not to do so. If a landlord decides not to accept a complaint it must be able to evidence its reasoning. Each complaint must be considered on its own merits.

2.2 A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.

2.3 A landlord must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless it is excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

2.4 If a landlord decides not to accept a complaint, an 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. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.

2.5 A landlord must not take a blanket approach to excluding complaints; it must consider the individual circumstances of each complaint.

3. Accessibility and awareness

3.1 Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. A landlord must consider its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.

3.2 Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.

3.3 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 residents are unable to complain.

3.4 A landlord must make its complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.

3.5 The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.

3.6 Landlords must 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.

3.7 Landlords must provide residents with information on their right to access the Ombudsman Service and how the individual can engage with the Ombudsman about their complaint.

4. Complaint handling staff

4.1 Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.

4.2 The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.

4.3 Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively.

5. The complaint handling process

5.1 Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.

5.2 The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.

5.3 A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.

5.4 Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.

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

5.6 When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.

5.7 When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.

5.8 At each stage of the complaints process, complaint handlers must:

- a) deal with complaints on their merits, act independently, and have an open mind;
- b) give the resident a fair chance to set out their position;
- c) take measures to address any actual or perceived conflict of interest;
- and d) consider all relevant information and evidence carefully.

5.9 Where a response to a complaint will fall outside the timescales set out in this Code the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.

5.10 Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.

5.11 Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. A landlord must clearly set out these reasons, and it must comply with the provisions set out in section 2 of this Code.

5.12 A full record must be kept of the complaint, 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 relevant supporting documentation such as reports or surveys.

5.13 Landlords must have processes in place to ensure that a complaint can be remedied at any stage of its complaints process. Landlords must ensure that

appropriate remedies can be provided at any stage of the complaints process without the need for escalation.

5.14 Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.

5.15 Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

6. Complaints stages

Stage 1

6.1 Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.

6.2 Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure **within five working days of the complaint being received.**

6.3 Landlords must issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.

6.4 Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.

6.5 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.

6.6 A complaint response must be provided 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 promptly with appropriate updates provided to the resident.

6.7 Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

6.8 Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, 14 the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

6.9 Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

Stage 2

6.10 If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.

6.11 Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within **five working days of the escalation request being received.**

6.12 Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.

6.13 The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.

6.14 Landlords must issue a final response to the stage 2 **within 20 working days of the complaint being acknowledged.**

6.15 Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the 15 expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.

6.16 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman

6.17 A complaint response must be provided 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 promptly with appropriate updates provided to the resident.

6.18 Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

6.19 Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions;
- and g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

6.20 Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.

7. Putting things right

7.1 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. These can 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.

7.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.

7.3 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.

7.4 Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

8. Self-assessment, reporting and compliance

8.1 Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:

- a) the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
- b) 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;

c) any findings of non-compliance with this Code by the Ombudsman;
d) the service improvements made as a result of the learning from complaints;
e) any annual report about the landlord's performance from the Ombudsman;
and f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.

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

8.3 Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.

8.4 Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.

8.5 If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, it must inform the Ombudsman, provide information to residents who may be affected, and publish this on its website. Landlords must provide a timescale for returning to compliance with the Code.

9. Scrutiny & oversight: continuous learning and improvement

9.1 Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.

9.2 A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

9.3 Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.

9.4 Landlords must appoint a suitably senior lead person as accountable for its complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

9.5 In addition to this, a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive 18 complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

9.6 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.

9.7 As a minimum, the MRC and the governing body (or equivalent) must receive:

- a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
- b) regular reviews of issues and trends arising from complaint handling;
- c) regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
- d) the annual complaints performance and service improvement report.

9.8 Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

- a) have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b) take collective responsibility for any shortfalls identified through complaints, rather than blaming others;
- and c) act within the professional standards for engaging with complaints as set by any relevant professional body.

Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords 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.

5. Hammersmith & Fulham Internal Process

Investigation

When notification is received from either Ombudsman the following steps are taken:

Notification received from Ombudsman that complaint has been received
(Ombudsman shared inbox)



Notification registered in ICaseWork against the original complaint.

↓
Information request issued as appropriate (Via ICaseWork – this will generate an email, plus notifications every 3 days until the task has been completed)

↓
Corrective Action task to be created stating the information that the Ombudsman has requested to be assigned to the appropriate officer.

↓
Calendar invites sent for 3 days prior to the due date.

↓
Ombudsman spreadsheet updated (advising of all actions taken)

↓
Acknowledgment email sent to Ombudsman.

↓
When information received from service areas, all information to be validated by the Assistant Director of Resident Contacts, Head of Dispute Resolutions & Resident Experience Manager, then the information to be either uploaded to the HO Portal or sent via email to the LGSCO, ICaseWork updated and spreadsheet.

Final Determination

When the final determination is received from either Ombudsman the following steps are taken:

Final determination received from Ombudsman (Ombudsman shared inbox)

Final determination registered in ICaseWork against the original complaint.

↓
Orders and Recommendations made by the Ombudsman issues as appropriate (Via ICaseWork - this will generate an email, plus notifications every 3 days until the task has been completed)

↓
Corrective Action task to be created stating the information that the Ombudsman has requested to be assigned to the appropriate officer.

↓
Notification of the final decision to be sent to the appropriate SLT Director and Head of Communications

↓
Calendar invites sent for 3 days prior to the due date.

Ombudsman spreadsheet updated (advising of all actions taken)



Acknowledgment email sent to Ombudsman.



When evidence received from service areas that the orders/recommendations have been complied with, all evidence to be validated by the Assistant Director of Resident Contacts, Head of Dispute Resolutions & Resident Experience Manager, then the evidence to be either uploaded to the HO Portal or sent via email to the LGSCO, ICaseWork updated and spreadsheet.



Once confirmation has been received from the Ombudsman that the orders have been satisfied, the case will be closed in ICaseWork.

Escalation

If we have failed to provide information/evidence within the stipulated timescales and additional communication has been received from the Ombudsman, the following steps are taken:

1st chaser received from Ombudsman (Ombudsman shared inbox)

Communication will be registered in ICaseWork against the original complaint.



Notification will be sent to the service area as appropriate requesting for the information/evidence to be provided as a matter of priority.



(Via ICaseWork - this will generate an email, plus notifications every 3 days until the task has been completed)



Calendar invites sent for 3 days prior to the due date.



Ombudsman spreadsheet updated (advising of all actions taken)

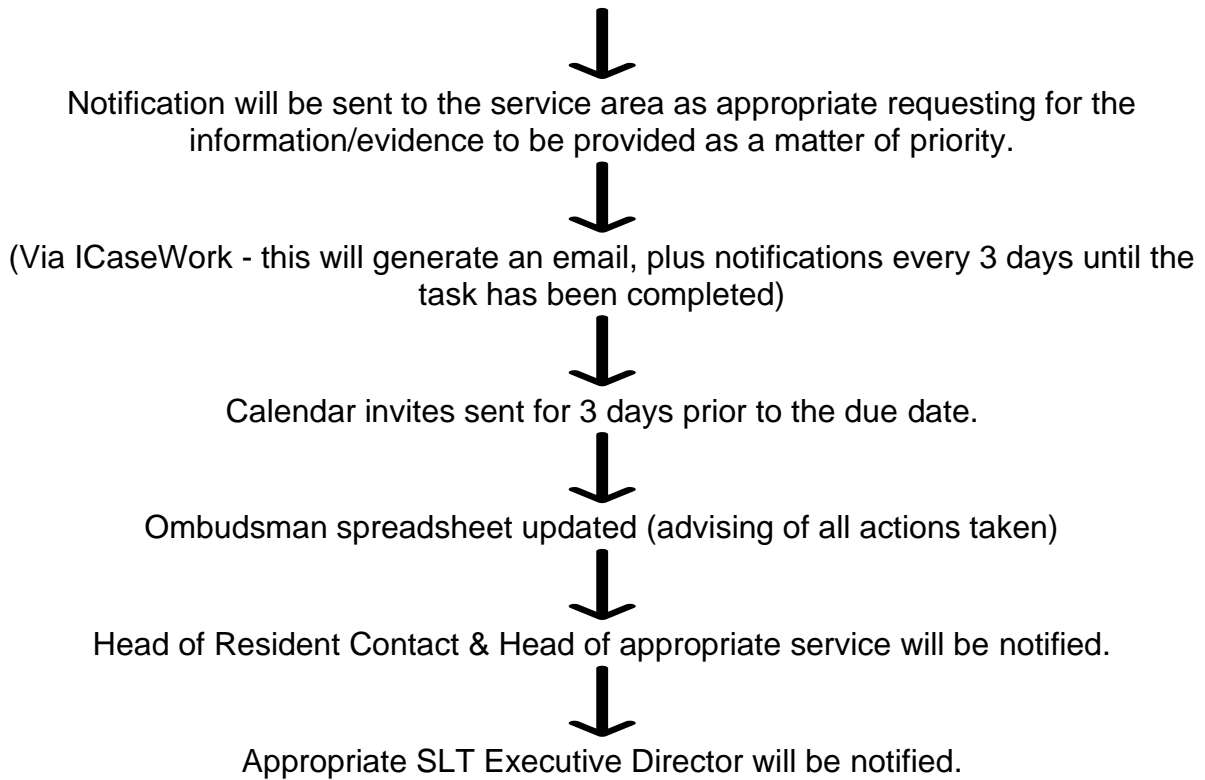


Head of Resident Contact & Head of appropriate service will be notified.



2nd and/or final chaser – notification of potential complaint handling failure order/witness summons (depending on which Ombudsman) (Ombudsman shared inbox and CEO)

Communication will be registered in ICaseWork against the original complaint.



Monitoring/Performance

- Every Monday morning as per of the overdue-nearly performance monitoring that is issued, Ombudsman cases and task are included (For Economy this is also sent out on a daily basis)
- Ombudsman KPI's are reported on a quarterly basis
- Annual report is produced to circulated to SLT (case received, cases investigated, compliance with orders etc.)

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|-----------------|---|
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