**Housing Ombudsman’s Complaint Handling Code Self-Assessment December 2020**

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| **Complaint Code Item** | **Comments / Evidence** | **Any further action needed to meet the code** |
| **1.** | **Definition of a complaint** |
| 1.1. | Does the complaints process use the following definition of a complaint?*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*. | Our Complaints Procedure gives examples of what a customer can complain about which includes:* the standard of service provided by the Council
* failure by the Council to provide an agreed service
* failure by the Council to respond to a request for a service
* that the Council has exceeded its powers
* that the attitude or conduct of an officer has been unacceptable
* the Council has not followed an agreed procedure
* maladministration by the Council (ie delay, muddle, bias or confusion

However, it does not include a specific definition of a complaint. | Recommended that the corporate Complaints Procedure is revised to include this definition. |
| 1.2 | Does the policy have exclusions where a complaint will not be considered? | Our Complaints Procedure does not cover the following:* requests for a service
* requests for information or an explanation of Council policy or practice
* matters for which there is an existing right of appeal (either within the Council itself or to an independent tribunal) or legal remedy
* complaints about Councillors
* complaints made more than 6 months after the events complained about unless there are exceptional circumstances as to why the complaint could not have brought within this time.

**licy** states that there may be occasions, when BH is not able to accept a complaint. | None required |
| 1.3 | Are these exclusions reasonable and fair to residents? | If we decide not to accept a complaint, we will provide a detailed explanation setting out the reasons why the matter is not suitable for the complaints process. | None required |
| **2** | **Accessibility** |
| 2.1 | Are multiple accessibility routes available for residents to make a complaint? | Our Complaints Procedure states that ‘ Stage 1 - Formal Written Complaint. If you are not satisfied with the response you have received, you should complete ALL the questions on the Complaints Form and send this to the relevant Department.’Whilst complaints are accepted in other formats, this is often based on an individual’s officer decision as to whether to formally record a form of communication as a complaint. | Recommended that our Complaints Procedure is revised to state that complaints will be accepted in various forms and staff are advised accordingly so that complaints are accepted via all contact channels. |
| 2.2 | Is the complaints policy and procedure available online? | Our Complaints Procedure is available on the Tendring District Council website: <https://www.tendringdc.gov.uk/council/consultation-contact-and-complaints/how-complain> This explains the two stage process and the service standard timeframes that customers can expect to receive when they report a problem.  | None required. |
| 2.3 | Do we have a reasonable adjustments policy? | Under the [Equality Act 2010](https://www.gov.uk/guidance/equality-act-2010-guidance) public sector organisations have to make changes in their approach or provision to ensure that services are accessible. Our Complaints Procedure does not make any reference to reasonable adjustments and there is not a published Equality Assessment relating to this. | Recommended that the Complaints Procedure is amended and an Equality Assessment is carried out in relation to the corporate Complaints Procedure |
|  2.4 | Do we regularly advise residents about our complaints process? | We advise customers about our complaints process when they contact us and the information on how to report a complaint is available on our website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk) Information is also provided via our tenant’s newsletter, tenancy agreement and via other means. |  None required. |
| **3** | **Complaints team and process** |
| 3.1 | Is there a complaint officer or equivalent in post? | All managers responsible for delivering services to customers have responsibilities to investigate and resolve customer complaints.  | None required |
| **Complaint Code Item** | **Comments / Evidence** | **Any further action needed to meet the code** |
| 3.2 | Does the complaint officer have autonomy to resolve complaints? | All managers who investigate complaints have the autonomy to resolve the complaint and recommend a compensation payment, where applicable. | None required |
| 3.3 | Does the complaint officer have authority to compel engagement from other departments to resolve disputes? | We operate a joined up approach in the resolution of complaints, with other departments engaging with the lead complaint manager, where required.  | None required |
| 3.4 | If there is a third stage to the complaints procedure are residents involved in the decision making? | The Housing Ombudsman does not recommend a 3-stage process and we use the recommended 2-stage process. | None required |
| 3.5 | Is any third stage optional for residents? | This is the Housing Ombudsman stage or designated person stage as set out by the Housing Ombudsman. | None required |
| 3.6 | Does the final stage response set out residents’ right to refer the matter to the Housing Ombudsman Service? |  Final stage response sets out the residents right to refer the matter to the  Housing Ombudsman’s service. This information is also published on  the Council’s website. | None required. |
| 3.7 | Do we keep a record of complaint correspondence including correspondence from the resident? | A record of all complaints is held, including correspondence from and to the complainant, in accordance with the Council’s Retention Policy | None required |
| 3.8 | At what stage are most complaints resolved? | The majority of complaints received are resolved at Stage 1 of the complaints process. | None required |
| 4 | **Communication** |
| 4.1 | Are residents kept informed and updated during the complaints process? | At both Stage 1 and Stage 2 an initial acknowledgement letter is sent out within 3 working days and this advises of the published response time to the complaint. The service manager responsible for responding to the complaint will then carry out an investigation, send the complaint response and, if required, progress up-date letters. A copy of the response is also logged for monitoring purposes. | None required |
| 4.2 | Are residents informed of the landlord’s position and given a chance to respond and challenge any area of dispute before the final decision? | Yes through the Stage 1 and Stage 2 process. Customers can also engage with a designated person to refer their complaint. | None required |
| 4.3 | Are all complaints acknowledged and logged within five days? | Complaints are logged and acknowledged within three working days at both Stage 1 and Stage 2 of the procedure. | None required |
| 4.4 | Are residents advised of how to escalate at the end of each stage? | This information is included in the procedure and published on the Council’s website. | Recommended that this information is included in each Stage 1 response letter. |
| 4.5 | What proportion of complaints are resolved at stage one? | For the year 2019/20: 94%  | None required |
| 4.6 | What proportion of complaints are resolved at stage two? | For the year 2019/20: 6% | None required |
| 4.7 | What proportion of complaint responses are sent within Code timescales?Stage 1Stage 1 (with extension)Stage 2Stage 2 (with extension) | Stage 1: 79%Stage 2: 50%\* Sent in accordance with the Council’s current response timescales of 15 working days for Stage 1 and 20 working days for Stage 2 | Recommended that consideration is given whether to apply the Code’s required response time for Stage 1 complaints (10 working days) to the corporate Complaints Procedure. Not considered feasible to have two deadlines for responses in operation. |
| 4.8 | Where timescales have been extended did we have good reason? | This can happen for a variety of reasons including information being required from a third party (for example a contractor), the issues being complex in nature, staff absence or, during the current year, COVID.  | None required |
| 4.9 | Where timescales have been extended did we keep the resident informed? | The service manager responsible for investigating the complaint would provide the customer with a progress update letter, where this is required. | None required |
| 4.10 | What proportion of complaints do we resolve to residents’ satisfaction | Customer satisfaction in relation to complaints handling and resolution is not currently collected | Recommended that a system for obtaining and recording customer satisfaction is introduced |
| 5 | **Cooperation with Housing Ombudsman Service** |
| 5.1 | Were all requests for evidence responded to within 15 days? | Yes but for more complex complaints or issues with retrieving archive information, we would request an extension to the timeframe requested by the Housing Ombudsman. | None required |
| **Complaint Code Item** | **Comments / Evidence** | **Any further action needed to meet the code** |
| 5.2 | Where the timescale was extended did we keep the Ombudsman informed? | Not applicable | None required |
| 6 | **Fairness in complaint handling** |
| 6.1 | Are residents able to complain via a representative throughout? | Residents can complain through a local councilor, MP or another designated person. | None required |
| 6.2 | If advice was given, was this accurate and easy to understand? | The Council’s Customer Service Standards state that the Council will ‘respond to all points raised using plain language’ and this will be the responsibility of the service manager responding to the complaint to ensure. Information can also be provided in alternative formats if required. | Recommended that the Housing Ombudsman complaint response template is adopted to ensure consistent, comprehensive and clear responses are provided. |
| 6.3 | How many cases did we refuse to escalate?What was the reason for the refusal? | None. | None required. |
| 6.4 | Did we explain our decision to the resident? | In relevant cases, the responsible service manager would explain the decision not to escalate a case to the residents and outline the reasons for this. This would also be recorded on the complaints database. | None required |
| 7 | **Outcomes and remedies** |
| 7.1 | Where something has gone wrong are we taking appropriate steps to put things right? | In each of the complaints received during the period of review, appropriate remedial action was taken to resolve the complaint or an explanation of the Council’s position was provided. This was typically in relation to complaints regarding an individual’s position on the Housing Register. There is also financial provision to compensate tenants or to reimburse them for costs incurred where this is considered appropriate. | None required |
| 8 | **Continuous learning and improvement** |
| 8.1 | What improvements have we made as a result of learning from complaints?  | In addition to resolving the issue for the individual resident who has had cause to complain, we look at lessons and to implement wider service improvements where this appropriate. This is in conjunction with the feedback received through other channels.It has also been agreed that an annual report will be produced for members of the Tenants Panel regarding the complaints received so that lessons learned can be identified and service level remedial action agreed, where appropriate. Going forward, this will also include details of compensation paid and the reasons for this.  | Recommended that a lessons learned log is implemented as part of complaints recording.  |
| 8.2 | How do we share these lessons with:1. residents?
2. the board/governing body?
3. In the Annual Report?
 | 1. Residents – via our Tenants and Sheltered Housing Panels, tenant’s newsletter
2. The board/governing body – During 2019/20, quarterly performance reports monitored standard of performance in response to complaint against the Council standards and type of complaints received.
3. In the Annual Report
 | Recommended that regular ‘You said..we did’ features are in future newsletters and a dedicated section is included in future annual reports. |
| 8.3 | Has the Code made a difference to how we respond to complaints? | It will provide greater clarity and help us to focus on the changes required internally to make sure that we comply with the code in all areas of our complaints handling, within the constraints of a corporate complaints procedure. |  None required |
| 8.4 | What changes have we made? | The following actions have been identified for action or recommended for incorporation into corporate procedure (where feasible):Corporate Complaints Procedure is revised to include the specified definition of a complaint;Corporate Complaints Procedure is revised to state that complaints will be accepted in various forms and staff are advised accordingly so that complaints are accepted via all contact channels.Corporate Complaints Procedure is amended to refer to reasonable adjustments and an Equality Assessment is carried out. Recommended that this information is included in each Stage 1 response letter That information about how to escalate the complaint is included in each Stage 1 response letter Consideration is given whether to apply the Code’s required response time for Stage 1 complaints (10 working days) to the corporate Complaints Procedure. Not considered feasible to have two deadlines for responses in operation. That a system for obtaining and recording customer satisfaction is introduced That the Housing Ombudsman complaint response template is adopted to ensure consistent, comprehensive and clear responses are provided. That a lessons learned log is implemented as part of complaints recording.That regular ‘You said..we did’ features are included in future newsletters and a dedicated section on complaints is included in future annual reports. |  See column to the left |