



Sapphire Independent Housing's Housing Ombudsman Service Complaint Handling Code Self-assessment form

We are implementing a new IT system for complaints, which we expect to be fully operational in October 2022. 2023/24 will be the first full year in which we are able to use the system to evidence some of the areas.

The policy that has been reviewed is being published to the website in October 2022.

Section 1 - Definition of a complaint

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.2	A complaint must be defined as: <i>'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.'</i>	✓	All mandatory and best practice requirements in Section 1 are set out in our policy (reviewed in September 2022).
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.	✓	As we sometimes receive dissatisfaction where we open complaints without a resident saying they want to complain, we may advise such residents that we will open a complaint when they explicitly tell us to.
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.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.	✓	
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.	✓	
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.	✓	

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	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.	✓	
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.	✓	



Section 2 - Accessibility and awareness

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	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, 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.	✓	All mandatory and best practice requirements in Section 2 are set out in our policy (reviewed in September 2022), unless stated otherwise.
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.	✓	
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.	✓	Our complaints policy is on our website.
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 handlers have had appropriate training to deal with such requests.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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.	✓	Every resident newsletter focusses on complaints, and complaint process information is available on forms and posters in reception areas.
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.	✓	This is set out in our policy reviewed in September 2022, and will feature in template letters within our new IT system.
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.	✓	As above.

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	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.	✓	



Section 3 - Complaint handling personnel

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	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".	Partial	<p>With regard to Section 3 entirely: Sapphire's size means we do not have a separate complaints officer/team.</p> <p>We want officer level staff to be empowered to seek prompt solutions, so local teams are trained to handle complaints about their service without defensiveness.</p> <p>To reduce the conflict of interest, some complaints will be investigated by someone from another service.</p> <p>Teams have a minimum target of completing Ombudsman e-learning on an annual basis, discussing an Ombudsman case study/decision on a 6-monthly basis.</p> <p>We advised the Ombudsman at London's Regional Landlord Forum in June 2022 that this is what our self-assessment would explain.</p>
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.	Partial	



Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	Complaint handlers should: <ul style="list-style-type: none">✓ 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 <ul style="list-style-type: none">• have the authority and autonomy to act to resolve disputes quickly and fairly.	✓	

Section 4 - Complaint handling principles

Mandatory 'must' requirements



Code section	Code requirement	Comply: Yes/No	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 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 .	✓	All mandatory and best practice requirements in Section 4 are set out in our policy (reviewed in September 2022), unless stated otherwise.
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.	✓	
4.6	A complaint investigation must be conducted in an impartial manner.	✓	

4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> • 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 • keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. 	✓	
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication	✓	
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made. 	Partial	<p>While offering an opportunity to comment on adverse findings is something that we will aim to do, we believe this will be challenging to commit to as a mandatory requirement, given the Code's complaint target timescales and our resources.</p> <p>We intend to discuss balancing this requirement with the timeliness of a response with residents and/or the Ombudsman at a Regional Landlord forum in the future.</p>
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of 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.	✓	
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.	✓	
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.	✓	This is referenced in our complaints policy.

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic	✓	
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.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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.	✓	
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.	✓	
4.9	Communication with the resident should not generally identify individual members of staff or contractors.	✓	
4.10	Landlords should keep residents regularly updated about the progress of the investigation.	✓	
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.	✓	
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	✓	
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.	✓	



Section 5 - Complaint stages

Mandatory 'must' requirements Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint <u>within 10 working days</u> 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.	✓	All mandatory and best practice requirements in Section 5 are set out in our policy (reviewed in September 2022), unless stated otherwise.
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.	✓	
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.	✓	
5.8	Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:	✓	
	<ul style="list-style-type: none"> 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 two if the resident is not satisfied with the answer 	✓	



Stage 2

Code section	Code requirement	Comply: Yes/No	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 exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident's right to approach the Ombudsman about its decision.	✓	Sapphire is committed
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.	✓	
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.	✓	
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.	✓	
5.13	Landlords must respond to the stage two complaint <u>within 20 working days</u> 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.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.16	<p>Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:</p> <p>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.</p>	✓	

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations

5.17	<p>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.</p>	✓	<p>We have a 3-stage process.</p> <p>We want local staff to be empowered to seek prompt solutions, and intend to involve senior management at the final stage (Stage 3) where this not been successful.</p> <p>We have been increasingly promoting our complaints procedure, and are inspecting an increase in complaints as a result.</p> <p>We think a 3-stage process will be more prompt and sustainable for residents given the relatively smaller senior management team we have available to get involved at Stage 2..</p>
5.20	<p>Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:</p> <ul style="list-style-type: none"> • 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 • details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied 	✓	



Best practice 'should' requirements Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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.	✓	
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.	✓	
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.	✓	
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.	✓	

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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	✓	

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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 <u>within 20 working days</u> 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.	✓	
5.19	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.	✓	



Section 6 - Putting things right

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	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.	✓	All mandatory and best practice requirements in Section 6 are set out in our policy (reviewed in September 2022), unless stated otherwise.
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.	✓	
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.	✓	
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.	✓	

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.	✓	



Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.	✓	

Section 7 - Continuous learning and improvement

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	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.	✓	

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	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	<p>There is a Board Member appointed to lead. They have the Housing Ombudsman's 'Effective Involvement of Governing Bodies: Best Practice Guidance for Landlords' to support them in their role.</p> <p>All Board Members have been signposted to this guidance.</p>



7.4	<p>As a minimum, governing bodies should receive:</p> <ul style="list-style-type: none"> • 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. 	✓	<p>The Board receives complaints performance and key Ombudsman updates</p>
7.5	<p>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.</p>	✓	
7.6	<p>Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:</p> <ul style="list-style-type: none"> • 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 • act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 	✗	<p>While housing and repairs staff have the aforementioned objective of Housing Ombudsman e-learning and case study reviews, an objective for all employees (e.g. Central Services, Finance, IT) is to be explored further for 2023/24 objective setting.</p>



Section 8 - Self-assessment and compliance

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	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.	✓	
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.	✓	There haven't been any significant restructures, and this assessment reflects the September 2022 complaints policy update.
8.3	Following each self-assessment, a landlord must: <ul style="list-style-type: none">• 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	✓	This self-assessment was approved by our Board in September 2022.