

**Hammersmith & Fulham Council**  
**Local Government and Social Care**  
**Ombudsman and Housing Ombudsman**  
**Complaints Guidance Notes**

**September 2022**

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

**Our vision is underpinned by five priorities:**

*Building shared prosperity*

*Doing things with residents, not to them*

*Taking pride in Hammersmith & Fulham*

*Creating a compassionate council*

*Being ruthlessly financially efficient*

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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 <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. Local Government & Social Care Ombudsman

### ***Whose action can the Ombudsman investigate***

The Ombudsman investigate the actions taken by or on our behalf or an authority. An authority may be a drainage board, fire authority, care home or provider, combined authority, school admission appeal panel, Transport for London, an urban development corporation, some multi-body agencies, and many other organisations.

This means that, where we have outsourced a service, whilst we no longer provide that service directly, we remain responsible for it and for the actions of the organisation providing that service. So, if someone complains about a body or organisation acting on our behalf, we should still signpost that complaint to the Ombudsman as usual. As more and more councils are going down the route of either outsourcing or commissioning services, it is important that, when drawing up any contracts or service level agreements, you consider how complaints about the service will be dealt with and that the service provider is aware that a resident can bring their complaint to the Ombudsman.

The Ombudsman has set out some basic principals we may wish to consider when we are going through the process of arranging outsourced or commissioned services.

### ***Legal and policy background***

- We frequently provide local public services by arrangement with a third-party partner, e.g.
  - Commissioning specific services from a private or third sector (e.g., a care home place or housing repairs)
  - Contracting for a provider to undertake a whole service area (e.g., that of the local housing authority or highways authority)
  - Setting up a separate limited company under council ownership to provide services (e.g., to a defined customer group with a specialist focus)
  - Entering a partnership with other councils, NHS bodies, or other agencies to deliver combined or shared services which include council responsibilities (e.g., mental health or learning disability partnership trusts)
- The law says the Ombudsman can treat the actions of third parties as if they were actions of the council, where any such third-party arrangements exist (Local Government Act 1974, section 25(6) to 25(8)). This means we keep responsibility for third party actions, including complaint handling, no matter what the arrangements are with that party.
- Regulations also govern how we should handle complaints about Children's Services and Adult Social Care (The Children Act 1989 Representations Procedure (England) Regulations 2006, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009). That a partner may be involved does not change the legal requirements.

### ***Contract or other agreements***

- The process for dealing with complaints from members of public and disputes between the council and the provider, perhaps as a result of such complaints, should be clearly differentiated.
- We should include clear arrangements for complaint handling in any contract or agreement under which our partners provide public services.
- The arrangements should:
  - Be consistent with any statutory requirement (e.g., timescales for children's social care complaints)
  - Reflect the nature of the contract. For example, a large care provider may have resources to manage its own complaint procedures, but a smaller, single care home business may not
  - Be clear about when we expect a partner to channel complaints from members of the public to a complaints procedure and when other channels are more suitable. For example:

- Most complaints about a parking or moving traffic Penalty Charge Notice would be more suitable for the statutory representations and appeal procedure
- Complaints about legal action are best dealt with by the courts itself as part of the proceedings
- Complaints about matters like nuisance and unauthorised development work we or our partners did not know about should be treated as service requests rather than complaints
- Include clear agreement on how we or our partners will handle complaints regardless of which of us receive it; who is responsible for telling residents about the arrangements and when; who will be responsible for responding to them, and what procedure to use.

### ***Handling complaints***

We and our partners should agree what the complaints procedures will be, but we can consider the Ombudsman’s published guidance “Guidance on Effective Complaint Handling”.

Complaints about service or funding levels and policy need to be addressed by us, and not a partner.

If someone has completed a partner’s complaint process, the Ombudsman would not expect them to go back through our complaints process before the Ombudsman can consider the complaint. We are responsible for our partner’s actions, including complaint handling. We will want to know about complaints both for monitoring the contract or agreement (see below) and so we can suggest ways to resolve them where appropriate.

The agreed procedures should be easy for members of public to understand, simple to use, and in no way deter them from complaining.

## **4. Signposting to the Ombudsman**

As part of our Corporate Stage 2 process (stage 3 for Children’s statutory complaints), all residents are signposted to the Ombudsman if they are still dissatisfied with our response as follows:

*We have now completed our consideration of your [complaint/appeal/case/review] (delete as appropriate)*

*This is our final position, based on the information we have.*

*You can now ask the [Local Government and Social Care Ombudsman/Housing Ombudsman] (delete as appropriate) to review your complaint. You usually have up to 12 months to do this, starting from the date you first new about the matter you complained about, not from the start date of this communication. The Ombudsman will normally only consider complaints made within that time frame but can decide to look at older complaints if there is good reason to do so.*

*The Ombudsman looks at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It investigates matters fairly and impartially and is free to use.*

*There are some matters the Ombudsman cannot or will not investigate. In these case's it will explain clearly the reason for its decision.*

*The Ombudsman contact details are below....*

## **5. The Ombudsman Process**

The Ombudsman process can be described briefly as follows:

### ***Complaint received***

The Ombudsman expects residents to complain to us first. If we have completed our consideration of a complaint and it is still not resolved, or the resident has not received a response within a reasonable time, they can go to the Ombudsman. The

It is important when we have finished dealing with a complaint, that we tell the resident they can come to the Ombudsman once we have made it clear that we have completed our consideration of the complaint.

### ***Intake***

Intake will clarify if the resident has completed our complaint process.

If the resident has not been through our complaint process, Intake will advise them to go back to us.

If the resident has completed our complaint's process, or more information is needed to decide whether the process has been completed, the complaint will be passed to the Assessment.

### ***Assessment***

Assessment will clarify:

- If there are any legal reasons why the Ombudsman could not look at the case.
- If there are any other reasons, such as lack of personal justice, which mean that the Ombudsman should not look at the complaint.
- Assessment may contact us for information or to advise us of their decision not to investigate.
- Assessment can close the complaint or send it for investigation

### ***Investigation***

An investigation can take various forms:



- Gathering and analysing information
- Site visits
- Interviews with officers/staff; and/or
- File inspections

Once an investigation has been concluded, the Ombudsman will issue a final decision both to ourselves and the resident.

### ***Responding to the Ombudsman***

Ideally the Ombudsman would like us to respond by email. There is a 20MB limit on incoming emails to the Ombudsman, so we may have to break information down into smaller subsets.

The Ombudsman encrypt and authenticate all emails in transit. They also use additional encryption when sending emails if it meets the Ombudsman's criteria for additional encryption.

Where the Ombudsman write to us, they will address the letter to the chief executive or chief officer as they are the appropriate representative of Hammersmith & Fulham. However, the Ombudsman will send the letter to the link officer designated by us.

All case records are held on the Ombudsman's complaints database, including the evidence supplied by the resident, ourselves or by a third party.

### ***Confidentiality and disclosure***

Residents can make subject access requests to the Ombudsman under the Data Protection (DPA), or Freedom of Information Act requests for complaint file material. The Ombudsman follow's the Information Commissioner's guidance that material on complaint files constitutes the resident's personal data, so any material sent to the Ombudsman is usually disclosable under the DPA, unless one of the exemptions apply. The Ombudsman does not generally disclose any information from the complaint files in response to a Freedom of Information request.

Section 32(3) of the LGA 74 allows us to serve a notice on the Ombudsman to keep information confidential where disclosure of a document would be contrary to the public interest. Where we feel a S32(3) notice needs to be served, the document(s) it relates to should be clearly marked and we should explain in writing why the information should not be disclosed and clearly marked as such.

For example, a complaint about procurement process may involve the Ombudsman looking at all the bids received, and it would not be appropriate to share all the bid details with the resident. A 32(3) notice must be served and sent to the Ombudsman by post; and email is not sufficient to meet the requirements of the LGA 74. If the Ombudsman disagrees with the notice and this cannot be resolved, the Ombudsman can apply to the Secretary of State to discharge it.

It is not necessary to serve a 32(3) notice on third party information as the Ombudsman cannot disclose this to a resident under DPA rules. We are often best placed to decide what can and cannot be disclosed to the resident. To help reduce the risk of inadvertent disclosure, if we are sending information we consider should not be disclosed:

- Clearly identify it and the reasons why it cannot be shared
- Send it separately to the information that can be shared
- Send a redacted and non-redacted version
- Please bear in mind that names and contact details of our staff and those employed by other organisations are third party information
- If any of our documents contain details of individuals with whom the resident has had no previous contact and which are not publicly available, we should provide two copies: one that has this personal information redacted and a non-redacted version

The LGA 74 states that the Ombudsman's investigations should be conducted in private. As such, we should not publish any correspondence about the complaint. If we received a FOI request about a specific complaint that has been to the Ombudsman, we should not disclose any information whatsoever, citing section 44(1)(a) of the Freedom of Information Act; this includes whether a complaint to the Ombudsman from specific individual even exists. If the request is about general statistics and complaint numbers, we can signpost the requestor to the relevant section of the Ombudsman's website where they publish statistics received against bodies in jurisdiction:

<http://www.lgo.org.uk/information-centre/councils-performance>

### ***When somebody from the assessment team contact us***

The Ombudsman's process for deciding whether to investigate a complaint has two stages. Firstly, they decide whether the LGA 74 allows the Ombudsman to investigate. Next, they apply several tests. The most important is assessing the level of injustice.

The Ombudsman will not normally investigate a complaint unless there is good reason to believe the resident has suffered significant personal injustice as a direct result of the actions or inactions of the organisation involved.

A member of the one the Assessment Team may contact us for further information to help them to decide what should happen to the complaint. This may be for copies of our complaint responses to the resident, or for copies of documents that relate to the complaint. The Ombudsman's Assessment Teams are expected to make a decision about whether they should investigate a complaint within 20 working days of the Ombudsman receiving it, so the Ombudsman will ask us to provide the information quickly (usually 3 – 5 working days).

At this stage in the process, the Ombudsman will only be asking us for information that we already hold, not to generate new material. We must provide the information

to the Ombudsman electronically within the timeframes so a swift decision can be made.

If we fail to provide the information in the specified timescales, this can lead to the complaint being passed for full investigation, which will place a greater burden on our resources.

If the Assessment Team decided the case needs to be passed for investigation for further consideration, all the information already provided by ourselves and the resident is passed along too.

### ***When someone from the investigation team contacts us***

If a complaint has been passed for a full investigation, the Ombudsman will often need to ask us for detailed information about what happened.

Our response to the Ombudsman's enquiries is our opportunity to set out our actions, explain the basis for our decisions and show that we have acted properly. Alternatively, if in preparing the information, we find there were faults in the process, we have the opportunity to recognise this, apologise and possibly suggest a remedy that we could provide to the resident.

The Ombudsman's investigators will write to us setting out their enquiries. It is important that we respond fully to any questions put to us and provide evidence to support what we say. However, we must only send to the Ombudsman the evidence their investigators have asked for, unless we feel there is a crucial piece of information they should also see.

If we are unsure whether to include a piece of information we should contact the investigator directly to discuss.

For fairness, the Ombudsman aim to share any evidence that they rely on in reaching a decision. This does not mean that the Ombudsman share all the documents with the residents. They must abide by the data protection law. The Ombudsman will not share any information about a third party or that is confidential for another reason.

If our response is likely to be delayed, we must contact the investigator as soon as possible, providing reasons why. The Ombudsman understands that with complex cases it can be sometimes difficult to respond to their enquiries in time. When the Ombudsman agree to an extension, the response will still be noted as late. This is so the Ombudsman can identify any patterns of repeated extension requests.

The Ombudsman ask us to ensure that all those involved in the events surrounding a complaint are given the opportunity to respond to the complaint; this includes ex-employees and contractors. It is a legal requirement that any person or body directly involved in the actions complained about are made aware of the Ombudsman investigations and have an opportunity to comment. Current employees should

provide their comments along with our response to the Ombudsman, however, ex-employees or contractors, can if they choose, contact the Ombudsman directly.

Should a current employee contact the Ombudsman as a “whistle-blower”, this is a separate issue covered by the Public Interest Disclosure Act. Such evidence can be taken into account, but it does not form part of the corporate response to the Ombudsman’s enquiries. In such cases, the Ombudsman’s staff will need to take legal and management advice about how the information should be used and how it will be communicated to both ourselves and the resident.

### ***File inspections and officer interviews***

Occasionally an Ombudsman investigator will need to see our full file or interview our staff or members involved.

The investigator will contact the link officer to make arrangements to visit our offices to carry out the tasks they need. If we feel that the investigator needs to see others, we should tell the investigator.

The investigator will send us a set of notes that should be provided to each interviewee before the interview. Interviewees can, if they wish, have someone sit with them during the interviews however this should not be a manager from the service, someone from the complaints section or a legal officer of our authority. The officer or member being interviewed should also have the opportunity to look at the relevant documents or files before the interview.

When carrying out file inspections or interviews, investigators need somewhere quiet and private. If they are reviewing the file, they will need an officer available to show them how any electronic system work or to operate the system from them. They may also need facilities to print or copy relevant documents from the file.

### ***Interaction with the resident whilst the Ombudsman investigate***

We do not have to continue to respond to the resident about the matter the Ombudsman is investigating whilst they are investigating. If our view of the complaint changes during the investigation we may wish to suggest a remedy for any injustice that may have been caused. If this is the case, we should speak to the investigator.

When it comes to front line services the Ombudsman cannot tell us what to do whilst they are considering a complaint. The law says that we should continue to deal with things in the normal way. This includes any annual reviews or assessments that are due, including those that become due whilst they investigate.

In some cases, the Ombudsman may ask us to consider putting specific actions on hold (e.g., debt recovery/enforcement) until they have completed their investigation. This is because the outcome of their investigation will have a direct impact on whether to proceed with that action. Carrying them out during their investigation would therefore avoidably increase the injustice to the resident.

## 6. Making a decision

All complaints receive a decision. Where the Ombudsman has considered a complaint in more detail, the Ombudsman will issue a draft report to both ourselves and to the resident. This is an opportunity for each party to comment on the Ombudsman's findings, so it is important that, if we consider that the Ombudsman has made an error in law, or there are factual inaccuracies in the draft decision, that we tell them our views.

It is unlikely that the Ombudsman will change their final decision if we later supply information that was available when the Ombudsman consulted on the draft decision.

The investigator involved will then consider all comments received on the draft decision before issuing the final decision.

The final decision is sent to the resident and us at the same time.

The Local Government Act 1974 (as amended by the Local Government and Public Involvement in Health Act 2007) specifies how the Ombudsman can issue these decisions, either by:

- A statement of reasons for the Ombudsman decision (sections 30(1B) and (1C)); or,
- A report (section 30(1)).

If the Ombudsman has decided that we have done something wrong and that this fault has caused an injustice to the resident, the Ombudsman will suggest that we should put this right. The key principle when deciding an appropriate remedy is wherever possible to put the resident, back in the position they would have been in if the fault had not happened.

Hammersmith & Fulham must provide evidence to the Ombudsman when we have implemented the recommended remedy.

If we do not provide evidence the Ombudsman will follow this up to ensure it has been implemented.

### ***Decision reasons***

In addition to issuing a decision statement or a report, the Ombudsman will send us a covering letter which will explain how they have categorised the decision at the bottom of the letter. This categorisation relates to how the Ombudsman will describe their decisions in their annual letters.

## ***Maladministration***

If the Ombudsman make a finding of maladministration, we have a duty to report that finding to its members. However, the requirements to report can differ depending on how the Ombudsman has issued their decision.

If the Ombudsman issue their decision as a statement (under section 30(1B)), there is no requirement within the LGA 1974 for us to report a finding of maladministration to its members. However, there is other legislation (section 5/5A of the Local Government and Housing Act 1989) which places requirement on us or our Monitoring Officer to prepare a formal report to the council. This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report; it is therefore a significant statutory duty.

The Ombudsman supports a flexible approach to how this duty is discharged and does not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way, on our performance in relation to the Ombudsman investigations is properly communicated to elected members. The Ombudsman makes the following suggestions about how to proceed; however, only the court (and not the Ombudsman) can determine whether or not we are in breach of a statutory duty.

As a general guide, the Ombudsman suggests:

- Where the Ombudsman has made findings of maladministration in regard to routine mistakes and service failures, and we have agreed to remedy the complaint by implementing the recommendations made following an investigation, the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to the council summarising the findings on all upheld complaints over a specific period.
- The Monitoring Officer should consider whether the implications of an investigation should be individually reported to members where that investigation has wider implications for council policy or exposes a more significant finding of maladministration, for example:
  - Because the maladministration is or has been ongoing and therefore puts the council at risk of further maladministration, or
  - Because of the scale of the fault or injustice,
  - Because of the number of people affected by it

In the unlikely event that we are not minded to comply with the Ombudsman's recommendations following a finding of maladministration, the Monitoring Officer should report this to members under section 5 of the Local Government and Housing Act 1985. This is an exceptional and unusual course of action for us to take and should be considered at the highest tier of authority.

If the Ombudsman's findings of maladministration is issued as a public report (under section 30(1)) of the LGA 1974), there is a specific requirement for that finding to be reported to our members, and for formal response to that finding to be sent to the Ombudsman. Our response must be sent to the Ombudsman within three months

setting out the action that we have taken, or propose to take, in response to the report.

### ***Compliance with the Ombudsman's decisions***

If the Ombudsman makes a finding of maladministration causing injustice, the Ombudsman will recommend we take steps to put things right for the person (or people) affected. The Ombudsman might also recommend actions to improve services, to help prevent the fault from occurring again.

After the Ombudsman has issued their final decision, they expect us to provide evidence of our compliance with their recommendations within the agreed timeframe. The Ombudsman actively monitors compliance with their recommendations and will write to us to let us know once they are satisfied the agreed actions have been fully implemented.

If the Ombudsman considers that we have not provided satisfactory evidence of compliance, the Ombudsman may open a new investigation, with a view to issuing a public report against us for non-compliance.

### ***Publishing decisions***

The Ombudsman have been publishing their decision statements on their website since 1<sup>st</sup> April 2013. All decision statements are published unless there are specific reasons why the Ombudsman should not publish, for example a risk of breach of anonymity. The Ombudsman name the council complained about and any care providers involved however the Ombudsman does not name specific officers. The Ombudsman wait six weeks after the decision has been issued to publish a decision statement on their website. Decision stay on the website for five years and are then removed.

### ***Challenging the Ombudsman decisions***

Following an investigation, we receive a draft decision from the Ombudsman outlining their provisional view of a complaint based on the information they have. If we disagree with the Ombudsman's findings, we should say so in our response to the draft decision.

Exceptionally, the Ombudsman has an internal review system in place where a resident, or council can ask for a decision to be reviewed in limited circumstances. These are where there is new evidence, or we feel that an error has been made. The Ombudsman will not carry out a review simply because a party does not like the outcome.

The review is carried out by a manager who was not involved in the case and who does not line-manage the investigator who made the decision.

Requests for an internal review should be made within one month of the final decision being issued.

We can also apply to the courts for a judicial review of the Ombudsman's decision.

In all other circumstances, case law is clear that we must accept the Ombudsman's findings.

## **7. Public Reports**

If the Ombudsman decide that they should issue a public report (LGA 74s30(1)) on a complaint, they will write to us in advance to let us know, the reason(s) why they are issuing it. We will have an opportunity to comment on a draft of the report before it is finalised. The Ombudsman will also provide us with a fact sheet that explains the report process and what our responsibilities are.

### ***What is the difference between a public report and a decision?***

All of the Ombudsman's decisions are published on their website, except where we decide publishing is not in the interests of the people involved in the complaint. In a small number of investigations, the Ombudsman will publish a detailed report of the investigation. These require us to make a public announcement and the Ombudsman will promote the report to the media. Reports and decisions do not name the people involved but do name the organisation(s) the Ombudsman has investigated.

### ***Why does the Ombudsman issue public interest reports?***

There are many reasons why the Ombudsman might issue a public report. The main reason is because the Ombudsman believes it is in the public interest to highlight particular issues or problems. The Ombudsman might also issue a public report because what went wrong is significant or because the impact on the person complaining is significant. The Ombudsman will always issue a public interest report if we do not agree with their findings or recommendations or put things right to the Ombudsman's satisfaction.

The Ombudsman has six criteria to consider when deciding whether to issue a public report. These are:

1. Recurrent faults
2. Significant fault, injustice or remedy (by scale or the number of people affected)
3. Non-compliance with an Ombudsman's recommendations
4. A high volume of complaints about one subject
5. A significant topical issue
6. Systemic problems and/or wider issues

Issuing public interest reports is one way that helps to ensure we remain accountable to people who use our services. And by highlighting the learning from complaints we help to improve services for others.



## ***What happens when the Ombudsman decides to issue a public interest report?***

The Ombudsman will write to us to say that they intend to issue a public report and their reasons why, with reference to the criteria above.

Before the report is issued, all parties involved in the complaint have the opportunity to see a draft version of the report and comment on it. This includes any third parties who the Ombudsman may have asked for evidence from during the investigation.

The Ombudsman expect the report notification and draft report should come from someone senior who has the authority to agree to or reject the Ombudsman's findings and recommendations.

The Ombudsman expects us to make it clear in our response whether we are accepting or rejecting their findings and recommendations and to set out clearly our reasons for doing so.

Once the Ombudsman has received all the comments and they have finalised the report, the Ombudsman will send this to the resident and us at the same time. The Ombudsman anonymise reports, so they do not include names of the resident, any authority officers, or anyone else involved in the process. However, there may exceptional circumstances where the Ombudsman will decide not to do so as appropriate. The Ombudsman will use job titles to refer to senior council officers.

The Ombudsman's findings are binding. If we wish to challenge the Ombudsman's findings on whether there has been fault and the injustice or loss suffered, we must do this through judicial review. There is no other way of challenging the Ombudsman's findings.

We then must take action: we have three months from the date of the report to formally consider the report and any recommendations the Ombudsman has made. This means the report should be submitted to our full council. We should send a formal written response to the Ombudsman explaining what steps we have taken or will take to comply with the recommendations in the report.

When the Ombudsman is satisfied with the action(s) we have taken following a report, the Ombudsman will send a letter of satisfaction to us and write to the resident explaining this. The Ombudsman will then update their entry on their website to show they are satisfied with the outcome of the report.

## ***How is the report published?***

Reports are published on the Ombudsman's website. They will advise us of the earliest date the report will be published. This will be at least six working days after the Ombudsman has sent the resident and us the final report.

The Ombudsman will usually send a copy of the report with a press release to the media. The Ombudsman often send out the press release in advance of the

publishing date under an embargo. This means the media would have sight of the report and may contact us or the resident (if the resident agrees for the press to contact them) before the publishing date but are expected to withhold writing or broadcasting anything until after the Ombudsman has published the report. The Ombudsman does not consult on the content of their press release but can send us and residents a copy on request at the time it is issued to the media.

In addition, we must place two public notice announcements in local newspapers/newspaper websites within two weeks of receiving the report. We should also make copies of the report available free of charge at one or more of our offices.

### ***What happens if we do not comply with the recommendations?***

Most authorities agree to the Ombudsman's recommendations, often before the Ombudsman issue a report. However, if we do not, the Ombudsman can issue a further report. A further report will explain that we have not complied with the Ombudsman's recommendations.

We can also add our comments to the further report explaining why we had decided not to comply. The same rules about the press and publishing public notices apply and we have three months to formally respond to the further report.

In those rare cases where an authority fails to respond within the prescribed time or refuses to comply with recommendations in a further report the Ombudsman will ask us to issue a statement of non-compliance. If we do not agree the Ombudsman can publish on our behalf. This statement explains why the Ombudsman is not satisfied with how we have responded to a report of that we have refused to comply with the Ombudsman's recommendation(S). We can add a statement to it explaining why we have not complied, and the same rules apply about the press.

## **8. Annual letters**

The Ombudsman will write to us annually to feedback on our performance in dealing with complaints that they have received about us. These annual review letters include a summary of the complaint statistics the Ombudsman has recorded in the previous year.

The aim is to provide information to help us improve complaint handling, and to inform the improvement of local services for the public. The data the Ombudsman provides includes:

- The number of complaints and enquiries recorded (broken down by topic)
- The decisions the Ombudsman has made
- The number of complaints investigated in detail which the Ombudsman has upheld
- The number of complaints satisfactorily remedied by us before the complaint came to the Ombudsman

- The proportion of the Ombudsman recommendations that we have complied with

### ***Publishing performance data***

The Ombudsman publish performance data in two ways. Their interactive map publishes performance data for all English councils. It includes links to the Ombudsman's published decision statements, public reports, annual letters and has information about service improvements agreed with each council, and the proportion of the Ombudsman's recommendations complied with.

The Ombudsman also publish, in full, each annual letter they produce (the Ombudsman produce annual letters for some other authorities in their jurisdiction as well as English councils). The publication of the Ombudsman annual letters coincides with an annual review report looking at the state of local government complaints, and the release of their data in spreadsheet format.

### ***The Ombudsman Statistics***

The data in the Ombudsman annual letters will not necessarily match the data we hold. This is because the Ombudsman may record complaints slightly differently to us, and they also record enquires that have come to them before complaining to us. The Ombudsman are always happy to hear feedback, however, they are clear that their data is not for consultation and they are unable to accommodate requests for further information to the data they supply.

Annual letters are sent to the chief executive, the council leader, the chair of the relevant scrutiny committee and the dedicated link officer they have on file and any additional email addresses we may have advised the Ombudsman to copy the correspondence to. They are issued in the summer and we are given advance copies of their letters before the Ombudsman publish the data on their website.

## **9. Specific types of complaints**

### ***School admission appeals***

If the appeal relates to a maintained school (including community, foundation, voluntary-aided or voluntary-controlled), complaints should be made to the Ombudsman.

The Education Funding Agency (EFA) deals with complaints about appeals for Academics and Free Schools.

If a school converts part way through the appeal process or shortly afterwards, signposting should be as follows:

- If conversion occurs after the decision not to admit but before the appeal has been heard, the EFA will consider any complaint

- If conversion occurs after the appeal hearing, complaints should be made to the Ombudsman. If fault causing injustice is found, the Ombudsman will make recommendations, but pass them to the EFA who will be responsible for monitoring compliance.

### ***Housing complaints***

The Local Government and Social Care Ombudsman deals with complaints about all local authority housing activities other than the provision and management of social housing, which are for the Housing Ombudsman. Authorities are asked to clearly signpost to the relevant Ombudsman when sending our final complaint responses.

Both Ombudsman are able to conduct joint investigations and there is a memorandum of understanding to help them resolve jurisdictional questions.

### ***Health complaints***

The Local Government and Social Care Ombudsman can carry out joint investigations with the Parliamentary and Health Service Ombudsman where the complaint has elements covered by both Ombudsman schemes. They have a separate team who deal solely with joint complaints and these cover health and social care. The joint team does not deal with Parliamentary complaints.

### ***Employment complaints***

Sometimes the Ombudsman will receive a complaint from someone that relates directly to our current or former employment. The LGA 74 specifically bars us from looking at these types of complaints. Where the Ombudsman receive such a complaint, they will tell us that they have received a complaint but will not provide us with any of the details.

## **10. Advice and guidance**

Part of the Ombudsman's role is to provide advice and guidance to councils on good administrative practice and to help us improve our handling of complaints. In addition to publishing their annual report and information on councils' and authorities' performance, the Ombudsman also publish focus reports, provide training in effective complaint handling, facilitate networks of complaints-handlers, and collaborate with other organisations to publish joint reports on issues.

The Ombudsman also publish guidance notes for councils and authorities about good administration practice and handling complaints.

### ***Training for councils, authorities, care providers and councillors***

The Ombudsman offer an online complaint handling training course to local authorities and care providers.

This provides guidance on investigating complaints thoroughly, making robust decisions, and communicating those decisions effectively. The Ombudsman's trainers are experienced complaint-handlers and offer insight throughout the day on applying our principles of good practice in investigating complaints. The course is fully interactive and gives participants an opportunity to practice the skills needed for investigating complaints thoroughly and effectively.

In partnership with the Local Government Association, the Ombudsman have also produced an eLearning course and workbook aimed at helping councillors to handle complaints for service improvement. The workbook can be found on the LGA's website.

## **11. Housing Ombudsman Complaints Handling Code**

The Housing Ombudsman introduced a Complaints Handling Code in 2020 that all landlords must follow.

### ***Introduction***

*The Ombudsman's Complaint Handling Code promotes the progressive use of complaints, providing a high-level framework to support effective handling and prevention alongside learning and development. The Code ensures complaint handling data is being used consistently across landlord members, promotes engagement at different levels within a landlord and sets out expectations for boards or equivalent governance, senior executives and frontline staff.*

*For boards or equivalent governance, the Code supports culture setting and intelligence for assurance exercises, using complaint data alongside other management information on stock, services and customer feedback to provide insight into the organisation. It is important for governance to understand the complaints their organisation are receiving and the impact of their complaint handling on residents.*

*For chief executives and senior managers, the Code supports learning from complaints and promotes the open and transparent use of information to assess performance and risk.*

*For operational staff, the Code supports excellent complaint handling and engagement with the Ombudsman. If the requirements of the Code cannot be delivered this should prompt discussion about what needs to change.*

*Information on complaints can provide essential insight for governance and should include, although not necessarily be limited to:*

- *Regular updates on the volume, category and outcomes of complaints, alongside complaint handling performance including timely compliance with the Ombudsman's orders*

- *Review, at least once a year, of issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning in the landlord's Annual Report*
- *Consideration of individual complaint outcomes where necessary, including findings of severe maladministration of the Ombudsman or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational change*
- *Confirmation that the Complaint Handling Code is being applied*

*Compliance with the Code forms part of the membership obligations set out in the Housing Ombudsman Scheme. Landlords should comply with the requirements of the Code.*

*Landlords are encouraged to promote the Code and to share the outcome of their self-assessment with our residents.*

## **Purpose**

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

*Some landlords see complaints as a form of negative feedback. In fact, there are many benefits to be gained from having an effective, efficient complaints process:*

- *Complaints allow an issue to be resolved before it becomes worse. Those not resolved quickly can take significant resource and time to remedy*
- *Involvement in complaint resolution develops staff decision-making and engagement*
- *Complaints provide senior staff with a window into day-to-day operations allowing them to assess effectiveness*
- *Good complaint handling promotes a positive landlord and resident relationship*

*The Ombudsman Complaint Handling Code sets out requirements for member landlords that will allow them to respond to complaints effectively and efficiently.*

*While member landlords must comply with some elements of the Code, the Ombudsman recognises that each landlord will need to adapt its complaints policy and processes to meet the needs of our residents. Consequently, there are some areas where a landlord can use its discretion. The Code seeks to be proscriptive only where the Ombudsman believes clear and consistent practice by all landlords is essential. Landlords will be asked to self-assess against the Code on a comply and explain basis. Non-compliance could result in the Ombudsman issuing complaint failure handling orders.*

*The Code will act as a guide for residents setting out what they can and should expect from their landlord when they complain. The requirements in the Code also provide residents with information about how to make a complaint and how to progress it through the landlord's internal complaint's procedure.*

*The Code supports the regulatory approach to complaints ensuring that a landlord's approach to complaints is clear and simple and accessible and ensures that complaints are resolved promptly, politely and fairly.*

## **The Code**

### **Definition of a complaint**

*Effective complaint handling should be a resident friendly process that enables residents to be heard and understood. The starting point for this is a mutual understanding of what constitutes a complaint.*

*A complaint should be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual, resident or group of residents.*

*The resident does not have to use the word complaint in order for it to be treated as such. Landlords should recognise the difference between a service request (pre-complaint), survey feedback and a formal complaint and take appropriate steps to resolve the issue for residents as early as possible.*

### **Exclusions**

*A landlord shall accept a complaint unless there is a valid reason not to do so.*

*A complaints policy should clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents. For example:*

- *The issue giving rise to the complaint occurred over six months ago. 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. (N.B. it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues).*
- *Legal proceedings have been started. Landlords should take steps to ensure that residents are not left without a response for lengthy periods of time, for example, where a letter before action has been received or issued but no court proceedings are started, or settlement agreements reached.*
- *Matters that have already been considered under the complaints policy*

*If a landlord decides not to accept a complaint a detailed explanation should be provided to the resident setting out the reasons why the matter is not suitable for the complaints process.*

*A resident has the right to challenge this decision by bringing their complaint to the Ombudsman. Where appropriate the Ombudsman will instruct the landlord to take on the complaint.*

## **Accessibility and awareness**

*Landlords shall make it easy for residents to complain, by providing different channels through which residents can make a complaint.*

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

*Landlords shall make our complaint policy available in clear and accessible format for residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.*

*Landlords shall comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords shall have a reasonable adjustment policy in place to address this.*

*Landlord websites shall include information on how to raise a complaint. The complaints policy and process will be easily found and downloadable.*

*The complaints policy and process will be publicised in leaflets, newsletters, online and as part of regular correspondence with residents. A copy should be provided when requested.*

*Landlords shall provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.*

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

## **Complaint team, procedure, timeliness and responsiveness**

### **Complaint Team**

*Landlords should have a person or team assigned to take responsibility for complaint handling. This Code will refer to that person or team as the "complaints officer". For*



*some organisations, particularly smaller landlords, the Ombudsman recognise that the role may not be dedicated to complaint handling.*

*Complaints officers are one of the most important factors in ensuring that the complaints handling works well. Complaints officers will:*

- *Be able to act sensitively and fairly*
- *Be trained to receive complaints and deal with distressed and upset residents*
- *Have access to staff to all levels to facilitate quick resolution of complaints*
- *Have the authority and autonomy to act to resolve disputes quickly and fairly*

*Residents are more likely to be satisfied with complaint handling if the person dealing with their complaint is competent, empathetic and efficient.*

### **Complaint's procedure**

*When a complaint is made to the landlord it will be acknowledged and logged at stage one of the complaints procedure.*

*Landlords should confirm its understanding of the complaint and the outcomes being sought with the resident. Clarification will be sought if the complaint is not clear.*

*If the complaint is not resolved to the resident's satisfaction it shall be progressed to the next stage in accordance with the landlord's procedure and the timescales set out in this Code.*

*A landlord's complaints procedure shall comprise of two stages. This ensures that a resident has the opportunity to challenge any decision by correcting errors or sharing concerns via an appeal process.*

*The Ombudsman welcomes involvement by residents or senior executives outside the complaints team as part of the review process.*

*The Ombudsman does not believe a third stage is necessary as part of a complaints process but if a landlord believes strongly it requires one, it should set out its reasons as part of the self-assessment. A process with more than three stages is not acceptable under any circumstances in the Ombudsman's view.*

*In the final decision the landlord's policy shall include the right to refer the complaint to the Housing Ombudsman Service. This should be through a designated person within eight weeks of the final decision or directly by the resident after eight weeks.*

*A full record shall be kept of the complaint, any review and the outcomes at each stage. This should include the original complaint and the date received; all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.*

## **Timeframe for responses**

*A landlord's complaint procedure shall include the following maximum timescales for response:*

- *Logging and acknowledgement of complaint – five working days*
- *Stage one decision – 10 working days from receipt of complaint – if this is not possible, an explanation and a date by when the stage one response should be received. This should not exceed a further 10 days without good reason.*
- *Stage two response – 20 working days from request to escalation – if this is not possible an explanation and a date when the stage two response will be received. This should not exceed a further 10 working days without good reason.*
- *Stage three response – where a landlord believes this stage is absolutely necessary a response should be sent within 20 working days from request to escalate. Any additional time will only be justified if related to convening a panel. An explanation and date when the stage three response will be achieved should be provided to the resident.*

*A landlord may choose to set shorter response times for each stage of the complaint's procedure, but response times must not exceed those set out above.*

## **Communication with residents**

*When communicating with residents, landlords shall use plain language that is appropriate to the resident.*

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

*At the completion of each stage of the complaints process the landlord should write to the resident advising them of the following:*

- *The complaint stage*
- *The outcome of 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 if dissatisfied.*

*As part of the complaint policy the resident shall be given a fair opportunity to:*

- *Set out their position*
- *Comment on any adverse findings before a final decision is made.*

*Communication with the resident should not generally identify individual members of staff or contractors as their actions are undertaken on behalf of the landlord.*

*Landlords should adhere to an arrangement's agreed with residents in terms of frequency and method of communication.*

*Landlords should keep residents regularly updated and informed even where there is no new information to provide.*

### **Duty to cooperate with the Ombudsman**

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

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

### **Fairness in complaint handling**

*Landlords shall operate a resident-focused complaints process ensuring they are given the opportunity to explain their point of view and the outcome they are seeking before a decision is reached.*

*Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.*

*Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented and/or accompanied at any meeting with the landlord where this has been requested or offered and where this is reasonable.*

*Where a key issue of a complaint relates to the parties' legal obligations the landlord should clearly set out its understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.*

*A complaint investigation shall be conducted in an impartial manner, seeking sufficient reliable information from both parties so that fair and appropriate findings and recommendations can be made.*

*Any complaint investigation shall be fair. To ensure fairness, processes and procedures shall require the complaints officer to:*

- *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.*

*The landlord's assessment of the issue should include:*

- *What the complaint is about*
- *What evidence is needed to fully consider the issues*
- *What risks the complaint raises for the landlord*
- *What outcome would resolve the matter for the resident*
- *Any urgent action that it needs to take*

*A complaint should be resolved at the earliest possible opportunity.*

*The resident, and if applicable any staff member who is the subject of the complaint, must be given a fair chance to:*

- *Set out their position*
- *Comment on any adverse findings before a final decision is made.*

*Complaint policies and processes should set out the circumstances in which a landlord can exercise discretion in how to respond to a complaint and who has the power to exercise that discretion. Landlords should exercise discretion appropriately and provide clear explanations to residents when doing so.*

*Landlords should 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.*

*When a resident seeks to escalate a complaint, the landlord should consider:*

- *What the escalation review will be about i.e., why the resident remains dissatisfied, and whether any part of the complaint been resolved*
- *Who will undertake the review?*
- *Who needs to be kept informed?*
- *What evidence needs to be gathered i.e., comments from those involved, relevant policies and contemporaneous records, inspections etc.*
- *How long the review will take, and when will it be completed.*

*Where a landlord decides not to escalate a complaint it should provide an explanation to the resident. It should make clear that its previous response was its final response to the complaint and provide information on referral to the Housing Ombudsman.*

*Landlords should have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint.*

*Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provision of the Equality Act 2010.*

## **Putting things right**

*Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord should acknowledge this and set out the actions it has already taken, or intends to take, to put things right. Examples of where action to put things right may be required are:*

- *There was an unreasonable delay*
- *Inaccurate or inadequate advice, explanation or information was provided to the resident*
- *The landlord's policy or procedure was not followed correctly without good reason*
- *There was a factual or legal error that impacted on the outcome for the resident*
- *There was unprofessional behaviour by staff.*

*Landlords should acknowledge and apologise for any failure identified, give an explanation and, where possible, inform the resident of the changes made or actions taken to prevent the issue from happening again.*

*Landlords should recognise that putting things right is the first step to repairing and rebuilding the landlord and resident relationship.*

*When considering what action will put things right landlords should carefully manage the expectations of residents. Landlords should not promise anything that cannot be delivered or would cause unfairness to other residents.*

## **Appropriate remedy**

*Complaints can be resolved in a number of ways. A landlord's policy shall require that any remedy offered reflects the extent of any and all service failures, and the level of detriment caused to the resident as a result. These shall include:*

- *Acknowledging where things have gone wrong*
- *Providing an explanation, assistance or reasons*
- *Apologising*
- *Taking action if there has been a delay*
- *Reconsidering or changing a decision*
- *Amending a record*
- *Providing a financial remedy*
- *Changing policies, procedures or practices.*

*Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result.*

*Factors to consider in formulating a remedy can include, but are not limited to the:*

- *Length of time that a situation has been ongoing*

- *Frequency with which something has occurred*
- *Severity of any service failure or omission*
- *Number of different failures*
- *Cumulative impact on the resident*
- *A resident's particular circumstances or vulnerabilities.*

*When offering a remedy, landlords shall consider whether any statutory payments are due, if any quantifiable losses have been incurred as well as the time and trouble a resident has been put to as well as any distress and inconvenience caused.*

### **Concerns about legal liability**

*In some cases, a resident may have a legal entitlement to redress. There may be concerns about legal liability in this situation. If so, the landlord should still offer a resolution where possible, as that may remove the need for the resident to pursue legal remedies.*

*Landlords have a duty to rectify problems for which they are responsible. However, where necessary a resolution can be offered with an explicit statement that there is no admission of liability. In such a case, legal advice as to how any offer of resolution should be worded should be obtained.*

### **Continuous learning and improvement**

*A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes, the quality of the service provided, the ability to learn and improve, and the relationship with their residents.*

*Accountability and transparency should be embedded in a positive complaint handling culture, with landlords providing feedback to residents on failures in complaint handling and the actions taken to learn and improve from this.*

*Creating and embedding a culture that values complaints and gives them the appropriate level of priority requires strong leadership and management.*

*A good culture should also recognise the importance of resident involvement, through the formation of resident panels, consulting with residents on the formulation of complaints policies and procedures and through including them in panel hearings as part of the dispute resolution process, where appropriate.*

*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.*

*An effective complaints process enables a landlord to learn from the issues that arise for residents and to take steps to improve the services it provides and its internal processes. Landlords should have a system in place to look at the complaints received, their outcome and proposed changes as part of its reporting and planning process.*

*Any themes or trends should be assessed by senior management to identify any systemic issues, serious risks or areas for improvement for appropriate action.*

*Landlords should proactively use learning from complaints to revise policies and procedures, to train staff and contractors and to improve communication and record-keeping.*

*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.*

*Landlords shall report back on wider learning and improvements from complaints to their residents, managers and staff. Feedback shall be regularly provided to relevant scrutiny panels, committees and boards and be discussed, alongside scrutiny of the Ombudsman's annual landlord performance report.*

*Learning and improvement from complaints should be included in the landlord's annual report.*

## **12.Compliance**

*Under the Housing Ombudsman Scheme a member landlord must:*

- *Agree to be bound by the terms of the Scheme*
- *Establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman*
- *As part of that procedure, inform residents of their right to bring complaints to the Ombudsman under the Scheme*
- *Publish its complaints procedure and make information about this easily accessible to those entitled to complain on its website and in correspondence with residents*
- *Manage complaints from residents in accordance with its published procedure or, where this is not possible, within a reasonable timeframe*
- *Respond promptly to information requests made by the Housing Ombudsman Service as part of the ongoing investigation into complaints from residents*

*Failure to comply with the conditions of membership may result in an Ombudsman's determination of complaint handling failure and an order to rectify within a given timescale (paragraphs 13 and 73 of the Housing Ombudsman Scheme).*

*Failures under the Scheme and Code which would result in a complaint handling failure order include, but are not limited to:*

- *Non-compliance with the Complaint Handling Code*
- *Failure to accept a formal complaint in a timely manner or to exclude a complaint from the complaint's process without good reason*
- *Inaccessible complaints process and procedures or unreasonable restrictions as to how a complaint can be made*

- *Not managing complaints from residents in accordance with the complaints policy*
- *Failure to progress a complaint through the complaints process*
- *Failure to respond to a complaint within the set timescales without good reason*
- *Failure to keep the resident informed and updated*
- *Failure to notify the resident of the right to refer the complaint to the Ombudsman*
- *Failure to provide evidence to support investigation by the Ombudsman.*

*Where a complaint is still within the landlord's complaints procedure of the Ombudsman has requested evidence for investigation the landlord will be informed of any complaint handling failure. Details of the failure will be provided along with any action required to rectify it. Where no action is taken the Ombudsman will issue a complaint handling failure order.*

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

*In addition, from time to time the Ombudsman may wish to publish a report detailing the specifics of a complaint handling failure case where this would help highlight the impact of the failure on the resolution of the dispute and delays and/or distress caused to residents.*

*When carrying out an investigation the Ombudsman will consider whether the landlord dealt with the complaint fairly and will assess this against the requirements of the Code. Any failure identified could result in a finding of service failure or maladministration.*

*The Ombudsman will specifically refer to the Code in its findings. Orders and recommendations will be made to put matters right and ensure compliance with the Code.*

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

*Where there are significant concerns regarding a landlord's compliance with the Code the Ombudsman may escalate these to the landlord's board or equivalent and may refer the matter to the appropriate regulatory body including the Regulator of Social Housing.*



## 13. Self-Assessment

*The Ombudsman expects landlords to carry out regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code. This assessment should be completed by 31<sup>st</sup> December 2020.*

*The Ombudsman expects landlords to report the outcome of their self-assessment to their board members. In the case of local authorities, self-assessment outcomes should be reported to elected members.*

*The Ombudsman expects landlords to publish the outcome of their assessments. The Ombudsman may request sight of the assessment and evidence in support. The Ombudsman may require landlords to periodically repeat the self-assessment, for example following any amendment to the Code or significant change to the landlord organisational structure.*

## 14. 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)



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, information sent to Ombudsman,  
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)



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, evidence sent to Ombudsman, 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:

**1<sup>st</sup> 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  
**2<sup>nd</sup> 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



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



Appropriate SLT Executive Director will be notified

### **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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Document owner	Yvonne Hadlames, Head of Residents Contacts

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