

Appendix A

Provision	Code Requirement	Policy Review	
		Review Commentary	Recommendation
1.3	A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.	In the section headed 'Defining a complaint', the policy provides that a resident 'should not' rather than 'does not' have to use the word complaint for it to be treated as such. The landlord should review its policy to use the more definitive words 'does not'. The policy does not contain the Code Provision 1.3 wording that the landlord will give any residents that express dissatisfaction a choice to make a complaint. The landlord should review its policy to include this. This is particularly important given that at the end of the policy, there is a separate section headed 'Comments' which notes that 'On some occasions people may express disappointment, disagreement or observations about services without necessarily wanting to complain' and noting that feedback of this nature is still recorded and passed onto the relevant service area. The landlord is to be commended for seeking to capture this feedback even when a resident does not want to pursue a complaint, but it is important that it is made clear in the policy that residents will be given the choice to	Recommendation 1: The landlord should review its policy to provide that a resident does not have to use the word complaint for it to be treated as such. Recommendation 2: The landlord should review its policy to provide that whenever a resident expresses dissatisfaction they will be given the choice to make a complaint.

		make a complaint when they express dissatisfaction. The policy states clearly that a complaint submitted via a third party will be handled in line with the policy and to this extent the policy is compliant.	
1.4	Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.	The landlord has not used the Code definition of service request but has stated that a service request is 'a request that an organisation provides or improves a service, fixes a problem or reconsiders a decision' which is acceptable. The policy goes on to state that service requests are not complaints but 'may contain expressions of dissatisfaction'. This description is so closely aligned to the definition of a complaint as to be confusing for residents. It is also inconsistent with Code Provision 1.2 and 1.4. which requires landlords to give residents who express dissatisfaction the choice to make a complaint. The landlord should review its policy to align the definition of service request to the definition provided in the Code.	Recommendation 3: The landlord should review its policy to remove the words '<i>but may contain expressions of dissatisfaction</i>' from the definition of a service request.
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Instead of providing that 'A complaint will be raised when a resident expresses dissatisfaction with the response to their service request' as required by Code provision 1.5, the section of the policy headed 'Defining a complaint' provides '<i>The Council should have the opportunity to deal with a service request before a complaint is made</i>'. This is not compliant with the Code because it introduces the	Recommendation 4: The landlord should remove the sentence '<i>The Council should have the opportunity to deal with a service request before a complaint is made</i>' from the final paragraph of the section headed 'Defining a complaint'.

		possibility of a delay before the Council will proceed to deal with an issue as a complaint. The policy contains wording complying with the remainder of Code Provision 1.5.	
2.2	A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include: • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Matters that have previously been considered under the complaints policy.	The landlord should review its policy to set out the circumstances in which a matter will not be considered as a complaint or be escalated and ensure that any exclusions listed are fair and reasonable. This is because: • In the section headed 'What does this policy not cover?' the policy contains a bullet point list of complaints not covered by the policy but the list is said to be 'non-exhaustive' and is intended to provide 'a broad example' of the areas not covered. This gives rise to a lack of clarity for residents about whether their complaint will be accepted or not. • the section does not contain any general wording to confirm that the Council will consider each complaint on its merits and/or exercise discretion when deciding whether or not to exclude a complaint. • There is potential duplication of exclusions leading to a lack of clarity – e.g. 'complaints about the actions of a third party, such as a neighbour 'is likely to be duplicated by the anti-social behaviour complaint exclusion, housing disrepair claims are likely to be duplicated with claims that are subject to legal proceedings, legal proceedings is referred to twice (once in a way that complies with Code Provision 2.2 and once that does	Recommendation 5: The landlord should review its policy to set out the circumstances in which a matter will not be considered as a complaint or be escalated and ensure that any exclusions listed are fair and reasonable. Specifically the landlord should: - provide that each complaint will be considered on its merits - remove the reference to the list of exclusions being non-exhaustive - remove exclusions which are duplicated e.g. 'complaints about the actions of a third party, such as a neighbour 'is likely to be duplicated by the anti-social behaviour complaint exclusion, housing disrepair claims are likely to be duplicated with claims that are subject to legal proceedings, legal proceedings is referred to twice - qualify exclusions based on issues which are responded to elsewhere e.g. insurance claims to allow complaints about the way in which the landlord has administered the issue complained about - consider removing or amending

		not) • Some exclusions are not qualified by any provision that complaints will be accepted about the way in which the landlord has administered the issue – e.g. insurance claims, building safety claims, complaints about anti-social behaviour • Some exclusions are unclear or too broad as to be fair and reasonable e.g. 'a complaint in relation to building safety concerns' (this exclusion might unfairly exclude complaints about safety that don't come within the building safety complaints procedure), 'complaints about the Council's jurisdiction' - given the examples in the policy, should this instead refer to complaints about matters 'outside' of the Council's jurisdiction?, 'allegations of criminal activity' • The exclusions section is followed by sub-sections addressing other types of complaints that may not be accepted. These subsections are largely a duplication of exclusions in the bullet-point list and should be removed to avoid confusion for residents. The landlord should also review the exclusion in the section headed 'Complaints about services delivered through partnership agreements' as it is unclear which housing-related services will be covered by this exclusion, who will retain responsibility for complaint recording and handling for complaints involving a partnership relationship, what procedure will be followed, whether the partnership's	exclusions which are unclear or too widely defined such as 'building safety concerns', 'complaints about the Council's jurisdiction' and 'allegations of criminal activity' - consider removing exclusions in the subsections which are duplicated in the bullet point list and the subsection addressing complaints delivered through partnership agreements' if this section does not relate to the landlord's housing services, and if it does provide residents with specific detail about what services this section refers to, how these complaints will be resolved and by whom.
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		complaints procedure complies with the Code, and what recourse the resident will have should they remain dissatisfied with the outcome.	
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	Wording compliant with Code provision 2.4 is included in the penultimate paragraph of the policy section headed 'What does this policy not cover?' The postal address given for the Ombudsman is incorrect and requires amendment. The correct postal address is given on the landlord's website.	Recommendation 6: The landlord should review the policy to provide the correct postal address details for the Housing Ombudsman Service which are: Housing Ombudsman Service PO Box 1484 Unit D Preston PR2 0ET
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	The policy does not explain how the landlord publicises the complaints policy and the self-assessment commentary states 'all information is detailed within our complaints policy'. The landlord should provide details of how it publicises its complaints policy within the policy itself so that it is made clear to residents, and is clear for governance purposes.	Recommendation 7: The landlord should review its policy to explain in the policy itself how the landlord will publicise its complaints policy.
5.6 5.7	5.6 - When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	The self-assessment suggests that Code Provisions 5.6 and 5.7 are complied with in practice. In terms of the policy provisions, although the policy makes provision for the requirements of Code Provisions 5.6 in relation to Stage 2 escalations, it does not do so for Stage 1. It is important that residents know they can expect their complaint to be defined in the	Recommendation 8: the landlord should review its policy to provide that in both the landlord's acknowledgement of stage 1 complaints and escalations to stage 2, the landlord sets out: - its understanding of the complaint - the outcomes the resident is seeking and

	5.7 - When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	acknowledgement so that they can be reassured that their complaint has been understood from the outset by the landlord. The policy does not provide for Code provision 5.7 at stage 2 and only does so at stage 1 with the response, not when the complaint is acknowledged. Even if the landlord is complying with Code provision 5.7 in practice, it is important that the provisions of Code provision 5.7 are accurately set out in the policy so that the resident has a clear understanding of what information they can expect to be provided in the acknowledgement.	- which aspects of the complaint the landlord is and is not responsible for.
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	The policy does not contain wording compliant with Code Provision 5.9. Although the landlord refers in its self-assessment to the use in practice of holding letters, it is not clear that these letters contain the information required by Code provision 5.9. The policy should include the requirements of Code provision 5.9 so that residents are informed what communication they can expect from the landlord when a complaint response falls outside of the timescales set out in the Code.	Recommendation 9: The landlord should review its policy to provide that where a response to a complaint falls outside of the extended timescales set out in the Code for stages 1 and 2, that the landlord will agree with the resident suitable intervals for being updated on their complaint.
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be	Although the policy contains compliant wording for Stage 1 complaints, it does not do so for Stage 2 escalations. Although the self-assessment indicates that the landlord complies with this in practice, it is important that the requirements of Code	Recommendation 10: For Stage 2 of the complaints procedure the landlord should review its policy to provide that the response will be provided to the resident when the answer is known, not when all

	tracked and actioned promptly with appropriate updates provided to the resident.	provision 6.17 are set out in the policy itself so that residents are informed what communication they can expect to receive from the landlord regarding outstanding actions after their stage 2 response has been issued.	outstanding actions are completed. Recommendation 11: for Stage 2 of the complaints procedure, the landlord should review its policy to provide that updates are provided to the resident on outstanding actions.
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