

Housing Ombudsman Service Complaint Handling Code

Section 5 – Complaint stages

Stage 1

5.1 Landlords must respond to the complaint within 10 working days 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.

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.

5.5 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.

5.7 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.

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

- 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 stage two if the resident is not satisfied with the answer

Stage 2

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.

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 within 20 working days 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.

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.

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.

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

- 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
- details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied