Appendix B – Self- Section 2 - Accessibility and awareness Assessment Form

This self-assessment form should be completed by the complaints officer and discussed at the landlord’s governing body annually.

Evidence should be included to support all statements with additional commentary as necessary.

Explanations must also be provided where a mandatory ‘must’ requirement is not met to set out the rationale for the alternative approach adopted and why this delivers a better outcome.

# Section 1 - Definition of a complaint

## Mandatory ‘must’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **1.2** | A complaint must be defined as:  ‘*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*. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **1.3** | The resident does not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord’s complaints policy. | Yes | Forms part of the regular training for Council staff. This being further strengthened across the wider organisation with any identified training. |
| **1.6** | … if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint. | Yes | All contact received through the centralised team, or where service areas consider contacts to be a complaint, are logged and where these cannot be resolved at the first point of contact, are recorded as complaints and progressed in line with the complaints policy. |
| **1.7** | A landlord must accept a complaint unless there is a valid reason not to do so. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Exclusions are detailed within the Councils updated complaints policy.  If there are valid reasons for not accepting a complaint, we write to the customer explaining why this is the case and refer them our Complaints Policy.  If an issue is being reported for the 1st time then it may be considered as a request for service rather than a complaint |
| **1.8** | A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  As per 1.7 above.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **1.9** | If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Written communication is given to clearly state why the complaint has not been accepted, in line with our Complaints Policy and signposts escalation to The Housing Ombudsman. |

## Best practice ‘should’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **1.4** | Landlords should recognise the difference between a **service request**, where a resident may be unhappy with a **situation** that they wish to have rectified, and a **complaint** about the **service** they have/have not received. | Yes | This being further strengthened through:   * guidance and examples on Info zone * staff training * Councils Comments, Compliments, and Complaints Policy |
| **1.5** | Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to. | No | Procedures are under review which will address this requirement.  A survey is due to be carried out in 2023. We will use this additional opportunity to inform tenants of how they can pursue their dissatisfaction as a complaint if they wish to. |

## Mandatory ‘must’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **2.1** | Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system. | Yes | Residents can make a complaint in person, over the telephone, in writing, by email and digitally.  Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **2.3** | Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **2.4** | Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website. | Yes | New Comments, Compliments and Complaints page set up on website, this being further strengthened within Housing for publication and availability for residents.  [Comments, Compliments & Complaints | Tamworth Borough Council](https://www.tamworth.gov.uk/complaints-compliments-comments) |
| **2.5** | Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual’s needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests. | Yes | Community Impact Assessment detailed within the policy.  TBC has mandatory equality and diversity training. |
| * **2.6** | Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents. | Yes | New Comments, Compliments and Complaints page set up on website, this being further strengthened within a range of Housing publications including sheltered housing tenant’s handbook, high rise tenants’ health & safety handbook, tenants open house newsletter which has been approved by our Tenant’s Group.  In addition to the above all of the Council’s complaint response letters details the complaints process.  Our customer service advisors are also equipped to inform customers of the complaints process and offer support and guidance on how to make a complaint.  [Complaints, Compliments & Comments | Tamworth Borough Council](https://www.tamworth.gov.uk/complaints-compliments-comments) |
| **2.7** | Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents. | Yes | Detailed in complaint responses and on website. This will be further strengthened where applicable. |
| **2.8** | Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord’s complaints process is exhausted. | Yes | Detailed in complaint responses and on website. This will be further strengthened where applicable. |

## Best practice ‘should’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **2.2** | Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  Complaints received via social media channels (e.g., Twitter, Facebook) will be forwarded to the Information Governance Team and handled in keeping with this policy. The Council will not provide complainant specific responses via social media sites.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |

# Section 3 - Complaint handling personnel

## Mandatory ‘must’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **3.1** | Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the “complaints officer”. | Yes | The Councils Information Governance Manager (Monitoring Officer) is the councils designated complaint officer, and a centralised team is in place to facilitate the corporate complaints process. |
| **3.2** | …the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest. | Yes | Officer competence is monitored to support and ensure officers are trained to required levels. Any identified training needs are actioned accordingly. |

## Best practice ‘should’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **3.3** | Complaint handlers should:   * be able to act sensitively and fairly * be trained to handle complaints and deal with distressed and upset residents * have access to staff at all levels to facilitate quick resolution of complaints * have the authority and autonomy to act to resolve disputes quickly and fairly. | Yes | The Stage 1 and Stage 2 complaints are delegated and assessed by designated officers within each service area. Guidance is provided on all aspects of the requirements of this code.  Officer competence is monitored through performance management processes to support and ensure officers are trained to required levels. Any identified training needs are actioned accordingly. |

# Section 4 - Complaint handling principles

**Mandatory ‘must’ requirements**

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **4.1** | Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord’s audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident’s concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as ‘stage 0’ or ‘pre-complaint stage’) as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure **within five days of receipt**. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy - This will be further strengthened where applicable.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  With the introduction of the new Comments, Compliments and Complaints Policy, all complaints are recorded and acknowledged within 5 working days. KPI target in place and monitored on a regular basis. |
| **4.2** | Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Acknowledgment letters document details provided by the complainant. If further clarification is required, this can be requested though the Information Governance team. |
| **4.6** | A complaint investigation must be conducted in an impartial manner. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **4.7** | The complaint handler must:   * 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. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  The Stage 1 and Stage 2 complaints are delegated and assessed by designated officers within each service area.  Officer competence is monitored to support and ensure officers are trained to required levels. Any identified training needs are actioned accordingly. |
| **4.11** | Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **4.12** | The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:   * set out their position * comment on any adverse findings before a final decision is made. | Yes | Once the complaint is in the formal process it is not currently referred back to the customer for agreement. The escalation process deals with any disagreement from the tenant. |
| **4.13** | A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **4.14** | A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord’s complaints policy and must be the same as the reasons for not accepting a complaint. | Yes | Detailed in the Councils Comments Compliments, and Complaints Policy  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx) |
| **4.15** | A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared. | Yes | Complaints are facilitated and recorded centrally through the Information Governance Team. |
| **4.18** | Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint. | Yes | Detailed in the Managing Unreasonable Behaviour Policy.  Managing Unreasonable Behaviour Policy. |

## Best practice ‘should’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **4.3** | Landlords should manage residents’ expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic | Yes | The Information Governance team, facilitate the corporate complaints process and act as a central point of contact for the customer during the complaints process and provide a skilled resource to support the council in responding to complaints. |
| **4.4** | A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required. | Yes | The Stage 1 and Stage 2 complaints are delegated and assessed by designated officers within each service area.  This allows for any remedy that can be actioned immediately to be carried out / arranged and the customer informed.  For example: a repair requires an inspection, this can be arranged swiftly and does not require an in-depth investigation.  With the introduction of the new Comments, Compliments and Complaints Policy, KPI targets have been identified and are being monitored on a regular basis. |
| **4.5** | Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Permission to share information is required for information to be shared with a 3rd party, the acknowledgement letter advises of this requirement and how this can be provided. |
| **4.8** | Where a key issue of a complaint relates to the parties’ legal obligations landlords should clearly set out their understanding of the obligations of both parties. | Yes | Where necessary the advice of Legal Services is sought to ensure the Council acts lawfully. Where appropriate the council will explain to the resident their legal responsibilities and entitlement, this is explained within relevant polices and tenancy agreement which is available on the website at [Housing | Tamworth Borough Council](https://www.tamworth.gov.uk/housing)  In addition, the council may advise the resident to seek advice further for example, from a community-based organisation such as Citizens Advice, or from a legal professional. |
| **4.9** | Communication with the resident should not generally identify individual members of staff or contractors. | Yes | The Information Governance team, facilitate the corporate complaints process and act as a central point of contact for the customer during the complaints process, including contractors. |
| **4.10** | Landlords should keep residents regularly updated about the progress of the investigation. | Yes | The Information Governance team is available to the complainant, as the point of contact at all stages of the complaint process. |
| **4.16** | Landlords should seek feedback from residents in relation to the landlord’s complaint handling as part of the drive to encourage a positive complaint and learning culture. | Yes | We have an established Tenant’s Consultative Group with the purpose of reviewing all of our landlord’s complaint handling process which provides a good opportunity to receive feedback which the Council uses to: improve service delivery, influence change & preventing service dissatisfaction from happening again. |
| **4.17** | Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained | Partial | With the introduction of the new policy, learning from complaint reports are being introduced to ensure trends are identified and communicated throughout the organisation. |
| **4.19** | Any restrictions placed on a resident’s contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010. | Yes | Detailed in the Managing Unreasonable Behaviour Policy.  Managing Unreasonable Behaviour Policy. |

# Section 5 - Complaint stages

## Mandatory ‘must’ requirements

## Stage 1

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.1** | Landlords must respond to the complaint **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. | Yes | This requirement is detailed in the councils new Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Improved KPI targets are in place and monitored on a regular basis. |
| **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. | Yes | Each service manager is responsible for personally tracking and ensuring any outstanding complaint actions are completed including providing update to the tenant.  The introduction of monthly/quarterly reports to Head of Service will help with monitoring and overseeing that this happens on every occasion. |
| **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. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Letter templates, advice, and final quality checks in place. |
| **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 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 | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Letter templates, advice, and final quality checks in place. |

## Stage 2

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.9** | If all or part of the complaint is not resolved to the resident’s satisfaction at stage one it must be progressed to stage two of the landlord’s procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident’s right to approach the Ombudsman about its decision. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Letter templates, advice, and final quality checks in place. |
| **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. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Acknowledgment letters document details provided by the complainant. If further clarification is required, this can be requested though the Information Governance team. |
| **5.11** | Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident. | Yes | All complaints follow the Stage 1 process before being escalated to Stage 2. |
| **5.12** | The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one. | Yes | All stage 2 complaints are dealt with by a senior designated officer (EG: Head of Service / Assistant Director) |
| **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. | Yes | This requirement is detailed in the councils new Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  KPI targets are in place and monitored on a regular basis. |
| **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**   * if the landlord has a third stage, details of how to escalate the matter to stage three * if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Letter templates, advice, and final quality checks in place. |

## Stage 3

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.17** | Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Stage 1 & Stage 2 process in place |
| **5.20** | Landlords must confirm the following in writing to the resident at the completion of stage three 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 the Housing Ombudsman Service if the resident remains dissatisfied | N/A | N/A |

## Best practice ‘should’ requirements

## Stage 1

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.2** | If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties. | Yes | The Information Governance team will write to the complainant if an extension is required.  Whilst we advise the complainant of an extension, we do not always seek their agreement. The investigation into a complaint may not be complete and any timeframe for completion is in the hands of the nominated officer. Investigations are conducted expeditiously, and any delays are due to complexity and the time spent gathering and assessing the evidence before responding. In more complex cases there is often regular interaction with the complainant. In these cases, extension is often discussed and agreed. |
| **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. | Partial | Stage 1 and Stage 2 complaint response letters detail relevant Ombudsman contact details.  The Information Governance team will write the complainant if an extension is required/agreed, including details of the Housing Ombudsman contact details.  Guidance and internal procedures under review to further strengthen this. |
| **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. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Where the problem is a recurring issue, consideration will be given to any older reports as part of the background to the complaint if this will help to resolve the issue for the resident. |
| **5.7** | Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant, and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint. | Yes | Where the centralised team identify additional elements, these are assessed and actioned appropriately. For example, through logging another complaint, adding details to an existing complaint or raising a service request if this is the first time the council is aware of the issue.  Guidance and internal procedures under review to further strengthen this. |

## Stage 2

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.14** | If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties. | Yes | The Information Governance team will write to the complainant if an extension is required.  Whilst we advise the complainant of an extension, we do not always seek their agreement. The investigation into a complaint may not be complete and any timeframe for completion is in the hands of the nominated officer. Investigations are conducted expeditiously, and any delays are due to complexity and the time spent gathering and assessing the evidence before responding. In more complex cases there is often regular interaction with the complainant. In these cases, extension is often discussed and agreed. |
| **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 | Partial | Stage 1 and Stage 2 complaint response letters detail relevant Ombudsman contact details.  The Information Governance team will write the complainant if an extension is required/agreed, including details of the Housing Ombudsman contact details.  Guidance and internal procedures under review to further strengthen this. |

## Stage 3

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **5.18** | Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint **within 20 working days** of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident. | N/A | N/A |
| **5.19** | Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman’s contact details so the resident can challenge the landlord’s plan for responding and/or the proposed timeliness of a landlord’s response. | N/A | N/A |

# Section 6 - Putting things right

## Mandatory ‘must’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **6.1** | Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. | Yes | Detailed in the Councils Comments, Compliments and Complaints Policy.  [Comments, Compliments and Complaints Policy](https://www.tamworth.gov.uk/sites/default/files/misc_docs/Comments-Compliments-Complaints-Policy.docx)  Where poor service is identified this is acknowledged in the resolution letter with the action to put it right.  Letter templates, advice, and final quality checks in place. |
| **6.2** | Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents. | Yes | Proportionate remedies are offered where a complaint is Upheld or Partially Upheld. For example, these can range from an apology, an agreement to carry out or complete repair work, and the payment of appropriate monetary compensation.  This being further strengthened with the introduction of complaint training, and increased guidance. |
| **6.5** | The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion. | Yes | Complaint response details any remedy offered, for example if a new appointment is made for a missed appointment. |
| **6.6** | In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused. |  |  |

## Best practice ‘should’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **6.3** | Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be ‘put right’ in terms of process or systems to the benefit of all residents. | Yes | Trends / Themes monitored and reported to the wider organisation on a regular basis to ensure learning from complaints is implemented into business as usual. |
| **6.7** | In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded. | Yes | A complaint will be referred to the councils Legal Services for advice and guidance where appropriate. |

# Section 7 - Continuous learning and improvement

**Mandatory ‘must’ requirements**

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **7.2** | Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels. | Yes | Management information reports to be produced for service managers and CMT so that they can monitor the performance of their services in relation to complaints.  Regular reports to Statutory Officers, and Tennant Complaints group alongside annual report to relevant Committee/s.  Performance information shared with residents as part of the newsletter available. The newsletter regularly contains articles relating to articles relating to feedback such as “You Said – We Did”  Tenants Annual Report includes details on complaint handling, learning and improvement.  Landlord performance including complaints will be reviewed and scrutinised by the Housing & Homelessness Advisory Board which includes 2 tenant representatives.  With the introduction of the Regulator of Social Housing’s (RSH) New Tenant Satisfaction Measures, the Council’s performance will be published on the Council’s website. |

**Best practice ‘should’ requirements**

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **7.3** | A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord’s complaint handling performance. | Yes | The Assistant Director - People holds lead responsibility, supported by the Information Governance Manager (Monitoring Officer).  Portfolio Holder for Finance, Risk and Customer Services sits on Cabinet and complaints sits within their portfolio.  Regular reporting is to be provided to CMT, Cabinet and the wider organisation.  Further review to be carried out to identify and strengthen this requirement. |
| **7.4** | As a minimum, governing bodies should receive:   * Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman’s orders * Regular reviews of issues and trends arising from complaint handling, * The annual performance report produced by the Ombudsman, where applicable * Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge. | Yes | Regular reporting is to be provided to CMT, Cabinet and the wider organisation.  Monthly performance monitoring is in place.  Landlord performance including complaints will be reviewed and scrutinised by the Housing & Homelessness Advisory Board which includes 2 tenant representatives  Annual ombudsman performance reports are made to our Audit and Governance committee |
| **7.5** | Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training. | Yes | Management information reports for service managers and CMT are produced so that they can monitor the performance of their services in relation to complaints. |
| **7.6** | Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:   * have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments * take collective responsibility for any shortfalls identified through complaints rather than blaming others * act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. | No | Area for development. |

# Section 8 - Self-assessment and compliance

## Mandatory ‘must’ requirements

|  |  |  |  |
| --- | --- | --- | --- |
| **Code section** | **Code requirement** | **Comply:**  **Yes/No** | **Evidence, commentary and any explanations** |
| **8.1** | Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements. | Partial | Initial assessment December 2020  Updated assessment carried out April 2023 – future annual assessments to full in line with the municipal year. (May – April) |
| **8.2** | Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures. | Yes | Updated April 2023 following review and update of Housing Ombudsman Guidance and endorsement of the Councils new corporate Comments, Compliments, & Complaints policy. |
| **8.3** | Following each self-assessment, a landlord must:   * report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members * publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents * include the self-assessment in their annual report section on complaints handling performance | Yes | The Self-Assessment is published on the Councils website.  [Comments, Compliments & Complaints | Tamworth Borough Council](https://www.tamworth.gov.uk/complaints-compliments-comments)  Requirements to report the outcome of the self-assessment have been noted and will be added as part of the report submitted to Audit & Governance, in the new municipal year. |