

Housing Ombudsman Complaint Handling Code: Self-Assessment Form 2023

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: <i>'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'</i>	Yes	Dartford Borough Council's ("the Council's") Corporate Complaints Procedure Code of Practice for Staff ("the Complaints Procedure") uses the Housing Ombudsman's definition of a complaint – see https://www.dartford.gov.uk/complaints/complain
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	The Complaints Procedure explains what an "expression of dissatisfaction" means and notes the importance to appreciate that the complainant does not have to use the word "complaint" when expressing dissatisfaction. The procedure also explains that a third party i.e. someone acting on behalf of a person or organisation receiving or seeking to receive a service from the Council (e.g. Councillor, MP, next of kin), may use the complaints procedure. The procedure provides information on organisations that may assist a person in making a complaint.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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	The Complaints Procedure explains that a first time request for a service or for information that is properly for the Council to give should not be seen as a complaint. However, a repeated request for the same service or information is a clear indication that the Council may not have performed according to its service standards. A repeated request or if further enquiries are needed to resolve the matter, or if the resident requests it, the issue will be logged as a complaint.
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.	Yes	All complaints will be accepted unless the matter being raised is not covered under the Council's Complaints Procedure (see 1.8 below).
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	<p>The Complaints Procedure includes circumstances in which a matter will not be considered under the complaints process:</p> <ul style="list-style-type: none"> • requests for a service, for instance initial reporting of a faulty street light; • complaints about court proceedings; • complaints about personnel matters concerning employees of the Council; • complaints about something which affects all or most of the inhabitants of the Borough, for instance the amount of Council Tax being levied; • complaints about matters for which there is a right of appeal to a Tribunal or to a Government Minister, for instance, refusal of planning permission; • complaints for which there is a legal remedy, for instance, an injury claim; • complaints already being dealt with by the Local Government/ Housing Ombudsman; • complaints from employees of the Council (except as external users of services); • matters which have arisen more than three months before the

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			<p>complaint is made, unless there are very special circumstances;</p> <ul style="list-style-type: none"> • matters connected with 'internal malpractice' and the employment protection for individuals disclosing certain information in relation to the workplace (refer to the Whistleblowing Policy); • matters connected with the level of Housing Benefit/Council Tax Benefit awarded; • policy issues, e.g., the allocation of resources or prioritisation of works; • systematic failure of the Council to discharge a function for which it is responsible. <p>Information is also provided on the Council's website on the most commonly raised complaints that are not within the remit of the Complaints Procedure – see https://www.dartford.gov.uk/complaints/commonly-raised-complaints-not-within-remit-procedure</p>
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	Where a request to use the complaints process is received and the matter is not covered under the Complaints Procedure (as explained in 1.8), the Council will write to the resident explaining why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a service request , where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.	Yes	The Corporate Complaints Procedure includes advice as to what constitutes a complaint, emphasising the importance of recognising the difference between a formal complaint and a service request. The Procedure explains that a first time request for a service or for information that is properly for the Council to give should not be seen

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<p>as a complaint. Complaints about the Council can be broadly categorised as follows:</p> <ul style="list-style-type: none"> a) failure to provide a service at the level or standard expected of the Council; b) the unhelpful attitude of an employee of the Council; c) neglect or delay in answering a query or responding to a request for service; d) failure to follow the Council's agreed policies, rules or procedures; e) failure to take proper account of relevant matters in coming to a decision (NB: this may not be a complaint but a request for reconsideration or an appeal of a decision); f) failure to tell people of their rights; g) malice, bias or discrimination, victimisation and harassment. <p>Where service requests are received by the Housing Service (e.g. a request for a repair) this is recorded on the relevant departmental case management system. If a service request is received via the complaints process, this is passed to the relevant team to log as a service request on their case management system. Complaints are logged through a separate case management system which has functionality to generate reports to monitor case levels, outcomes and performance. The Council has procured a new central complaints management system which will have improved functionality and is expected to become operational before the end of 2023.</p>
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.	Yes	The Housing Service uses survey feedback to inform on resident satisfaction with the services provided. In 2022, the Housing Service developed an informative that is included in survey feedback forms to explain how residents can make a complaint if they are dissatisfied with the service received.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			The Housing Service is in the process of further developing a Code of Practice on Resident Satisfaction Surveys. This will set out how the procedure for undertaking satisfaction surveys is based on a cycle of carrying out the survey; analysing the results; formulating improvement plans; implementing the improvement plans; and, monitoring the impact of those improvements. It will also reinforce the requirement to ensure that where survey feedback raises a service request or a complaint, that this is passed onto the relevant team to address.

Section 2 – Accessibility and awareness

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.	Yes	Complaints can be made using a range of options including in person, by phone (including Relay UK), by email/internet, on audiotape, in writing, in Braille and in languages other than English.
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	<p>The Complaints Procedure is available in a clear and accessible format for all residents on the Council's website at https://www.dartford.gov.uk/complaints. This includes the following information:</p> <ul style="list-style-type: none"> • Formal complaints procedure and form • The stages of our complaints procedure • Help and advice on complaints procedure

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<ul style="list-style-type: none"> • Stage 2 review of complaints (relating to data protection, freedom of information, environmental information and re-use of information) • Fluency Duty - A complaint that an employee in a customer-facing role has insufficient proficiency in spoken English for the performance of their role • Complaints relating to the Council's landlord functions • Most commonly raised complaints that are not within the remit of our Complaints Procedure • Policy on Unreasonably Persistent and/or Vexatious Complainants • Complaints Privacy Notice
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	<p>As explained in 2.3 above – the Complaints Procedure is available in a clear and accessible format for all residents on the Council's website on a corporate complaints page at https://www.dartford.gov.uk/complaints.</p> <p>In addition, the Housing Service has a specific complaints page on the website regarding landlord related complaints at https://www.dartford.gov.uk/services/housing-complaints. This page links to the corporate complaints page and vice versa. The page includes the Housing Ombudsman's definition of a complaint, the Complaint Handling Code Self-Assessment, a link to the Ombudsman's website, and promotion of the Government's 'Make Things Right Campaign'.</p>
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	Yes	The Council has a corporate Equality & Diversity Document Framework , which sets out how it will comply with the Public Sector Equality Duty under the Equality Act 2010. The Complaints Procedure has been subject to a Customer Access Review (reviewed in December 2022), to assess the equality impact the procedure will have on the protected characteristic groups.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	complaints handlers have had appropriate training to deal with such requests.		The complaints process explains how customers can receive information in alternative formats and access interpreter services to ensure there is equality of opportunity in using the service.
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	Customers are advised about the complaints process through various channels, including on the website, via a leaflet at points of access and notice boards and available at Customer Services and other Council service outlets, in correspondence, and in housing policies etc. The Complaint Handling Code and the Housing Ombudsman service is publicised on the website. Since 2022, information about how to make a complaint, the Complaint Handling Code and Housing Ombudsman Scheme, has been included as a regular article in the tenant and leaseholder newsletter 'The Link'.
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.	Yes	In 2022, the Housing Service developed an informative that is included in regular letter templates to explain how residents can make a complaint to the Council if they are dissatisfied with the service received with contact information for the Housing Ombudsman.
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	The Council's website includes information on complaints relating to the Council's landlord functions and the right to access the Housing Ombudsman Service, not only when the Council's complaints process has been exhausted: https://www.dartford.gov.uk/complaints/complaints-relating-councils-landlord-functions https://www.dartford.gov.uk/services/housing-complaints

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.	No	The Complaints Procedure does not currently permit that formal complaints will be accepted through social media channels as these platforms are not continuously monitored, especially outside normal working hours, although the Council has on occasions identified and resolved issues raised through these platforms.

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	<p>The Head of Legal Services is the Council's Corporate Complaints Officer and has overall responsibility for the Complaints Procedure and its administration and maintenance. The Corporate Complaints Officer remains independent of any decisions, but may give guidance and advice on procedure.</p> <p>Directors are responsible for the effective operation of the Complaints Procedure within their areas of responsibility. Each Director will nominate a Senior Officer as a Directorate/ Departmental Complaints Officer (DCO), responsible for ensuring that complaints are dealt with in accordance with the Complaints Procedure.</p> <p>Complaints are allocated to officers, as follows:</p> <ul style="list-style-type: none">• Stage 1 complaints – the complaint is allocated to the relevant service Manager and copied to the relevant DCO and Corporate Complaints Officer.• Stage 2 complaints – the Corporate Complaints Officer allocates the complaint to the relevant Director and this is copied to the

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<p>relevant DCO. The relevant Director will identify/nominate an officer independent of the stage one decision to investigate the complaint.</p> <ul style="list-style-type: none"> Stage 3 complaints: <ul style="list-style-type: none"> For non-landlord related complaints, Stage 3 of the complaints process is a Local Government and Social Care Ombudsman Investigation. For housing landlord related complaints, Stage 3 of the complaints process is a Housing Ombudsman investigation. <p>Stage 3 of the Complaints Procedure was updated in 2022 in response to the removal of the Democratic Filter, which removed the requirements to either:</p> <ul style="list-style-type: none"> Approach a 'designated person' Wait eight weeks to take the complaint directly to the Housing Ombudsman Refer to the Housing Ombudsman within the eight week period if the 'designated person' has confirmed they will not assist or have agreed to the referral to the Housing Ombudsman or of the customer remains dissatisfied after contacting the 'designated person'. <p>This update to the Complaints Procedure has been communicated via the website and in the tenant and leaseholder newsletter 'The Link'.</p>
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.	Yes	<p>Training of new front line staff, service managers and Departmental Complaints Officers is designed to help staff in developing their skills in:</p> <ul style="list-style-type: none"> defining and analysing complaints; planning investigations and making the best use of sources of information;

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<ul style="list-style-type: none"> evaluating information and making sound decisions; communicating those decisions effectively; resolving and learning from complaints; overcoming common problems. <p>Guidance notes and training on best practice in complaints handling will be offered to all staff involved in dealing with complaints. Complaints handling will be included as a core module in the Customer Services training programme.</p> <p>Refresher courses will be run by the Corporate Complaints Officer. For example, in January 2021, the LGO provided a Zoom on-line workshop on accepting, investigating and deciding complaints. Forty one members of staff attended.</p> <p>In terms of any conflict of interest, the Complaints Procedure is clear that officers, partners, Councillors and contractors must distance themselves from the investigation or involvement in any complaint in which they are directly or indirectly implicated.</p>

Best practice 'should' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	<p>Complaint handlers should:</p> <ul style="list-style-type: none"> be able to act sensitively and fairly be trained to handle complaints and deal with distressed and upset residents have access to staff at all levels to facilitate a quick resolution of complaints have the authority and autonomy to act to resolve disputes quickly and fairly 	Yes	<p>Training, supervision, resident feedback, monitoring and a robust Complaints Procedure assists complaint handlers to be competent, empathetic and efficient.</p> <p>The Complaint Procedure is clear about what the complainant can expect from the complaint handler, including to act in a non-defensive manner; be helpful, be polite and courteous; be honest; and be sensitive. The vulnerability or dependency of the complainant is</p>

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<p>also considered. If they are vulnerable or dependent, it is very important to ensure that they have appropriate support.</p> <p>Officers assigned to complaints have access to staff at all levels and autonomy to resolve complaints. The Corporate Complaints Officer is also available to provide guidance and advice on procedure and best practice.</p>

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.	No	<p>The Council will try to resolve complaints informally wherever possible. Circumstances may warrant an informal complaint to proceed to Stage 1 of the formal complaints process. Where a review of a Stage 1 decision is requested, reconsideration of the decision is carried out at Stage 2 of the complaints process.</p> <p>The Complaints Procedure states that the complaint must be acknowledged within 7 working days of receipt by the Council. This is a corporate timescale applied across all service areas.</p> <p>If a complaint is received via Customer Services by email, this is forwarded to the relevant department and an acknowledgement reply is sent by Customer Services to the complainant advising to whom the email has been forwarded. Currently, Customer Services acknowledge the complaint within 48 hours.</p> <p>The Council has procured a new complaints management system which is expected to become operational before the end of 2023. The new system will enable an acknowledgement to be automatically sent</p>

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			on the same day the complaint is allocated. This will, in the future, ensure that acknowledgements are sent within the Ombudsman's timescales of five days.
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	The acknowledgement will name the service Manager responsible for investigating the complaint, and the target date for response. The complainant can expect their complaint to be set out and their desired outcome to be clearly defined. If the basis of the complaint is not evident or clear enough, the service Manager will contact the complainant to clarify the focus of their complaint and then decide how the complaint should be taken forward. Options may include: <ul style="list-style-type: none"> • answering a question; • providing further information; • clarifying a misunderstanding; • acknowledging and/or rectifying an error.
4.6	A complaint investigation must be conducted in an impartial manner.	Yes	Complaint investigations objectively determine whether the facts of the case have been established. No complaint is investigated or responded to by a member of staff about whom the complaint has been made, or who has a conflict of interest in the matter.
4.7	The complaint handler must: <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully • keep the complaint as confidential as far as possible, with information only disclosed if necessary to properly investigate the matter 	Yes	The Complaint Procedure is clear about what the complainant can expect from the complaint handler, including: <ul style="list-style-type: none"> • to ensure that no complaint is investigated or responded to by a member of staff about whom the complaint has been made, or who has a conflict of interest in the matter. Officers, partners, Councillors and contractors must distance themselves from the investigation of or involvement in any complaint in which they are directly or indirectly implicated; • objectively determine, based on the information and evidence provided, whether the facts of the case have been determined; • any request for the identity of the complainant to remain confidential will be respected as far as possible.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication	Yes	<p>The Complaints Procedure is mindful of any special needs of the complainant and that it is important to be aware of this and to provide appropriate support that may assist them to make their complaint. Some of these needs are considered below:</p> <ul style="list-style-type: none"> • Visual impairment - consider if the provision of a large print leaflet or audiotape version of the complaints process would be appropriate; • Consider if someone is required to assist the complainant write his/her complaint - always ask the complainant if they require assistance; • Hearing impairment - consider if the use of a British Sign Language interpreter would assist the complainant; • English as a second language - the complainant should be offered the assistance of a translator, family member or friend to help them make their complaint; • House bound complainants - some house bound complainants may require a home visit; • Complainants may wish to enlist the help of a friend, relative, Councillor, MP, professional person, e.g. doctor or priest, or an advocacy service.
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made 	Yes	<p>The Complaints Procedure states that the complainant is given the opportunity to have their concerns heard. With a view to resolving complaints quickly and at the earliest possible stage of the Complaints Procedure, the service Manager may at the request of the complainant, reconsider their decision against any additional information provided by the complainant. Stage 1 response times will apply.</p>
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint	Yes	<p>The Complaints Procedure states that other than in exceptional circumstances, which will include complaints referred to the Council by the Ombudsman, and instances where the service Department has</p>

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<p>been in prolonged discussions with the complainant, the Council will not investigate complaints more than three months after the cause of complaint has arisen.</p> <p>For housing landlord related complaints at Stage 3 of the complaints process, the Complaints Procedure and decision letter advises the resident can ask the Housing Ombudsman to review their complaint and that the resident usually has up to 12 months to do this, starting from the date the resident first knew about the matter complained about.</p>
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	As explained in 1.8, the Complaints Procedure sets out the circumstances in which a matter will not be considered under the complaints process. Normally, the complainant will be given the name and contact details of the Corporate Complaints Officer, should they wish to pursue their complaint under Stage 2 of the complaints procedure. However, in certain circumstances (notably, where the Council has done as much as can be done to try to resolve the complaint, or the complainant's conduct causes concern (unreasonably persistent and/or vexatious complaints) or the complaint concerns a Council decision and/or action which is in accordance with legislation and/or Council policy and procedure or an explanation of the reasons for dissatisfaction with the handling of the Stage 1 complaint has not been provided), the relevant Director may exercise their discretion not to investigate the complaint beyond Stage 1. Where this discretion is exercised, the complainant must be provided with an explanation and of their right to complain to the Housing Ombudsman.
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	Yes	All formal complaints and correspondence are logged on a central corporate complaints management system. This ensures that complaints records are fully maintained and preserved. The Council has procured a new system for logging complaints with the aim to

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	correspondence with the resident, correspondence with other parties and any reports or surveys prepared.		provide improved functionality so that efficiency is increased along with the ability to interrogate data more effectively and easily. The new complaints system is expected to be operational before the end of 2023.
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	The Council has a Policy on Unreasonably Persistent and/or Vexatious Complainant's Behaviour .

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 Complaints Procedure states that complainants should expect to be told what they can reasonably expect the complaints officer to do, what can or cannot be done, and the time limits.
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 Complaints Procedure states that informal resolution and apology should be immediate where possible. Customers most often want an explanation, an apology and reassurance that the same thing will not happen to others.
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	As explained in 1.3, the Complaints Procedure states that someone acting on behalf of a person or organisation receiving or seeking to receive a service from the Council (e.g. Councillor, MP, next of kin), may use the complaints procedure. The procedure provides information on organisations that may assist a person in making a complaint.
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	The complaints response will detail the Council's legal obligations and the obligations of the resident, as well as to recommend the resident seeks their own legal advice.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.9	Communication with the resident should not generally identify individual members of staff or contractors.	Yes	The Complaints Procedure states that where there is a complaint about a Council employee, the employee will not be named when complaints are recorded but will indicate whether complaints are held to have any foundation. This information will be used to assess whether staff require further customer care training or re-training.
4.10	Landlords should keep residents regularly updated about the progress of the investigation.	Yes	The Complaints Procedure minimum standards for handling complaints include keeping complainants informed of progress in dealing with their complaint, and if it cannot be resolved within the agreed timescales, the likely timescales for response.
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	<p>In October 2021, the Housing Service set up a process for measuring satisfaction with complaint handling using a transactional survey approach. Upon closure of a complaint, a satisfaction survey is sent to the complainant and followed-up twice over a period of four weeks before a non-return is recorded.</p> <p>In addition to the above method of undertaking transactional satisfaction surveys, the Regulator of Social Housing introduced a set of tenant satisfaction measures for all landlords in April 2023, as set out in the Government's Charter for Social Housing Residents - Social Housing White Paper. This will include a measure for satisfaction with complaints handling via a perception survey method.</p>
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	Yes	The Council has procured a new complaints management system which is expected to be operational before the end of 2023. The new system will have improved functionality on the categorisation of complaints and outcomes. This will enable trends and patterns of complaints to be monitored, which in turn, will contribute towards improved staff training and learning.
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	The Council's Policy on Unreasonably Persistent and/or Vexatious Complainant's Behaviour sets out that the Council must be mindful that it has responsibilities under equality and diversity legislation concerning the way it provides its services. Of equal importance, is the

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<p>Employee Code of Conduct which requires staff to maintain high standards when dealing with customers. However, the need to be patient or make adjustments when providing our services does not extend to having to deal with unacceptable behaviour from customers. The Council must also be fair to all customers by prioritising our resources effectively. The time spent with each customer should be appropriate and proportionate.</p> <p>The Council is committed to providing services that are accessible to the broadest range of customers. This commitment also encompasses legal obligations under the Equality Act 2010. If a customer is having difficulty accessing services for any reason, the Council will adjust the way it provides its services where it is reasonable to do so. Where a customer is behaving in a difficult, persistent or unacceptable manner, the Council must consider whether this may be caused by any personal difficulties or characteristics they have, which may be making services more difficult to access or use.</p>

Section 5 – Complaint stages

Mandatory ‘must’ requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint <u>within 10 working days</u> of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	The Council’s corporate response timescale for stage 1 Housing Services/landlord complaints is 10 working days. This alignment to the Code’s timescales was identified in last year’s self-assessment and implemented immediately.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
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	The Complaints Procedure states that informal resolution and apology should be immediate where possible. If a complaint is upheld or partially upheld, information is given the actions that will be taken to address the issue.
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	The Stage 1 decision letter template instructs the complaints officer to detail reasons for the decision by setting out the facts and the conclusions regarding all points raised.
5.8	Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language: <ul style="list-style-type: none"> • the complaint stage • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions • details of how to escalate the matter to stage two if the resident is not satisfied with the answer 	Yes	The Stage 1 decision letter template includes this required information.

Best practice 'should' requirements

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	<p>As explained in 1.8, the Complaints Procedure sets out the circumstances in which a matter will not be considered under the complaints process.</p> <p>As explained in 4.14, normally, the complainant will be given the name and contact details of the Corporate Complaints Officer, should they wish to pursue their complaint under Stage 2 of the Complaints Procedure. However, in certain circumstances (notably, where the Council has done as much as can be done to try to resolve the complaint, or the complainant's conduct causes concern (unreasonably persistent and/or vexatious complaints) or the complaint concerns a Council decision and/or action which is in accordance with legislation and/or Council policy and procedure or an explanation of the reasons for dissatisfaction with the handling of the Stage 1 complaint has not been provided), the relevant Director may exercise their discretion not to investigate the complaint beyond Stage 1. Where this discretion is exercised, the complainant must be provided with an explanation and of their right to complain to the Housing Ombudsman.</p>
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	On escalation to Stage 2 of the complaints process, this is an opportunity to consider a case completely afresh, through a formal investigation. The Investigating Officer will agree with the complainant, a detailed, written statement of the complaint before embarking on a formal investigation.
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	Complaints are only escalated to Stage 2 once Stage 1 has been completed and at the request of the resident.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.	Yes	<p>The relevant Director will identify/nominate an investigating officer independent of the Stage 1. This person will normally be a representative from management other than the line manager e.g. the head of service or the relevant Director may choose to investigate personally.</p> <p>An Investigating Officer should be impartial and able to apply fairness and objectivity. Ideally, the Investigating Officer should have attended training on the complaints procedure and on carrying out investigations.</p>
5.13	Landlords must respond to the stage two complaint <u>within 20 working days</u> of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	The Council's corporate response timescale for stage 2 complaints is 20 working days. This alignment to the Code's timescales was identified in last year's self-assessment and implemented immediately.
5.16	<p>Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions <p>and</p> <ul style="list-style-type: none"> • if the landlord has a third stage, details of how to escalate the matter to stage three 	Yes	The stage 2 decision letter template includes this required information.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	<ul style="list-style-type: none"> if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 		

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.	N/A	Stage 3 of the Complaints Procedure is where the complaint is investigated by the Housing Ombudsman (as explained in 3.1).
5.20	Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language: <ul style="list-style-type: none"> the complaint stage the complaint definition the decision on the complaint the reasons for any decisions made the details of any remedy offered to put things right details of any outstanding actions details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied 	N/A	As 5.17 above – Stage 3 of the Complaints Procedure is where the complaint is investigated by the Housing Ombudsman (as explained in 3.1).

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	Every complaint is acknowledged and the complainant is informed of the officer responsible for investigating the complaint and the target date for the response. If it is not possible to provide the complainant with a full response within the target timeframe, the complainant is kept informed of this.
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.	Yes	On rare occasions where agreement over an extension period has not been reached, the Council will provide the Ombudsman's contact details so the resident can challenge the Council's plan for responding and/or the proposed timeliness of the 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.	Yes	Background information, including older reports, are considered during the complaint investigation.
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	Any additional complaints raised during a complaint investigation will be incorporated into the complaint.

Best practice 'should' requirements

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	Every complaint is acknowledged and the complainant is informed of the officer responsible for investigating the complaint and the target date for the response. If it is not possible to provide the complainant with a full response within the target timeframe, the complainant is kept informed of this.
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	Yes	On rare occasions where agreement over an extension period has not been reached, the Council will provide the Ombudsman's contact details so the resident can challenge the Council's plan for responding and/or the proposed timeliness of the response.

Best practice 'should' requirements

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	As explained in 5.17 – Stage 3 of the Complaints Procedure is where the complaint is investigated by the Housing Ombudsman.
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can	N/A	As explained in 5.17 – Stage 3 of the Complaints Procedure is where the complaint is investigated by the Housing Ombudsman.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.		

Section 6 – Putting things right

Mandatory 'must' requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.	Yes	<p>Remedies for complainants under the Complaints Procedure will normally take the form of putting things right and an apology. The options for redress are any, or a combination, of:</p> <ul style="list-style-type: none"> • an apology where appropriate; • an explanation of the events or policy concerned; • agreeing to change a decision or action; • agreeing to put right a mistake or the consequences of a mistake; • a review of a policy or project, or its implementation, to take into account the complaint; • improving communication to staff or the public to avoid the same grounds for complaint as previously; • improving staff training to eliminate the root cause of the complaint.
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	<p>The Complaints Procedure recommends that complaint handlers refer to the Local Government and Social Care Ombudsman Guidance on Remedies. Key questions in considering an appropriate remedy include:</p> <ul style="list-style-type: none"> • What outcome does the complainant want to achieve by complaining?

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
			<ul style="list-style-type: none"> • What has gone wrong? • What is the personal injustice? • Can action be taken to put the person affected back in the position they would have been in if nothing had gone wrong? • Is there an actual quantifiable financial loss, such as costs incurred or payments not received? • On what basis can loss of non-monetary benefit be calculated? • How severe was any other impact in terms of distress, harm or risk? • Did the actions or inactions of the complainant or a third party contribute to or lessen the injustice? • Is there a more appropriate form of payment than monetary? • Overall, is the remedy proportionate, appropriate and reasonable?
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	The decision letter will clearly set out any remedial actions. Such actions are logged on the complaints management system.
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.	Yes	<p>In exceptional circumstances, it will be appropriate to consider monetary compensation. This may apply where the Council has failed to perform a statutory obligation or its actions could amount to maladministration, particularly where financial loss has occurred. Reference will be made to LGO/Housing Ombudsman guidance on remedies.</p> <p>The relevant Director has delegated authority (Scheme of Delegations to Officers) to pay monetary compensation. Any other token of redress in response to any inconvenience suffered by the complainant will be at the discretion of the relevant Director.</p>

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	As explained in 6.1, remedies for complainants under the Complaints Procedure will normally take the form of putting things right and an apology. This can include a review of a policy or project, or its implementation, to take into account the complaint.
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	If a complainant has a legal entitlement to redress, the Council will still offer a resolution where possible. For example, this can include a review of policy or instigating staff training.

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	Wider learning and improvement from complaints was reported in the Housing Service's Annual Report to tenants and leaseholders in 2022 and in quarterly newsletters ('The Link').

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	No	The Council does not have an elected Member of the governing body (Cabinet) with lead responsibility for complaints. However, the Council's Audit Board receives an annual report from the Corporate Complaints Officer on complaints activity for all complaints in the previous year, including landlord related complaints. In addition, this

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	provides insight to the governing body on the landlord's complaint handling performance.		<p>Complaint Handling Code Self-Assessment is presented to Cabinet on an annual basis.</p> <p>Complaints handling performance and learning from complaints has been reported to the Council's Housing Advisory Board on a quarterly basis since October 2022. The Housing Advisory Board is made up of elected Members, senior Officers and representatives from the Dartford Tenant and Leaseholders' Forum. The main purpose of the group will be to have oversight of, and act in an advisory role, in relation to the implementation and progression in meeting the requirements of the Government's Charter for Social Housing Residents (Social Housing White Paper), in order to comply with the statutory housing governance requirements set out by the Regulator of Social Housing. This Board considers reports on proposed policy, strategy and performance in relation to housing issues and make recommendations to the decision making body as appropriate.</p>
7.4	<p>As a minimum, governing bodies should receive:</p> <ul style="list-style-type: none"> • Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders • Regular reviews of issues and trends arising from complaint handling, • The annual performance report produced by the Ombudsman, where applicable • Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The implementation of management responses 	Yes	<p>As explained in 7.3, the Council's Audit Board receives an annual report from the Corporate Complaints Officer on complaints activity in the previous year for all complaints, including landlord related complaints. The report will:</p> <ul style="list-style-type: none"> • Identify trends in complaints; • Identify deficiencies/weaknesses in the service and management systems and procedures; • Identify improvements to service delivery/systems introduced in response to complaints; • Recommend action to minimise or avoid similar complaints in future; • Recommend procedural improvements for handling and resolving complaints; • Identify training and information needs.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.		
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	The Council's Management Team receives reports on a quarterly basis. Directors are responsible for discussing with their managers, patterns of complaints and possible service improvements etc. with a view to remedying any acknowledged deficiencies as quickly as possible.
7.6	Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to: <ul style="list-style-type: none"> • have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments • take collective responsibility for any shortfalls identified through complaints rather than blaming others • act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 	Yes	It is essential for the operation of Complaints Procedure that Council staff adopt a positive approach to complaints handling and it is also important that staff should put the complainant first and respond positively to their complaint and treat each complaint seriously. Staff should always attempt to treat complainants in the way that they personally would wish to be treated, should they have a complaint against a third party. Complaint handling will entail a collaborative approach if a complaint is made against two or more Council services. In such circumstances, one service Manager will take the lead and ensure that a co-ordinated and collective response is provided to the complainant.

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.	Yes	The Council’s first self-assessment was published in June 2021. This is the Council’s third self-assessment. Future annual self-assessments have been scheduled into the Housing Service’s work plan.
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.	Yes	A new self-assessment will be carried out in such circumstances.
8.3	<p>Following each self-assessment, a landlord must:</p> <ul style="list-style-type: none"> report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents include the self-assessment in their annual report section on complaints handling performance 	Yes	<p>This self-assessment is being reported to Cabinet in July 2023.</p> <p>The self-assessment will be published on the corporate complaints and Housing Services complaints pages on the website.</p> <p>Complaints handling performance was included in the annual report for 2022 - https://www.dartford.gov.uk/council-housing/annual-report-local-standards .</p>