



**Lewes District Council**



**Tenants Of Lewes District**

## **Housing Ombudsman Complaint Handling Code Self-Assessment**

### **Lewes District Council**

This self-assessment form has been completed by the Customer Experience and Performance Lead (interim) and approved by the Cabinet Member for Social Housing (Member Responsible for Complaints) and TOLD (Tenants of Lewes District)

This document It will be reviewed at least annually and published as part of the annual complaints performance and service improvement report on our website. The governing body's response to the report will be published alongside this.

To note some of the actions identified as partial compliance within the self-assessment recognise that

- some actions have been introduced during quarter 4 2023/24 as part of our work to revised governance operations in Lewes
- are subject to approval of the revised Complaints Policy being considered by Lewes DC Cabinet in July 2024.

## Section 1: Definition of a complaint

| Code provision | Code requirement   | Comply: Yes / No | Evidence  | Commentary / explanation  |
|----------------|--|------------------|---|---|
| 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 landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.'</i>   | yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - How we define a Complaint</b></p> <p>A complaint is 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 or group of individuals. Each complaint will be judged on its own merit.</p> <p>As a corporate complaints policy the word individual is used not resident</p>                                   |
| 1.3            | A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy. | yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - Making a Complaint</b></p> <p>... When an officer first receives information from a customer which is indicating dissatisfaction, whether this is over the phone, by email or face to face, the first response should always be to try to resolve the issue. If further enquires are needed to resolve the issues, or if the customer requests it, the issue will be logged as a complaint.</p> <p>This is covered in internal training and guidance for staff</p> |
| 1.4            | Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something   | yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - What is Not a Complaint</b></p> <p>A service request, which is defined as a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision</p> <p>This is covered in internal guidance and training for staff</p>   |

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|     | right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.  |     |                   |   |
| 1.5 | A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.  | yes | Internal guidance | This is covered under internal guidance and our policy allows for a complaint to be made at any point when the customer is dissatisfied with the service they receive.  |
| 1.6 | An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain. | yes | Survey scripts    | <p>During the year 20223/24 Acuity who undertake our surveys across Lewes and Eastbourne have asked respondents if they would like a member of staff to contact them in respect of any concern they have raised.</p> <p>As of this current year the scripts are being amended to ask the respondent<br/> <i>If you are dissatisfied with the service provided, (<b>client name</b>) do have a complaints process you can access by calling (<b>client tel no.</b>), emailing (<b>client email address</b>) or by completing a form on their website where you will find more information.</i></p> |

## Section 2: Exclusions

| Code provision | Code requirement   | Comply: Yes / No | Evidence  | Commentary / explanation  |
|----------------|--|------------------|---|---|
| 2.1            | Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits  | Yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See policy- What is Not a Complaint</b><br>If we are unable to accept the customer complaint, we will advise the customer of this, provide evidence as to why we have reached this conclusion, and refer them to the relevant Ombudsman. |
| 2.2            | A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents.<br>Acceptable exclusions include: <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Matters that have previously been considered under the complaints policy.</li> </ul> | Partial          | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See policy - Timescales and exceptions</b><br>Further amendment has been requested in relation to the policy to ensure clarity and compliance  |
| 2.3            | Landlords must accept complaints referred to them within 12 months of the issue occurring or the   | Yes              | Complaints Management policy – subject                                  | <b>See policy - Timescales and exceptions</b><br>'The council is committed to investigating complaints that have occurred within 12 months of the customer becoming   |

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|     | resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.  |     | to approval by Cabinet July 2024  | aware of the issue or the issue occurring. Complaints made outside of this time limit, where there are good reasons to do so, the council will apply discretion and the complaint may still be accepted.'                         |
| 2.4 | If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint. | yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See policy - What is NOT a complaint</b><br><ul style="list-style-type: none"> <li>- Poor service standards</li> <li>- Repeated service failures</li> <li>- Equality breaches</li> <li>- Staff/contractor complaint</li> </ul> |
| 2.5 | Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.   | yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See policy - How we define a complaint</b><br><br>'Each complaint will be judged on its own merit'   |

### Section 3: Accessibility and Awareness

| Code provision | Code requirement   | Comply: Yes / No | Evidence              | Commentary / explanation                               |
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| 3.1            | Landlords must make it easy for residents to complain by | yes              | Complaints Management | <b>See policy - How the customer makes a Complaint</b> |

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|     | providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process. |         | policy – subject to approval by Cabinet July 2024                       | <p>This includes</p> <ul style="list-style-type: none"> <li>- Website / email / social media</li> <li>- Telephone</li> <li>- Face to face</li> <li>- Letter</li> <li>- To a Council Officer</li> </ul> <p>All policies undergo Equalities &amp; Fairness analyses.<br/>All staff attend mandatory E&amp;D training</p> <p>Additional staff training is proposed in 2024/25 on the Attitudes, Respect and Rights</p>  |
| 3.2 | Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.                | yes     | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - How the customer makes a Complaint</b></p> <p>As above</p>  |
| 3.3 | High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.                       | partial | Complaints annual review to Lead officers and to Governing bodies       | <p>Quarterly complaints reports have identified complaint trends. During Q1 of 2024/25 we have commenced quarterly monitoring meetings with service leads. Quarterly reporting will be formalised as part of the new Governance structure being implemented / reviewed across both Local Authorities and regular reports to the Responsible Members for Complaints standardised. Communication to tenants of complaints performance will be enhanced on the website and through our newsletters.</p> |

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| 3.4 | Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website. | Yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - How the Customer makes a complaint</b></p> <p>If the customer requires any reasonable adjustment to be made in line with the Equality Act, then this will be recorded as part of the complaint and kept under review throughout the process. Examples may include translation and interpretation services, large print and assistance to record the complaint.</p> <p>This policy is published on our website<br/>Consultation with tenant groups has taken place and this policy amended as a result.</p> |
| 3.5 | The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.   | Yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - introduction</b></p> <p>Within Eastbourne and Lewes we regularly use our newsletters to promote the complaints handling code. We promote Complaints handling awareness courses to our involved residents<br/>We publicised the opportunity to join the Housing Ombudsman's tenant panel and we have a number of residents on this group.</p>   |
| 3.6 | Landlords must 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.   | Yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - How we define a complaint</b></p> <p>A complaint submitted by a third party or a customer's representative will be handled in the same way as a complaint made directly by the customer. Appropriate authority must be provided to act on the customers behalf before any enquiries are carried out.</p>   |
| 3.7 | Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.   | Yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See policy - Responding to Complaints</b></p> <p>When responding to a complaint the IO should normally include</p> <p>h) Details of the relevant Ombudsman at every stage of the complaint process including response extension times</p>   |

#### Section 4: Complaint Handling Staff

| Code provision | Code requirement  | Comply: Yes / No | Evidence   | Commentary / explanation   |
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| 4.1            | Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. The role may be in addition to other duties. | Yes              | Part of the Homes First establishment  | We have a dedicated team of Specialist Advisors within our Customer Experience Team responsible for complaint handling and a dedicated complaint investigator in Property Services. The Customer Experience and Performance Lead / or Team Leader is responsible for liaising with Housing Ombudsman, and the Member Responsible for Complaints and reporting to governing body.   |
| 4.2            | The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.  | Yes              | Part of the Homes First establishment  | The Specialist Advisors within our Customer Experience Team have good working relationship across the organisation. Has strong housing expertise across a range of disciplines. The Team has authority to champion complainants to resolve disputes promptly and fairly.   |
| 4.3            | Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively                           | Yes              | Complaints reporting will form part of new Governance terms of reference being introduced. | The Customer Experience Specialist Advisors sit within Homes First who are responsible for delivering housing services across Lewes and Eastbourne Councils. Each department is required to follow our Complaints Management Policy. Complaints and lessons learnt are recorded centrally. A quarterly report is provided to each Governing body within the Local Authority. Feedback on learning from complaints will be reported to tenants quarterly. |



## Section 5: The Complaint Handling Process

| Code provision | Code requirement  | Comply: Yes / No | Evidence  | Commentary / explanation  |
|----------------|---|------------------|---|---|
| 5.1            | Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.  | yes              | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | Our complaints management policy covers Lewes and Eastbourne Councils and covers complaints relevant to housing complainants alongside those relating to Local Government generally. Specific reference is made where appropriate to housing related complaints |
| 5.2            | The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion. | yes              | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See policy - Making a Complaint</b><br>.... the first response should always be to try to resolve the issue.<br><br>We operate a 2 stage internal process – stage 3 is referral to the Housing Ombudsman   |
| 5.3            | A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.  | yes              | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | We operate a 2 stage internal process - stage 3 is referral to the Housing Ombudsman  |
| 5.4            | Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process  | yes              | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - How we Define a complaint</b><br>If you are dissatisfied with the actions, outcomes, service or behaviour of a contractor or person delivering a service for Lewes District Council or Eastbourne Borough Council                               |

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|     | set out in this Code. Residents must not be expected to go through two complaints processes.   |     |   | All complaints are managed internally by Homes First on behalf of Eastbourne and Lewes Council which includes complaints as above, in line with the Complaints Code.   |
| 5.5 | Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.   | yes | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | All complaints are managed internally by Homes First on behalf of Eastbourne and Lewes Council in line with the Complaints Code and includes complaints relating to service provided on behalf of either Council.  |
| 5.6 | When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification. | yes | Standard template for correspondence  | Our internal process for managing complaints requires a member of staff to contact (by phone or email) any new complainant at both stage 1 or 2 to establish the cause of the complaint / escalation. This information is then confirmed in writing to the tenant in a format which includes complaint definition  |
| 5.7 | When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.   | yes | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Timescales and Exceptions</b><br>As per our Policy when an exception is applied this is explained to the complainant. In addition the Customer Experience Complaints Team member who contacts the complainant seeks to clarify aspects of any complaint which we may not be responsible for. This will then be confirmed in writing to the complainant |

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| 5.8  | <p>At each stage of the complaints process, complaint handlers must:</p> <ol style="list-style-type: none"> <li>1. deal with complaints on their merits, act independently, and have an open mind;</li> <li>2. give the resident a fair chance to set out their position;</li> <li>3. take measures to address any actual or perceived conflict of interest; and</li> <li>4. consider all relevant information and evidence carefully.</li> </ol> | yes     | <p>Corporate Complaints Management policy – subject to approval by Cabinet July 2024</p> <p>And staff complaints procedures</p> | <p><b>See Policy - How we Define a complaint</b></p> <p>...Each complaint will be judged on its own merit....</p> <p>Staff investigating the complaint will have received Complaints training. The investigation / approach and resulting correspondence is randomly and regularly peer reviewed (usually by the Team Leader)</p>   |
| 5.9  | <p>Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.</p>   | yes     | <p>Corporate Complaints Management policy – subject to approval by Cabinet July 2024</p>  | <p><b>See Policy - Extensions</b></p> <p>In exceptional circumstances an extension of a further 10 days is allowable, with the justification for this extension being clearly explained to the customer. If 10 days is not sufficient the Council will agree a new response timeline with the customer</p>  |
| 5.10 | <p>Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed</p>  | partial | <p>Corporate Complaints Management policy – subject to approval by Cabinet July 2024</p>  | <p><b>See Policy - How the customer Makes a Complaint</b></p> <p>If the customer requires any reasonable adjustment to be made in line with the Equality Act, then this will be recorded as part of the complaint and kept under review throughout the process. Examples may include translation and interpretation services, large print and assistance to record the complaint.</p> |

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|      | reasonable adjustments must be kept under active review.  |         |   | Staff undertake mandatory E&D training which addresses 'reasonable' adjustments. Our priority for 2024/25 is to develop our policy on reasonable adjustments linked to developing a vulnerability strategy with residents  |
| 5.11 | Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.                            | yes     | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Timescales and Exceptions</b><br>Our Complaints Management Policy clarifies what is classed as an exception and these mirror those contained within the code. The right to take the decision to the Housing Ombudsman is also covered.   |
| 5.12 | A full record must be kept of the complaint, 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 relevant supporting documentation such as reports or surveys. | Partial | Internal staff guidance and Customer Relationship Management (CRM) software       | Our internal process is detailed in staff guidance. Currently all complaint information is recorded on our CRM software. Following some complaint cases it was evident that other service areas are not using our CRM software to record correspondence / reports. Following a training session with staff in property services to improve record keeping we are piloting an approach to work with property services software alongside our CRM records. |
| 5.13 | Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the   | yes     | Internal staff guidance and Corporate Complaints Management policy – subject to   | <b>See Policy - Remedial action</b><br>Our Customer facing policy outlines what remedies we can take to resolve issues and these remedies can be applied at any time. This is also covered in staff training   |

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|      | complaints process without the need for escalation.   |     | approval by Cabinet July 2024   |   |
| 5.14 | Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review. | yes | Corporate Complaints Management policy – subject to approval by Cabinet July 2024<br><br>Unreasonable & Unreasonably Persistent Complainant procedure | <b>See Policy - Unreasonable and unreasonably persistent complainants</b><br>Linked to this section of the policy is our Unreasonable & Unreasonably Persistent Complainant procedure   |
| 5.15 | Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.  | Yes | Unreasonable & Unreasonably Persistent Complainant procedure  | Decision is to record a complainant as unreasonable / unreasonably persistent is taken by Corporate Management Team. Decisions are reviewed regularly and can be appealed through the complaints process. Policy has been subject to an equality and fairness analysis. |

## Section 6: Complaints Stages

### Stage 1

| Code provision | Code requirement   | Comply: Yes / No | Evidence  | Commentary / explanation   |
|----------------|--|------------------|---|--|
| 6.1            | Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. | Yes              | Corporate Complaints Management policy – subject to | <b>See Policy - Stages of considering a complaint</b><br><br>Initially the complaint should be discussed informally with the customer. If resolution cannot be |

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|     | Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.                         |     | approval by Cabinet July 2024   | <p>achieved this way, then the complaint should be moved to an investigation stage. Complaints resolved immediately by the Customer Contact Team will be recorded as a stage one response.</p> <p>All complaints which come through to the Customer Experience Team have been logged as complaints and managed in line with the policy. The complainant is contacted to establish the issues and very attempt is made to resolve the issues at the earliest opportunity, whilst formally responding to the complaint.</p> |
| 6.2 | Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>   | Yes | Part of the current and draft Complaints Management policy June 2024.             | <p><b>See Policy - Stage 1 Complaint</b><br/>A stage 1 complaint will be acknowledged within 5 days of receipt and responded to within 10 working days of the acknowledgement</p>   |
| 6.3 | Landlords must issue a full response to stage 1 complaints <b><u>within 10 working days</u></b> of the complaint being acknowledged.   | Yes | Part of the current and draft Complaints Management policy June 2024.             | <p><b>See Policy - Stage 1 Complaint</b><br/>A stage 1 complaint will be acknowledged within 5 days of receipt and responded to within 10 working days of the acknowledgement</p>   |
| 6.4 | Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and | Yes | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See Policy - Extensions</b></p> <p>In exceptional circumstances an extension of a further 10 days is allowable, with the justification for this extension being clearly explained to the customer. If 10 days is not sufficient the Council will agree a new response timeline with the customer</p>  |

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|     | the reason(s) must be clearly explained to the resident.  |     |   |   |
| 6.5 | When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.  | Yes | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See Policy Section - Extensions</b><br/>The Council will advise the customer or the relevant Ombudsman if an extension is proposed or agreed.</p> <p>Notification of this has been added to letter templates since quarter 4</p>  |
| 6.6 | A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident. | Yes | Internal staff guidance   | This approach has now been embedded within internal staff guidance and is included in staff training. There remains a caveat that if the tenant expressly wishes us <b>not to close a complaint</b> until the matter is fully concluded we will respect their wishes and confirm this to them accordingly   |
| 6.7 | Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.   | Yes | Internal staff guidance   | The complaint definition is established by the Customer Experience team during the initial contact call / email with the complainant and confirmed to the customer in writing. The formal response to the complainant covers the issues identified from the initial contact and subsequent acknowledgement letter. The formal response will also include any additional issues raised during the course of the investigation. |
| 6.8 | Where residents raise additional complaints during the investigation, these must be   | Yes | Corporate Complaints Management   | <p><b>See Policy - Stage 1 Complaint</b><br/>If an additional issue, clearly related to the original complaint, is raised during the investigating period</p>   |

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|     | <p>incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.</p>   |     | <p>policy – subject to approval by Cabinet July 2024</p>                       | <p>then the response should address this new issue alongside the original complaint. If a new issue is identified which is not related to the original complaint, or the stage 1 response has already been completed, then it should be addressed as a new complaint.</p>  |
| 6.9 | <p>Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:</p> <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> <li>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</li> </ul> | Yes | <p>Complaints Management policy – subject to approval by Cabinet July 2024</p> | <p><b>See Policy - Responding to Complaints</b><br/>When responding to a complaint the IO should normally include;</p> <ul style="list-style-type: none"> <li>a) The complaint stage</li> <li>b) The complaint definition</li> <li>c) The decision on the complaint</li> <li>d) The reasons for the decision</li> <li>e) The details of any remedy offered to put things right</li> <li>f) Details of any outstanding actions</li> <li>g) Details of how to escalate the matter to the next stage, if not satisfied</li> <li>h) Details of the relevant Ombudsman at every stage of the complaint process including response extension times</li> </ul> <p>Standard template letters highlight these areas for response.</p> |



## Stage 2

| Code provision | Code requirement  | Comply: Yes / No | Evidence  | Commentary / explanation  |
|----------------|---|------------------|---|---|
| 6.10           | If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.                              | Yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Stage 2 complaint</b><br>If a customer is not satisfied with the investigation that has been carried out at stage 1 they may ask for it to be escalated to stage 2.   |
| 6.11           | Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within five working days of the escalation request being received.   | Yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Stage 2 complaint</b><br>A stage 2 complaint will be acknowledged within 5 days of receipt of the request to escalate   |
| 6.12           | Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response. | Yes              | Internal Complaints process – Guidance                                  | All stage 2 complainants are contacted by a member of staff to understand why the resident remains dis-satisfied.   |
| 6.13           | The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.   | Yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Stage 2 Complaint</b><br>The Investigating Officer for stage 2 should be different to the Investigating Officer for stage 1.<br><br>The Team leader for the team reviews all stage 2 complaints is it in the policy |

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| 6.14 | Landlords must issue a final response to the stage 2 <b><u>within 20 working days</u></b> of the complaint being acknowledged.  | Yes     | Complaints Management policy – subject to approval by Cabinet July 2024           | <b>See Policy - Stage 2 Complaint</b><br><br>A stage 2 complaint will be acknowledged within 5 days of receipt of the request to escalate and responded to within 20 working days of the acknowledgement  |
| 6.15 | Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident. | Partial | Complaints Management policy – subject to approval by Cabinet July 2024           | <b>See Policy - Extensions</b><br><br>In exceptional circumstances an extension of a further 10 days is allowable, with the justification for this extension being clearly explained to the customer. If 10 days is not sufficient the Council will agree a new response timeline with the customer<br><br>Further work is required to response within given timescales, closing complaint cases on a promise of action requires additional monitoring which forms part of the new process. |
| 6.16 | When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.  | Yes     | Corporate Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy Section - Extensions</b><br>The Council will advise the customer or the relevant Ombudsman if an extension is proposed or agreed.<br><br>Notification of this has been added to letter templates  |
| 6.17 | A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding  | Yes     | Internal staff guidance   | This approach has now been embedded within internal staff guidance and is included in staff training. There remains a caveat that if a tenant expressly wishes us <b>not to close a complaint</b> until the matter is fully concluded we will respect their wishes and confirm this to them accordingly   |

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|      | actions must still be tracked and actioned promptly with appropriate updates provided to the resident.   |     |   |   |
| 6.18 | Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.  | Yes | Internal staff guidance   | The complaint definition is established by the Customer Experience team during the initial acknowledgement call with the complainant. The discussion is confirmed to the resident in writing. The formal response to the complaint covers the issues identified and will include any additional issues raised during the course of the investigation.   |
| 6.19 | Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:<br>a. the complaint stage;<br>b. the complaint definition;<br>c. the decision on the complaint;<br>d. the reasons for any decisions made;<br>e. the details of any remedy offered to put things right;<br>f. details of any outstanding actions; and<br>g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied. | Yes | Complaints Management policy – subject to approval by Cabinet July 2024 | <b>See Policy - Responding to Complaints</b><br>When responding to a complaint the IO should normally include;<br><br>i) The complaint stage<br>j) The complaint definition<br>k) The decision on the complaint<br>l) The reasons for the decision<br>m) The details of any remedy offered to put things right<br>n) Details of any outstanding actions<br>o) Details of how to escalate the matter to the next stage, if not satisfied<br>p) Details of the relevant Ombudsman at every stage of the complaint process including response extension times<br><br>Standard template letters highlight these areas for response. |

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| 6.20 | Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response. | Yes | Internal complaints procedure | Our internal investigation approach involves all stakeholders relevant to the case in question, alongside independent verification of the information provided. Case work is regularly peer reviewed. |
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### Section 7: Putting things right

| Code provision | Code requirement  | Comply: Yes / No | Evidence  | Commentary / explanation  |
|----------------|---|------------------|---|---|
| 7.1            | <p>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. These can include:</p> <ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> </ul> | Yes              | Complaints Management policy – subject to approval by Cabinet July 2024 | <p><b>See Policy - Remedial action</b><br/>If the council upholds the complaint in full or part, it is expected that remedial action will be taken. This could include one or more of the following:</p> <p>a) <u>Apology</u> – the council says sorry for what has happened. Acknowledging where things have gone wrong; Providing an explanation, assistance, or reasons.</p> <p>b) <u>Action</u> – the council puts right what was wrong for the customer, if this is possible. This may also be accompanied by a commitment on the part of the council to instigate change in procedure, or training for staff, to ensure the same thing does not happen again.</p> <p>c) <u>Providing a financial remedy</u></p> |

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|     | <ul style="list-style-type: none"> <li>Changing policies, procedures or practices.</li> </ul>   |         |   |   |
| 7.2 | Any remedy offered must reflect the impact on the resident as a result of any fault identified.   | Partial | Internal staff guidance on compensation | This guide is being revised with staff and engaged residents and the Member Responsible for Complaints - due date for completion August 24  |
| 7.3 | 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     | Template letters                        | Template letters – where a case has been upheld or partially upheld - include an apology, an outlined of action taken or to be taken in discussion with the tenant. If financial remedy is being consider this will be identified in the letter |
| 7.4 | Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.  | Yes     | Internal guidance on remedies           | This guide is being revised with staff and engaged residents and the Member Responsible for Complaints – due date for completion August 24  |

### Section 8: Self-assessment, reporting and compliance

| Code provision | Code requirement  | Comply: Yes / No | Evidence   | Commentary / explanation   |
|----------------|---|------------------|--|--|
| 8.1            | Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:<br>a. the annual self-assessment against this Code to ensure their complaint handling policy | yes              | The annual report and self-assessment are on the website | <p><b>Eastbourne 2023/24</b><br/>Eastbourne Homes Limited Board reviewed the annual complaint performance and service improvement report on behalf of tenants in Eastbourne Their comments have been included in the Eastbourne report.</p> <p>For 2024/25 (during which the management for Eastbourne Council housing stock will revert back to Eastbourne Borough Council). Quarterly updates with the Responsible</p> |

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|     | <p>remains in line with its requirements.</p> <ul style="list-style-type: none"> <li>b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;</li> <li>c. any findings of non-compliance with this Code by the Ombudsman;</li> <li>d. the service improvements made as a result of the learning from complaints;</li> <li>e. any annual report about the landlord's performance from the Ombudsman; &amp;</li> <li>f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</li> </ul> |     |   | <p>Member for Complaints - RMC (Housing portfolio holder) and the Strategic Tenant Group in Eastbourne will address these specific areas and be consolidated into an annual report for approval by the RMC, and summarised in the annual report to cabinet.</p> <p><b>Lewes 2023/24</b></p> <p>The annual report has been considered by the portfolio holder for housing and Responsible Member for Complaints (RMC) along with the chair of TOLD – the representative body for tenants. Their comments have been included in the Lewes report. In 2024/25 quarterly reports will be considered by TOLD and the RMC. A consolidated annual report will be approved by the RMC, and summarised in the annual report to cabinet.</p> <p>The reporting and approval process will also include the annual consolidated self assessment against the Housing Ombudsman's Complaints Code for both authorities.</p> |
| 8.2 | <p>The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the section of its website relating to complaints. The governing</p>  | yes | <p>Draft annual report and self assessment are on the website – and will be finalised at the next meetings of the relevant Governing Body</p> | <p>See above</p> <p>The draft documents have been considered by both Board members responsible for complaints during 2023/24 in Eastbourne and the Responsible Member of Complaints in Lewes and the chair of TOLD (Tenants of Lewes District).</p>  |

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|     | body's response to the report must be published alongside this.   |         |   |   |
| 8.3 | Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.  | Partial | Governance terms of reference Eastbourne – to be approved Aug 24<br>Lewes to be approved Nov 2024 at the TOLD AGM | This self-assessment has been reviewed alongside the changes in governance arrangements in Eastbourne following the dissolution of the ALMO. Governance is also being reviewed in Lewes as part of these changes and will result in enhanced reporting and transparency on complaints |
| 8.4 | Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.   | Yes     | Statement as part of the introduction to this self assessment and in the annual reports to Governing bodies       | This self-assessment will be reviewed at least annually and in line with Housing Ombudsman feedback   |
| 8.5 | If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code. | Yes     | Statement as part of the introduction to this self assessment and in the annual reports to Governing bodies       |   |

### Section 9: Scrutiny & oversight: continuous learning and improvement

| Code provision | Code requirement   | Comply: Yes / No | Evidence   | Commentary / explanation  |
|----------------|--|------------------|--|---|
| 9.1            | Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.   | Partial          | Reports and notes from quarterly service improvement meetings with service leads | Currently a spreadsheet records service improvements recommended following complaint investigations. If the issue is a significant concern this will be raised immediately with the service lead. Quarterly review meetings have been set up with service leads from quarter 1 2024/25 to discuss the complaint outcomes and agree actions. These will be monitored by the Tenant Service Improvement Partnership and form part of the quarterly monitoring report to Governing bodies. |
| 9.2            | A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery. | yes              | Reports and notes from quarterly service improvement meetings with service leads | In addition to quarterly reviews of complaints and recommended service improvements. These will form part of the feedback to residents in the quarterly newsletter.   |
| 9.3            | Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as   | yes              | Individual issues / log of improvements / reports to leads                       | Learning and improvements form part of the Governance structure reporting in both Eastbourne and Lewes and in addition this is covered in the quarterly tenants newsletter.   |



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|     | residents' panels, staff and relevant committees.  |     |   |  |
| 9.4 | Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.   | yes | Complaints Management policy – subject to approval by Cabinet July 2024                         | The Customer Experience and Performance Lead is responsible for <ul style="list-style-type: none"> <li>- reviewing complaint management process and performance</li> <li>- reporting to Governing Bodies</li> <li>- coordinating discussions with Service leads on improvements / trends</li> </ul>            |
| 9.5 | In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').                               | yes | The MRC will be formalised within the new terms of reference for governing bodies going forward | Member Responsible for Complaints ('the MRC') has been appointed in Lewes and Eastbourne – in both local authorities this is the portfolio holder for housing. Discussions have been had with both MRCs as to the role and guidance from the Housing Ombudsman's website relating to the role shared with them |
| 9.6 | The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings. | yes | The MRC will be formalised within the new terms of reference for governing bodies going forward | Initial briefings have been carried out with the MRCs and information from the Housing Ombudsman website relating to the role provided. Regular meetings will be set up to support the post holder and ensure that reporting on complaints management performance and service improvements is covered.         |

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| 9.7 | <p>As a minimum, the MRC and the governing body (or equivalent) must receive:</p> <ul style="list-style-type: none"> <li>a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;</li> <li>b. regular reviews of issues and trends arising from complaint handling;</li> <li>c. regular updates on the outcomes of the Ombudsman's investigations &amp; progress made in complying with orders related to severe maladministration findings</li> <li>d. annual complaints performance and service improvement report.</li> </ul> | Partial | Draft terms of reference                          | <p>This forms part of the new Terms of reference for the new Governance structure in both Lewes and Eastbourne</p> <p>In Eastbourne a complaints report is included in the suite of standard reports scheduled in the proposed terms of reference for the new strategic and operational governance groups and the MRC. This will be approved in August 2024.</p> <p>Lewes DC will formally consider new terms of reference at their AGM in November. In the meantime a formal complaints report has been added to the regular Key Performance Indicator information considered by TOLD / and the MRC</p> |
| 9.8 | <p>Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to</p> <ul style="list-style-type: none"> <li>a. have a collaborative and co-operative approach towards resolving complaints, working with</li> </ul>   | Partial | Objective setting is work in progress for 2024/25 | <p>Advice has been provided to each service and each service lead is required to set objectives. This will be randomly checked during the year with relevant managers in Homes First</p> <p>This will be included in our training on complaints</p>  |

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|  | <p>colleagues across teams and departments;</p> <ul style="list-style-type: none"><li>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</li><li>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</li></ul> |  |  |  |
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