

Housing Ombudsman Policy Review & changes made to Compliments, Comments and Complaints Policy

Code Provision	Code Requirement	Commentary / Observations	Recommendations	Revisions
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 a complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord's complaints policy.	Points 3.2 & 4.7 of Bolsover District Council's complaints policy explains that residents do not have to use the word 'complaint' for it to be treated as such, any residents that express a dissatisfaction will be given a choice to make a complaint, and a complaint can be submitted via a third-party and it will be handled in line with the complaints policy. The landlord's complaints policy under 3.7 states, <i>"We reserve the right to deal with service requests initially before they are reported as complaints. Where a complaint is made following a service request the individual will be asked if they wish to then make a complaint"</i> does not fully align with this Code provision which confirms <i>"Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint."</i>	Bolsover District Council should review its complaints policy to ensure it is clear that a resident will be given the choice to make a complaint when they express dissatisfaction.	Additions to 3.7: <i>"A customer does not have to use the word 'complaint for it to be treated as such and when expressing dissatisfaction with a council service will be given a choice to make a complaint. Customers are encouraged to get in touch with the Customer Services department who handle initial requests."</i> <i>"The Council will look to treat an initial request from a customer to put something right as a service request. For example, fly tipping, housing repairs, missed waste collections."</i> <i>"any customers who express dissatisfaction</i>

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		The landlord should consider amending 3.7 in the complaints policy to make it clearer that a resident will be given the choice to make a complaint when they express dissatisfaction, as already supported in other areas of its policy.		<i>will be given the choice to make a complaint.”</i> Edits made to 4.8, out of scope point 8 to clarify examples of service requests.
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.	Point 3.7 of Bolsover District Council's complaints policy explains that the landlord reserves the right to deal with service requests initially before it can be reported as a complaint. Where a dissatisfaction is made following a service request, the resident will be asked if they wish to make a complaint. The landlord's complaints policy should be clearer that a complaint can be raised at any time when a resident expresses dissatisfaction with the response to their service request, even if the service request is ongoing. It should also be clear that any complaint raised will not stall or impact on actions (the service	Bolsover District Council should review its complaints policy to ensure it is clear that a complaint can be raised at any time when a resident expresses dissatisfaction with the response to their service request, even if the service request is ongoing. Bolsover District Council should review its complaints policy to ensure it is clear that any complaint raised will	Additions to 3.7: <i>“Customers who are unhappy with how their service request is progressing can make a complaint at any time, without waiting for the issue to be resolved”</i> <i>“Filing a complaint will not interrupt or slow down our handling of your service requests. We will continue to address urgent matters promptly, no matter if you have made a complaint.”</i>

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		request) needed to address the immediate issues.	not stall or impact on actions (the service request) needed to address the immediate issues.	
2.2	A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include: • The issue giving rise to the complaint occurred over twelve months ago. • Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.	Point 4.8 of Bolsover District Council's complaints policy lists the reasons a complaint may not be accepted through the complaint process. Some of the exclusions are not considered fair and reasonable and the Council should consider the following when reviewing its exclusions: The complaints policy should be clear that a complaint about the Council's decision or a rule of law it is applying will be accepted unless there is an alternative appeals process (such as the First Tier Tribunal for example). Often, a complaint is the best route for a resident to challenge a decision or whether a policy has been followed correctly so	Bolsover District Council should review its complaints policy to ensure the exclusions are fair and reasonable.	Alterations to 4.8: Edits made to out of scope points 3, 4, 6 to confirm application when appeal routes or challenges are available outside the complaints process. Removed out of scope point 11. Moved to 4.10 under 'Responses'.

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	• Matters that have previously been considered under the complaints policy.	that this can be investigated and confirmed to the resident. Complaints that include a named Officer should be investigated within the complaints process and additionally via its Human Resources department (HR) if necessary. The landlord may wish to add that the outcome of any HR involvement will not be shared with the resident.		
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	Point 4.8 of Bolsover District Council's complaints policy explains that complaints must be accepted unless there are valid reasons not to do so. If the landlord decides to not accept a complaint, it will provide the resident with its reasoning. Each case is considered on its own merits. The landlord's complaints policy is not clear that if the landlord decides not to accept a complaint, the resident will be	Bolsover District Council should review its complaints policy to ensure it is clear that if the landlord decides not to accept a complaint, the resident will be informed of their right to take the decision to the Ombudsman.	Addition to 4.8: <i>“Should the Council decide not to accept a complaint, the complainant will be informed of their right to take this decision to the Ombudsman. Details of which will be provided within any out of scope correspondence.”</i>

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	landlord to take on the complaint.	informed of their right to take the decision to the Ombudsman		
5.8	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.	Bolsover District Council's complaints policy is not clear that when a complaint response for stage 1 and/or stage 2 complaints will fall outside of the extended timescales outlined in the Code, the landlord will agree suitable intervals with the resident for being updated on their complaint. The landlord's self-assessment references point 4.9 of its complaints policy as evidence for this provision, but the wording does not meet this provision.	Bolsover District Council should review its complaints policy to ensure it is clear that when a complaint response for stage 1 and/or stage 2 complaints will fall outside of the extended timescales outlined in the Code, the landlord will agree suitable intervals with the resident for being updated on their complaint.	Addition to 4.9: <i>"The complainant will be informed of the expected timescale for a full response and suitable intervals will be agreed with the complainant for being updated on the complaint."</i>
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	Point 4.9 of Bolsover District Council's complaints policy explains that if an extension to the stage 1 complaint response is required, it must be no longer than 10 working days without good reason and the landlord will	Bolsover District Council should review its complaints policy to ensure it is clear that the landlord will inform the resident following	Addition to 4.9: <i>"The complainant will be informed of the expected timescale for a full response and suitable intervals will be agreed</i>

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	response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.	provide the resident with an explanation of the rationale for the extension decision. The landlord's complaints policy should be clearer that the landlord will inform the resident following any stage 1 complaint extension of the expected timescale for a full response.	any stage 1 complaint extension of the expected timescale for a full response.	<i>with the complainant for being updated on the complaint."</i>
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.	Point 4.10 of Bolsover District Council's complaints policy explains that a stage 1 complaint response will outline to the resident how they can escalate their complaint to stage 2 if the complaint has not been resolved to the resident's satisfaction. The landlord's complaint policy should be clearer that a complaint will progress directly to stage 2 if the resident remains unhappy with the stage 1 complaint response.	Bolsover District Council should review its complaints policy to ensure it is clear that a complaint will progress directly to stage 2 if the resident remains unhappy with the stage 1 complaint response.	Addition to 4.9: <i>"If a customer remains unhappy with the investigation and/or the response the complaint will progress directly to Stage 2."</i>
6.12	Residents must not be required to explain their reasons for requesting a	Bolsover District Council's self-assessment explains that this is stated in its complaint's	Bolsover District Council should review its complaints	Addition to 4.9:

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	stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	procedure. There is nothing in the complaints policy that meets the requirements of this provision. The landlord should ensure this information is included in its complaints policy as well as its complaint procedure.	policy to ensure it explains that residents are not required to provide their reasons for requesting their complaint to be escalated to stage 2.	<i>“Residents are not required to provide reasons for requesting their complaint to be escalated to Stage 2. However, the Council may seek additional clarification from the customer to ensure that all concerns are understood and can be investigated thoroughly.”</i>