

MDH's Guidance on changes to the Housing Ombudsman Service Complaint Handling Code for Contractors

APRIL 2024

Housing
Ombudsman Service





INTRODUCTION

The way we deal with complaints as an organisation has to change and Mid Devon Housing (MDH) are expected to deal with any complaints raised by a contractor working on our behalf through our informal or formal complaints systems.

The Housing Ombudsman's Service (HOS) Complaint Handling Code sets out requirements for member landlords that will allow them to respond to complaints effectively and fairly. Landlords such as MDH must carry out an annual assessment against the Code to ensure their complaint handling remains in line with its requirements and publish the results on their webpages.

What does this mean for MDH's Contractors?

The self-assessment against the Code provides evidence of how MDH complies with the Code, this includes a section on working with contractors as follows:

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 set out in this Code. Residents must not be expected to go through two complaints processes.

5.5 Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.

Both MDH and our contractors are expected to comply with the requirements of the Code above. Therefore, we ask our contractors to work with us to ensure that we adhere by the Code.

WHAT ELSE DO I NEED TO KNOW?

The main changes of the Code that contractors working on MDH's behalf need to know are as follows:

What is a complaint?

The HOS defines a complaint as follows:

'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.'

A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction, MDH 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. A copy of the Council's Complaints and Feedback Policy is available online at: [Complaints and feedback - MIDDEVON.GOV.UK](https://www.middevon.gov.uk/complaints-and-feedback)

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. MDH must not stop their efforts to address the service request if the resident complains.

However, it is important should a resident approach a contractor about raising a complaint direct with them, that they refer them back to MDH so that we can have further discussions with them about raising an informal Service Request or a formal complaint that will be dealt with in accordance with the Council's internal complaints process. Residents must not be expected to go through two complaints processes.

MDH are responsible for ensuring that any third parties such as contractors handle complaints in line with the Code.



Timescales

MDH are expected to acknowledge stage 1 and 2 complaints within 5 working days from when a complaint is raised. A further 10 working days are allowed to investigate and provide a response to a complaint. Where MDH has good reason to extend a complaint, they are permitted to extend for a further 10 working days and provide a reason for this. At all times, we are required to keep the resident updated.

MDH operate a two stage process and must no longer include any additional levels e.g reviews as part of their investigations.



Complaint investigations

To support investigations into a complaint, MDH will at times request information from contractors. To comply with the requirements of the Code and to respond to complaints within the timescales stipulated above, we request that you provide this information within 3 working days of the information requested. If you encounter a delay in providing information, we ask that you let us know and explain the delay. This will enable MDH to evident to the HOS the reason for any extension of deadlines.

Where to find more information

Thank you for your corporation. More information about the HOS and the Code is available online at: <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>.

In addition, should you require further information on Complaint Handling, please contact MDH's Complaints Officer or your direct contact at MDH on Tel 01884 255255 or email: housingcomplaints@middevon.go.uk.

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