

Housing Ombudsman Factsheet – taken from website

What to do when you receive a complaint about housing

As a designated person, you can help resolve complaints locally without the need for further intervention or investigation by the Housing Ombudsman. You can also refer complaints for investigation by the Ombudsman. This fact sheet aims to provide guidance on both approaches.

How to help resolve a complaint

It is always best to start by defining the complaint and its possible resolution. MPs, local councillors or tenant panels receiving complaints may find it useful to begin by asking the following questions:

- What action(s) has the landlord taken, or not taken, which the resident wishes to complain about? It is important to understand the resident's position about what has gone wrong and the effect this has had on them in their home. A clear understanding of this can help both you and the complainant in answering the next question.
- What does the resident think the landlord should do to put things right? The resident's required outcome might not be related to the action or omission they are complaining about. This is fine if a settlement can be agreed between the parties that resolves the dispute.

You may have an idea about another action which could be taken to resolve the outstanding dispute, or another way in which they can achieve their required outcomes. Discuss this with the resident and see what they think. Your intervention or a referral to us might not be the best way for the resident to achieve the result they are seeking.

A landlord can respond much more effectively if the complainant is as specific as possible about what they want the landlord to do. If the required outcomes are not within the landlord's abilities or obligations to provide, it can respond with a clear 'yes' or 'no' and a reasonable explanation which can help manage a resident's expectations.

Has the resident already contacted the landlord, and/or made a formal complaint to the landlord about the matter?

If the resident has not yet contacted the landlord about the matter, consider whether they should first ask the landlord for a service. For example, it would be unreasonable to complain about the landlord's response to reports of a dripping tap if the resident has not yet reported the dripping tap to the landlord.

The use of the landlord's formal complaints procedure is the first step towards resolving a dispute about the service provided by the landlord in response to a request for a service. It might be useful to obtain a copy of the landlord's complaints procedure for you and the resident to refer to.

We expect the parties to have attempted to resolve a dispute using the formal complaints procedure before intervening. We also expect complaints to be brought to the landlord's attention within a reasonable period (normally six months) of the matter complained about arising.

If the landlord has delayed unreasonably in responding to the formal complaint, a letter or email from you or from the Ombudsman might encourage it to respond within a reasonable timescale.

What has the landlord done about the complaint so far? Why is the resident dissatisfied with the landlord's response to date?

Some aspects of the dispute may have already been resolved. If so, the focus should be on resolving the outstanding aspects of the dispute.

Contact the landlord

Once the complaint and the resident's required outcomes are clear, you can contact the landlord on the resident's behalf.

You should set out the complaint and required outcomes clearly and briefly. You should make it clear that you expect a response within a reasonable timescale – we would suggest allowing three weeks / 15 working days – and ask the landlord to respond to you or to the resident with a copy to you.

If the landlord delays unreasonably in responding to you and/or the resident, please contact us for further advice and assistance.

Referring the complaint to the Ombudsman

If the landlord has responded to the complaint at the final stage of its complaints procedure, we would encourage you to intervene in the manner described above or in any other way which you think might resolve the outstanding dispute. However, at this stage you can also refer the complaint to us for investigation.

The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing. We have created a template letter (see Helpful Links) which you can use to refer a complaint to us.

We will need a copy of the landlord's final response to the complaint or confirmation that the complaint will not be considered through its complaints procedure, and a description of the outstanding dispute.

We will acknowledge your referral and contact the resident directly. If we cannot investigate the complaint, we will contact you to let you know why. Otherwise, we will write to you at a later date to let you know the outcome of the investigation (our determination).

We can advise designated persons on good practice. If you have any questions regarding the advice in this fact sheet, about our general approach or would like advice or guidance in any individual case, please contact us on 0300 111 3000 or email info@housing-ombudsman.org.uk.