

Guidance on annual submissions

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Summary

- Member landlords must comply with the Ombudsman's Statutory Complaint Handling Code "the Code" from 1 April 2024. Landlords must demonstrate compliance at least annually through an annual submissions process.
- Annual submissions must be provided via the dedicated electronic form. In exceptional circumstances, and only with prior agreement with the Ombudsman, landlords may use an alternative method.
- Section 1 of the submissions form requires landlords to provide key information about the organisation and approach to complaint handling. This includes links to key publications which form part of compliance with the Code.
- Section 2 of the submissions form sets out the provisions of the Code. Landlords must confirm if they comply with each individual provision. Landlords are not required to provide evidence or commentary; this will be considered through a review of the landlords published self-assessment.
- Where a landlord is not able to comply with the Code, it must set out the actions and timescales for achieving compliance or demonstrate how it has made all reasonable endeavours to meet the intentions in an alternative way.
- Landlords may review and update the self-assessment against the Code during the financial year, either in response to significant changes in the operating environment, an order or recommendation by the Ombudsman. If a landlord has done so, it must re-submit to the Ombudsman and inform us on completion.
- Failure to provide the annual submission may result in the Ombudsman finding failure to comply with the Code. Findings of non-compliance may result in the Ombudsman issuing and publishing a Complaint Handling Failure Notice (CHFN).

Statutory powers

The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints.

It also placed a duty on the Ombudsman to monitor compliance with a code of practice that it has issued.

The Ombudsman consulted on the [Complaint Handling Code](#) (the Code) and our intended approach to the duty to monitor in late 2023. The statutory Code came into effect from 1 April 2024 and our duty to monitor compliance commenced at the same time.

Monitoring compliance with the Code

The Social Housing (Regulation) Act 2023 (the Act) placed a duty on the Ombudsman to monitor compliance with the Code. The Ombudsman uses the duty to monitor to support landlords in improving complaint handling practices for residents.

To demonstrate compliance with the Code, landlords are required to:

- produce an annual complaint handling and service improvement report, which includes the self-assessment against the Code
- produce a response to the report from the governing body
- publish both documents on the website (or make this available through suitable alternative means if they do not have a website)

The Ombudsman fulfils our statutory duty to monitor compliance by monitoring submissions to ensure that all members provide the submission. We will take action where submissions are not provided within the timescales set.

We will examine all forms submitted. We will contact the landlord where we find that there is:

- no annual complaint handling and service improvement report, or that is incomplete in any way
- no, or incomplete, governing body response
- these documents have not been published on the landlord's website (or publicised in an alternative way if there is no website)

We will ask that this is provided and/or published within a reasonable timescale and monitor this to completion.

Annual submissions

The purpose of the annual submission is to enable the Ombudsman to monitor landlords' compliance with the Code. It ensures that all landlords provide information in a consistent way that allows effective analysis and insight into compliance with the Code.

The annual submission also aims to collect additional information about landlords to ensure that our records are current, capture insights into wider complaint handling activities by the sector and to help inform future activities by the Ombudsman to extend fairness in complaint handling.

To simplify the process, the Ombudsman does not require landlords to provide copies of key documents, rather links to publications are requested. Similarly, when providing details set out in the self-assessment, landlords are required to confirm if it complies with each provision, and commentary is only required where a landlord does not comply.

Dates for submission by landlords are as follows:

- landlords with 1,000 homes or more are required to submit by 30 September each year
- landlords with less than 1,000 properties are required to submit 6 months after the financial year-end

Where a landlord is unable to meet the deadline set above, it must contact the Ombudsman at the earliest opportunity via email compliance@housing-ombudsman.org.uk. Extensions to submissions will only be agreed in exceptional circumstances such as where a business continuity planning event has occurred or similar.

Landlords are encouraged to provide submissions in good time prior to the final deadline where possible.

Where a landlord has reviewed and updated the self-assessment against the Code during its financial year, either in response to significant changes in its operating environment, an order or recommendation by the Ombudsman, it must provide the updated submission via the electronic form. Landlords are not required to re-publish the annual complaint handling and service improvement report under these circumstances.

Completing the annual submission

Landlords are required to provide the annual submission via our dedicated electronic form. Alternative formats, such as word documents, excel spreadsheets or PDFs will be accepted only in exceptional circumstances and with prior agreement.

The submissions form is split into 2 sections:

- section 1 asks for information about the landlord providing the submission
- section 2 asks landlords to confirm compliance with provisions of the Code

Landlords must complete both sections in full, as part of the annual submission.

Section 1

Section 1 asks landlords to provide key information about the organisation. This ensures that the Ombudsman has complete and accurate information that reflects the landlord's current status and key individuals.

Landlords can delegate completion of the submission to any suitable member of staff who has the authority and/or approvals to do so.

As part of section one, landlords are required to provide links to key publications that form part of the requirements of the Code. These are:

- the self-assessment against the Code
- the annual complaint performance and service improvement report
- the governing body's response to the report
- the complaints policy

The landlord should link to the exact document or location on its website. When providing these links, landlords are expected to ensure that the links are live and complete; this will minimise the need for further contact and clarification from the Ombudsman. Please see [Appendix 1 for a submissions document checklist](#).

Section 2

This section asks landlords to confirm compliance with each provision of the Complaint Handling Code.

Landlords are not required to provide evidence and information to support the assessment of compliance; this will be detailed in the full self-assessment published on the website and linked in section one of the annual submission.

If a landlord does not comply with provision(s) set out in the Code, it must explain in this section when it will return to compliance or demonstrate how it has made all reasonable endeavours to meet the intentions in an alternative way. This should also be detailed in its self-assessment.

Resubmissions

Landlords are also required to re-assess compliance with the Code where there have been significant changes in the operating environment, including mergers, acquisitions and instances where business continuity planning has been initiated.

Landlords may also be ordered or recommended to review the self-assessment by the Ombudsman.

If a landlord has reviewed and updated the self-assessment outside of the annual review process, it must resubmit the annual submissions form. When it does so, the landlord should inform the Ombudsman and confirm the reason for the review.

Failure to provide the annual submission

If a landlord is unable to provide the submission by the relevant date it must contact the Ombudsman immediately, outlining the reasons why and to engage in discussions with the Ombudsman on the next steps and actions required.

Landlords that fail to provide the submission or resubmission by the relevant date may be issued a Complaint Handling Failure Notice. All notices will be shared with the Regulator of Social Housing. We may also refer notices not resolved through action to the governing body.

Appendix 1 – Submissions checklist

Self-assessment against the Complaint Handling Code

| Considerations | Yes/No/NA |
|---|-----------|
| Has the correct version of the <u>self-assessment been completed?</u> <i>(If the landlord chooses to use an alternative format, all provisions must be included and should not have been re-worded or paraphrased.)</i> | |
| Is the self-assessment completed in full? <i>(This means that Y/N has been entered for each provision in the relevant column, and the landlord has entered relevant information in either the evidence or commentary/explanation column for each provision.)</i> | |
| For group structures, is it clear what subsidiaries it relates to? | |
| Is evidence or commentary provided for all relevant provisions? | |
| Is the evidence that has been referred to in the self-assessment available on the website or on request? | |
| If non-compliance is reported, has an explanation been given in the commentary box? | |
| If non-compliance is reported, has a timescale for action been given? | |

| Considerations | Yes/No/NA |
|---|-----------|
| <p>Is the self-assessment published on the complaints section of the landlord's website? Or, if there is no website, has the self-assessment been publicised to residents in an alternative way?</p> <p>(note: - <i>If there is no website, 8.2 should be recorded as 'non-compliant' and an explanation provided.)</i></p> | |
| <p>Have the following documents been provided, and published on the website (or publicised to residents in an alternative way)?</p> <ul style="list-style-type: none"> • the self-assessment • annual complaints and service improvement report • governing body statement in response to the above • complaints policy | |

Annual complaint handling and service improvement report

| Considerations | Yes/No/NA |
|---|-----------|
| Does the report cover the previous financial year, by this we mean the 12 months previous to the landlord's year end? | |
| If the landlord has not received any complaints during this period, is this explained in the report? | |
| Are volumes and trends relating to the complaints the landlord has accepted included? | |

| Considerations | Yes/No/NA |
|--|-----------|
| Are volumes and trends relating to the complaints the landlord has <u>not</u> accepted been included? | |
| <p>Are reports relating to the landlord's performance included? This should include:</p> <ul style="list-style-type: none"> any findings of non-compliance with this Code by the Ombudsman the most recent annual report about the landlord's performance from the Ombudsman, where published any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord, for example our Spotlight reports | |
| If the landlord has not received any reports about performance from the Ombudsman, is this explained in the report? | |
| Have lessons learned from complaints been included? | |
| For group structures, is it clear which subsidiaries are included, and how the data analysis relates to each subsidiary within the group? | |
| Is the annual complaints and performance improvements report published on the complaints section of landlord's website? Or, if no website, has the report been publicised to residents in an alternative way? | |

| Considerations | Yes/No/NA |
|--|-----------|
| (Note: - If there is no website, 8.2 should be recorded as 'non-compliant' and the alternative means of publication described in the commentary box.) | |

Governing body response

| Considerations | Yes/No/NA |
|--|-----------|
| Is the response from the Board as a whole or the Chair of the Board (or equivalent, if different structure), and is this made clear within the response? | |
| For group structures, does the response clearly set out which subsidiaries have been considered? | |
| Does the response demonstrate that the governing body (or equivalent) has had sight of the annual complaint and service improvement report, including the self-assessment? | |
| Does the response demonstrate how the Member Responsible for Complaints (MRC) has assured themselves that the self-assessment reflects the landlord's complaint handling practice? | |
| Is the governing body response published on the complaints section of landlord's website? Or, if no website, has the response been publicised to residents in an alternative way? | |

| Considerations | Yes/No/NA |
|---|------------------|
| <i>(If no website, 8.2 should be recorded as 'non-compliant' and the alternative means of publication described in the commentary box.)</i> | |