

THE HOUSING OMBUDSMAN SCHEME

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Introduction

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011, the Building Safety Act 2022 and the Social Housing (Regulation) Act 2023 (the Act).

The Act requires social landlords, as defined by section 51(2) of the Act, to be members of an approved scheme. Others may join the Scheme on a voluntary basis. The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members investigated by a Housing Ombudsman.

The Ombudsman:

- makes the final decision on disputes between residents and member landlords;
- makes the final decision on complaints about private registered providers concerning the Social Tenant Access to Information Requirements (STAIRs);
- issues, and monitors, compliance with a statutory Code of Practice for complaint handling by its members which promotes a positive complaint handling culture;
- may issue good practice guidance to its members on the delivery of housing activities and order self-assessment against this guidance;
- investigates the root causes of complaints, at both member and sector level, producing reports to share learning, improve services and prevent recurrences; and,
- makes referrals to the Regulator of Social Housing where there is evidence of a systemic failing.

Our service is free for those eligible to use it. Our decisions are independent, impartial and fair.

The Scheme came into effect on 1 October 2026 and replaces the previous Scheme.

PART 1 General terms and definitions/Membership/ Financing arrangements

The approved Scheme

1. The Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Act.
2. In the Scheme:
 - a. 'the Secretary of State' means the Secretary of State with responsibility for housing;
 - b. 'the Ombudsman' means the person appointed to that office by the Secretary of State;
 - c. 'members' means social and private landlords, lessors, licensors, managing agents and other providers of housing services which are members of the Scheme either on a mandatory or voluntary basis;
 - d. 'social landlords' has the meaning given by section 51(2) of the Act;
 - e. 'registered providers' has the meaning given by section 80 of the Housing and Regeneration Act 2008 and includes for-profit as well as not-for-profit bodies;
 - f. 'private registered providers' means registered providers other than local authorities;
 - g. 'the Regulator of Social Housing' means the body established by section 80A of the Housing and Regeneration Act 2008;
 - h. 'determination' means a formal decision by the Housing Ombudsman;
 - i. 'Complaint Handling Code' means the code of practice referred to in paragraph 2(1)(11A) of Schedule 2 to the Act.

This requires the Scheme to empower the Housing Ombudsman to issue such a code. The Complaint Handling Code is issued under the Scheme and sets out the procedures that Scheme members must follow when considering complaints.

- j. 'the Social Tenant Access to Information Requirements' (STAIRs) means the requirements set out in the policy statement with that title issued by the Ministry of Housing, Communities and Local Government, as amended from time to time. Providers are required to comply with STAIRs by a regulatory standard set under section 194C(2) of the Housing and Regeneration Act 2008;
 - k. 'STAIRs information request' means a request for information under Chapter 2 of STAIRs;
 - l. 'STAIRs review' and 'STAIRs review request' means a review or request for a review under Chapter 1 or 2 of STAIRs. For the purposes of the Scheme (and in particular paragraphs 2(i) and 9(b)) a STAIRs review request is not a complaint;
 - m. 'STAIRs complaint' has the meaning given in paragraph 70 of the Scheme;
 - n. 'social housing' has the meaning given in section 68 of the Housing and Regeneration Act 2008;
 - o. 'resident' means an individual who can make a complaint to the Ombudsman under the Scheme.
3. The Scheme will normally be reviewed by the Ombudsman every five years, but any proposed changes must be approved by the Secretary of State following consultation with the Regulator of Social Housing. From time to time between these formal reviews the Ombudsman or Secretary of State may propose amendments to the Scheme. Significant amendments may only be made following consultation as determined by the Secretary of State.
4. The Ombudsman may issue, revise or replace a code of practice within the meaning of paragraph 2(1)(11A) of Schedule 2 of the

Act, having consulted the persons mentioned in paragraph 2(1)(11B).

Membership

Mandatory members

5. All bodies, other than Local Housing Authorities, which are, or at any time have been, social landlords must be members of the Scheme (which is the only scheme currently approved by the Secretary of State) in respect of all their housing activities.
6. Local Housing Authorities in England which are registered providers of social housing in connection with their housing activities in so far as they relate to the provision or management of social housing. In addition, those Local Housing Authorities must be members of the Scheme in connection with the management of dwellings which they own and let on a long lease.
7. Social landlords who become members of the approved Scheme must give notice of that fact to the Regulator of Social Housing within 21 days of joining.

Voluntary members

8. In addition to social landlords the Ombudsman may admit to the Scheme other members who meet the conditions of paragraph 10.
9. A landlord who applies to become a member of the Scheme must do so to the Ombudsman in such form and with such supporting information as the Ombudsman may require. Units covered can include those not let at a social rent.

Obligations of members

10. As a condition of membership of the Scheme, a member must:
 - a. agree to be bound by the terms of the Scheme;
 - b. establish and maintain a complaints procedure for complaints (other than those which could be brought to the Ombudsman as a STAIRs complaint) in accordance with the

Complaint Handling Code and provide evidence of compliance in line with the requirements of the Complaint Handling Code within the timescales given;

- c. as part of any procedure established in accordance with paragraph 10(b), inform residents of their right to bring complaints to the Ombudsman under the Scheme;
 - d. publish its complaints procedure, any STAIRs review procedure, and its membership of the Scheme, and make information about these easily accessible to those entitled to complain or request a STAIRs review, on its website and as part of regular correspondence with complainants throughout their complaints or STAIRs review process; and
 - e. manage complaints and STAIRs review requests in accordance with its published procedures or, where this is not possible, within a reasonable timescale.
11. The member must provide (without charge) any information requested by the Ombudsman that is, in the Ombudsman's opinion, relevant to the exercise of the Ombudsman's powers and duties. This may include, for example, the following records and documents:
- a. the member's policies and procedures;
 - b. any internal files, documents, correspondence, records, accounts or minutes of meetings, in hard copy or electronic form. This includes records relating to similar cases where the Ombudsman needs them to establish consistency of practice;
 - c. information which is the subject of a STAIRs complaint regardless of whether it has been published or disclosed to the complainant;
 - d. a self-assessment against any good practice issued by the Ombudsman when ordered to do so.
12. Information provided to the Ombudsman relating to a specified complaint will be processed in relation to that complaint only,

unless the Ombudsman identifies information required for a different purpose.

13. A previous Ombudsman request for information under any section of the Scheme does not preclude a further request for the same information under a different section of the Scheme.
14. The member must provide the requested information within a reasonable timescale. For these purposes providing information means providing it in an accessible format or allowing access for inspection, as the Ombudsman considers appropriate.
15. When the Ombudsman gives reasonable notice, the member must (without charge):
 - a. allow the Ombudsman to interview the member's staff, residents, board or committee members;
 - b. require a representative to attend any meetings convened by the Ombudsman;
 - c. use its best and reasonable efforts to get information from third parties or the member's former employees which may be relevant to the complaint and provide this to the Ombudsman; and
 - d. provide such other reasonable help as the Ombudsman may request.

Non-compliance with membership obligations

16. Failure to comply with the conditions of membership, including the Complaint Handling Code, may result in an Ombudsman's finding of complaint handling failure and an order to rectify within a given timeframe.
17. The Ombudsman may report findings relating to a member's complaint handling failure to any appropriate regulatory agency and/or the board, committee, panel or senior officer of the member along with any related details as the Ombudsman sees fit.

18. The Ombudsman may publish the fact and circumstances of a member's complaint handling findings, naming the member in the Ombudsman's annual report or elsewhere. This may include details of any voluntary member who withdraws from membership prior to complying with an order made by the Ombudsman.

Removal or withdrawal of a member

19. A social landlord may withdraw from the Scheme if:
- a. it complies with the requirements set out in paragraphs 5(1) and (2) of Schedule 2 to the Act (to be a member of an approved Scheme), and with any conditions that the Ombudsman may require according to the circumstances of each case.
 - b. it deregisters as a provider and does not own or manage any publicly-funded buildings.
20. A voluntary member may withdraw from the Scheme if it complies with the conditions that the Ombudsman may require according to the circumstances of each case.
21. The Ombudsman may withdraw membership if the voluntary member does not comply with the Scheme or with undertakings given to the Ombudsman as a term of admission.

Financing the Scheme

22. Subject to paragraph 28 the Scheme will be financed by a subscription payable on demand to the Ombudsman by each member. The total amount to be recovered from members will be decided by the Ombudsman and is payable on demand.
23. The total amount will be the amount that the Ombudsman decides is enough to meet all the expenses of the Scheme having taken into account any expected cost recoveries from training activity and grant-in-aid from the Secretary of State. The Ombudsman will have regard to forecasts of the likely demand on the Scheme and any performance targets, past and future liabilities and the provision of reasonable reserves.

24. The basic principle for calculating the subscription is that each member must pay an amount decided by reference to the number of units of accommodation covered by the Scheme which it owns or manages. The per unit charge will be calculated by dividing the amount to be recovered by the total number of units of accommodation owned or managed by members. Each member's subscription will be calculated by multiplying the total number of its units of accommodation by the per unit charge.
25. Any increase in the per unit charge must be approved by the Secretary of State.
26. A member must calculate the number of its units of accommodation in the Scheme on a day to be determined each year by the Ombudsman. The principal officer of the member must certify the number calculated where this is different to adjusted, publicly available national statistics data.
27. The subscription will be due and payable on a date specified in the invoice. The Ombudsman will require payment of interest calculated at the rate of 2% above the base rate (or its equivalent) of a clearing bank nominated by the Ombudsman from the date that such sums become due until payment.
28. For the first two years from the launch of STAIRs in October 2026, the Ombudsman's activities in connection with part 2B of the Scheme will be funded by the Ministry of Housing, Communities and Local Government via a grant-in-aid.

PART 2A Complaints about members – dispute resolution

Application of Part 2A

29. Subject to paragraph 30 below, Part 2A of the Scheme applies to all complaints which are not STAIRs complaints. Part 2B applies to STAIRs complaints. Any complaint about a matter relating to STAIRs, but which is not a STAIRs complaint, is to be dealt with under Part 2A of the Scheme.
30. The Ombudsman will be solely responsible for deciding which part of the Scheme a complaint falls under. The Ombudsman may consider different elements of a complaint under different parts of the Scheme. The Ombudsman will decide on the appropriate procedure for considering any complaint comprising elements which fall under both parts 2A and 2B of the Scheme.

People who can use the Scheme

31. The following people can make complaints to the Ombudsman about members:
- a. a person who is or has been in a landlord/tenant relationship with a member. This includes people who have:
 - i. a lease
 - ii. a tenancy
 - iii. a licence to occupy
 - iv. a service agreement
 - v. other arrangement to occupy
- in respect of a dwelling owned or managed by a member.
- b. if the complaint is made by an ex-occupier, they must have had a legal relationship with the member at the time that the matter complained of arose.
 - c. an applicant for a dwelling owned or managed by a member;
 - d. a representative of any of the people above who is authorised by them to make a complaint on their behalf;

- e. a representative of any of the people above who does not have the capacity to authorise a representative to act on their behalf; or
 - f. a person with authority to make a complaint on behalf of any of the people above who is deceased.
- 32. The Ombudsman must be satisfied that representatives have the legitimate authority to act.
- 33. The Ombudsman may investigate one complaint from more than one complainant or a group about the same member if the issues and facts are the same without carrying out multiple investigations.

Alternative dispute resolution

- 34. The Ombudsman may establish arrangements for resolving disputes with the consent of the parties whether by resolution where a complaint is resolved by a member, generally as part of its processes for considering complaints, mediation, arbitration or otherwise.
- 35. The Ombudsman will support the resolution of complaints whilst a complaint is within the member's processes for considering complaints.
- 36. The Ombudsman may decide to suspend or not to progress an investigation if, in their opinion, there is still an opportunity to resolve the dispute through a member's own processes.
- 37. The Ombudsman may at any time promote resolution of a dispute by either:
 - a. referring the complaint back to the complainant and the member to take further action to resolve the dispute; or
 - b. providing assistance to the complainant and member to resolve the dispute.
- 38. The member may be required to report the actions taken and the outcome of the resolution to the Ombudsman within a reasonable timeframe, set by the Ombudsman.

39. The Ombudsman may decide a member's complaints procedure has been exhausted, and the complaint may therefore be duly made subject to it meeting the criteria specified in paragraph 41, where, in the Ombudsman's opinion, there have been repeated failures in the handling of a complaint. Such failures may also result in the Ombudsman issuing a complaint-handling determination to the member.
40. The Ombudsman must publish details of the established arrangements for alternative dispute resolution.

What can be complained about

41. The Ombudsman will only investigate under Part 2A a complaint about actions or omissions of a member which, in the Ombudsman's opinion, have affected the complainant in respect of their application for, or occupation of, a dwelling.
42. A complaint is duly made if:
- a. it has been referred to the Ombudsman;
 - b. it has exhausted, or the Ombudsman has decided it has exhausted, the member's internal process for considering complaints;
 - c. the Ombudsman has not referred the matter back to the complainant and member for resolution;
 - d. it is not outside the Ombudsman's jurisdiction as a result of paragraph 47; and
 - e. the Ombudsman has not declined jurisdiction under paragraph 48.
43. The Ombudsman must decide whether they cannot consider a complaint under paragraph 47, and whether to decline to consider a complaint under paragraph 48, and may make any enquiries they consider necessary for these purposes, or for the purposes of resolving a complaint.

44. If the Ombudsman decides they cannot investigate under paragraph 47, or declines to investigate under paragraph 48, they will provide a statement of reasons.
45. The Ombudsman must investigate any complaint duly made and not withdrawn.
46. A complainant may withdraw the complaint at any time, but the Ombudsman must be satisfied as to the circumstances and may make whatever enquiries they see fit, before ceasing consideration of the complaint. The Ombudsman may investigate any complaint duly made but withdrawn.

Complaints the Ombudsman cannot consider

47. The Ombudsman cannot consider under this part of the Scheme complaints which, in the Ombudsman's opinion:
 - a. were not referred to the Ombudsman by one of the people who can use the Scheme under paragraph 30;
 - b. concern matters which do not relate to the actions or omissions of their landlord or ex-landlord who is a member of the Scheme and which have affected the complainant in respect of their application for, or occupation of, a dwelling;
 - c. concern matters that are the subject of court proceedings or were the subject of court proceedings where judgement on the merits was given; or
 - d. concern matters in respect of Local Housing Authorities in England which do not relate to their provision or management of social housing, or the management of dwellings which they own and let on a long lease.

Complaints the Ombudsman may decide not to consider

48. The Ombudsman may not consider complaints which, in the Ombudsman's opinion:
 - a. are made prior to having exhausted a member's complaints procedure, unless there is evidence of a complaint-handling

failure and the Ombudsman is satisfied that the member has not taken action within a reasonable timescale;

- b. were brought to the Ombudsman's attention normally more than 12 months after the complainant exhausted the member's complaints procedure;
- c. were not brought to the attention of the member as a formal complaint within a reasonable period which would normally be within 12 months of when the complainant ought to have become aware of the matter;
- d. concern the level of rent or service charge or the amount of the rent or service charge increase;
- e. concern matters where a complainant has or had the opportunity to raise the subject matter of the complaint as part of legal proceedings;
- f. concern matters where the Ombudsman considers it more appropriate for the complainant to seek a remedy or determination through the courts, tribunal or procedure;
- g. concern the terms and operation of commercial or contractual relationships not connected with the complainant's application for, or occupation of, a dwelling for residential purposes;
- h. concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of a contract of employment;
- i. fall properly within the jurisdiction of another Ombudsman, regulator or complaint-handling body;
- j. are being pursued in an unacceptable manner;
- k. seek to raise again matters which the Housing Ombudsman, or any other Ombudsman, has already decided upon;
- l. are about matters which relate to the processes and decisions concerning a member's governance structures;

- m. concern matters which, in the Ombudsman's opinion, do not cause significant adverse effect to the complainant; or
- n. concern matters where the complainant is seeking an outcome which is not within the Ombudsman's authority to provide.

How the Ombudsman will investigate

- 49. The Ombudsman will determine complaints by reference to what is, in the Ombudsman's opinion, fair in all the circumstances of the case.
- 50. The Ombudsman will decide how to consider and investigate complaints subject to the Scheme and taking account of the evidence presented.
- 51. The Ombudsman is not bound by any legal rule of evidence.
- 52. The Ombudsman must publish and make available information about the Ombudsman's procedures for carrying out investigations.
- 53. Following an investigation into a complaint, the Ombudsman will provide a statement of reasons setting out:
 - a. the nature of the complaint, the allegations and evidence against the member; and
 - b. the member's case in reply.
- 54. The Ombudsman may accept an individual's complaint as a test case if its facts equally affect others.
- 55. The Ombudsman may conduct further investigation beyond the initial complaint or member to establish whether any presenting evidence is indicative of a systemic failing. Where this is the case, it will be referred to the appropriate regulatory body.

Joint investigation

56. At any stage during the investigation of a complaint the Ombudsman may decide that the complaint relates partly to a matter which could be within the jurisdiction of the Local Commissioner (the Local Government and Social Care Ombudsman) or the New Homes Ombudsman. If the Ombudsman so decides, the Ombudsman must consult with the other relevant Ombudsman and may then either:
- a. inform the complainant or representative how to bring a complaint to the other Ombudsman; or
 - b. conduct an investigation jointly with the other Ombudsman.
57. If the Ombudsman conducts an investigation jointly with the Local Government and Social Care Ombudsman or the New Homes Ombudsman:
- a. the requirements of paragraph 50 may be satisfied by a decision or report made jointly; and
 - b. a joint decision or report must distinguish the determinations of the Housing Ombudsman from the findings or recommendations of the other relevant Ombudsman.

What the Ombudsman's investigation seeks to establish

58. When investigating, the Ombudsman is concerned to establish whether the member has been responsible for maladministration (which includes findings of service failure, maladministration and severe maladministration). This may include, but not exclusively, circumstances where the member:
- a. failed to comply with any relevant legal obligations;
 - b. failed to comply with any relevant codes of practice;
 - c. failed to apply its own policies and/or procedures;
 - d. delayed unreasonably in dealing with the matter;

- e. behaved unfairly, unreasonably or incompetently; or
 - f. treated the complainant personally in a heavy-handed, unsympathetic or inappropriate manner.
59. The Ombudsman may, at any stage during its consideration of a complaint, determine the complaint immediately if satisfied that:
- a. the complaint is no longer within the Ombudsman's jurisdiction or it is inappropriate to continue to consider it owing to one of the matters set out in paragraph 48 above;
 - b. the member has offered redress to the complainant prior to investigation which, in the Ombudsman's opinion, resolves the complaint satisfactorily. This will result in a finding of 'reasonable redress'; or
 - c. the member has made an offer of redress following the Ombudsman's intervention which, in the Ombudsman's opinion, resolves the complaint satisfactorily. This will result in a finding of 'resolved with intervention'.

What the Ombudsman can do following investigation

60. The Ombudsman's determination may uphold or reject the complaint and make orders or recommendations, including that the member:
- a. apologise to the complainant;
 - b. pay compensation to the complainant;
 - c. perform or does not perform any of the contractual or other obligations existing between the member and the complainant;
 - d. exercise or does not exercise any of the rights existing between the member and the complainant;
 - e. undertake or refrain from undertaking works;

- f. review and/or update policies and practice where a matter may result in further complaints about the same matter; and/or
- g. take such other reasonable steps as the Ombudsman considers appropriate to secure redress within the legal powers of the member.

61. The Ombudsman will make provision for a review of the determination of a complaint in the following circumstances:

- a. When aware of new facts and/or evidence which may have a bearing on the determination; or
- b. By either party challenging the facts and/or evidence on which the Ombudsman relied.

Part 2B Social Tenant Access to Information Requirements

62. Part 2B of the Scheme applies only to STAIRs complaints. Part 2A applies to other complaints. Any complaint about a matter relating to STAIRs, but which is not a STAIRs complaint, is to be dealt with under Part 2A of the Scheme.
63. The Ombudsman will be solely responsible for deciding which part of the Scheme a complaint falls under. The Ombudsman may consider different elements of a complaint under different parts of the Scheme. The Ombudsman will decide on the procedure for considering any complaint comprising elements which fall under both Parts 2A and 2B of the Scheme.

People who can use the Scheme

64. The following people can make a STAIRs complaint to the Ombudsman about members:
- a. a social housing tenant of a member which is a private registered provider. For these purposes, ‘tenant’ has the meaning it has in STAIRs, and includes a licensee and any other person in a landlord-tenant relationship with a private registered provider (this includes shared owners, but does not include 100% leaseholders);
 - b. a person who was a social housing tenant as set out in paragraph 64 (a) when they made a STAIRs information request or STAIRs review request, but is no longer such a tenant;
 - c. a representative of a social housing tenant as set out in paragraph 64 (a) or (b) who is authorised by them to make a complaint on their behalf;
 - d. a representative of a social housing tenant as set out in paragraph 64 (a) or (b) who does not have the capacity to authorise a representative to act on their behalf. The Ombudsman must be satisfied that the representative has the legitimate authority to act on the person’s behalf; or

- e. a person with authority to make a complaint on behalf of a social housing tenant as set out in paragraph 64(a) or (b) who is deceased.
- 65. The Ombudsman may decide to deal in a single investigation with complaints brought by different complainants against the same private registered provider about sufficiently similar matters, unless it appears that the outcomes of these complaints may be different. The Ombudsman will give due regard to confidentiality for the complainants in these circumstances.
- 66. The Ombudsman may accept one complaint from more than one complainant or a group of complainants about the same private registered provider if the issues and facts are the same without carrying out multiple investigations.

Referral back to private registered provider

- 67. The Ombudsman may at any time refer a complaint back to a private registered provider if, in their opinion, there is still an opportunity to resolve the dispute through the private registered provider's processes.
- 68. The private registered provider may be required to report the actions taken and the outcome of the resolution to the Ombudsman within a reasonable timeframe, set by the Ombudsman.
- 69. The Ombudsman may decide a member's STAIRs review procedure has been exhausted, and the complaint may therefore be duly made subject to it meeting the criteria specified in paragraph 70, where, in the Ombudsman's opinion, there have been failures in the handling of a STAIRs review request.

STAIRs complaints

- 70. The Ombudsman will only investigate under Part 2B a STAIRs complaint. A STAIRs complaint is a complaint about:
 - a. a failure to proactively publish information in accordance with chapter 1 of STAIRs;

- b. a failure to disclose information in response to a STAIRs information request; or
- c. the handling of a STAIRs information request or STAIRs review request.

71. A STAIRs complaint is duly made if:

- a. It has been referred to the Ombudsman;
- b. It has exhausted, or the Ombudsman has decided it has exhausted, the private registered provider's STAIRs review procedure;
- c. The Ombudsman has not referred the matter back to the private registered provider for resolution;
- d. It is not outside the Ombudsman's jurisdiction as a result of paragraph 75; and
- e. The Ombudsman has not declined jurisdiction under paragraph 76.

72. The Ombudsman must decide whether they cannot consider a complaint under paragraph 75, and whether to decline to consider a complaint under paragraph 76, and may make any enquiries they consider necessary for these purposes, or for the purposes of resolving a complaint.

73. If the Ombudsman decides they cannot investigate under paragraph 75, or declines to investigate under paragraph 76, they will provide a statement of reasons.

74. The Ombudsman must investigate any complaint duly made and not withdrawn.

Complaints the Ombudsman cannot consider

75. The Ombudsman cannot consider under this part of the Scheme complaints which, in the Ombudsman's opinion:

- a. were not referred to the Ombudsman by one of the people who can use the Scheme under paragraph 64;
- b. are not STAIRs complaints about a private registered provider which is a member of the Scheme; or
- c. concern matters that are the subject of court proceedings or were the subject of court proceedings where judgement on the merits was given.

Complaints the Ombudsman may decide not to consider

76. The Ombudsman may not consider complaints which, in the Ombudsman's opinion:
- a. are made prior to having exhausted the private registered provider's STAIRs review procedure, unless there is evidence of a review-handling failure and the Ombudsman is satisfied that the private registered provider has not taken action within a reasonable timescale;
 - b. were brought to the Ombudsman's attention normally more than 3 months after the complainant exhausted the private registered provider's STAIRs review procedure;
 - c. are about matters not brought to the attention of the private registered provider as a review request under STAIRs within a reasonable timeframe, which would normally be within 3 months of the tenant becoming aware of the matter;
 - d. concern matters where a complainant has or had the opportunity to raise the subject matter of the complaint as part of legal proceedings;
 - e. concern information that the Ombudsman considers would be better obtained through another scheme of access or procedure, or an application to a court or tribunal;
 - f. fall properly within the jurisdiction of the Information Commissioner's Office, other regulator or another complaint handling body;

- g. raise legal issues which the Ombudsman considers to be better suited for determination by a court or tribunal;
- h. are being pursued in an unacceptable manner;
- i. seek to raise again matters which the Ombudsman, or any other appropriate authority, has already decided upon; or
- j. concern matters where the complainant is seeking an outcome which is not within the Ombudsman's authority to provide.

How the Ombudsman will investigate

- 77. The Ombudsman will determine complaints by reference to what is, in the Ombudsman's opinion, fair in all the circumstances of the case.
- 78. The Ombudsman will decide how to consider and investigate complaints subject to the Scheme and taking account of the evidence presented.
- 79. The Ombudsman is not bound by any legal rule of evidence.
- 80. The Ombudsman must publish and make available information about the Ombudsman's procedures for carrying out investigations.
- 81. The Ombudsman's determination will provide details of the case, setting out:
 - a. the nature of the complaint and, as appropriate, the information requested or not published; and
 - b. a summary of the private registered provider's response to the information and review request, except where it is necessary for this to remain confidential.
- 82. The Ombudsman may conduct further investigation beyond the initial complaint or private registered provider to establish whether any presenting evidence is indicative of a systemic failing. Where

this is the case, it will be referred to the appropriate regulatory body.

What the Ombudsman's investigation seeks to establish

83. When investigating, the Ombudsman is concerned to establish whether the private registered provider has been responsible for maladministration (which includes findings of service failure, maladministration and severe maladministration). This may include, but not exclusively, circumstances where the private registered provider:
- a. failed to proactively publish information in accordance with chapter 1 of STAIRs;
 - b. failed to respond to a request for information in accordance with chapter 2 of STAIRs;
 - c. failed to handle a request for information or review in accordance with STAIRs;
 - d. failed to have due regard to any recommendations or good practice guidance that may have been issued by the Ombudsman; or
 - e. behaved unfairly, unreasonably or incompetently.
84. The Ombudsman may at any stage during its consideration of a complaint, determine the complaint immediately if satisfied that:
- a. the complaint is no longer within the Ombudsman's jurisdiction or it is inappropriate to continue to consider it owing to one of the matters set out in paragraph 75 above; or
 - b. the private registered provider has offered redress to the complainant prior to investigation which, in the Ombudsman's opinion, resolves the complaint satisfactorily. This will result in a finding of 'reasonable redress'.

What the Ombudsman can do following an investigation

85. The Ombudsman's determination may uphold or reject the complaint and make orders or recommendations, including that the member:
- a. publish or disclose information;
 - b. respond to a request within a specific time period;
 - c. reconsider a decision within a timescale set by the Ombudsman;
 - d. apologise to the complainant;
 - e. pay compensation to the complainant;
 - f. review policies and/or update practice where a matter may result in further complaints about the same matter; and
 - g. take such other reasonable steps as the Ombudsman considers appropriate to secure redress within the legal powers of the private registered provider.
86. The Ombudsman will set out in guidance the grounds on which either party can request a review of the Ombudsman's determination.

Part 2C Compliance, Reviews, and Learning

Part 2C applies in any case that is subject to Part 2A OR Part 2B of the Scheme.

Compliance with the Ombudsman's orders

87. Members must provide evidence of compliance with the orders of the Ombudsman within the timescale given by the Ombudsman.
88. The Ombudsman may require a member to report to the Ombudsman on compliance with a determination in such a way and at such a time as the Ombudsman may specify.
89. The Ombudsman will report a member to any appropriate regulatory agency and/or the board, committee or scrutiny panel of the member, if it fails to comply with the Ombudsman's determination.
90. The Ombudsman may order a member which fails to comply with a determination to publish that it has failed to comply, in such a way as the Ombudsman sees fit.
91. The Ombudsman may publish the fact and circumstance of non-compliance by any named member in a special report and may also include these details in the Ombudsman's annual report or elsewhere.
92. Failure to provide or facilitate any of the above may result in a determination of complaint-handling failure and paragraphs 16 to 18 will apply.
93. The Ombudsman may apply to the Secretary of State for an order which makes provision for, or in connection with, authorising the Ombudsman to apply to a court or tribunal for an order that a determination made by the Ombudsman may be enforced as if it were an order of a court.

Publication

94. The Ombudsman will produce an annual report on the discharge of the Ombudsman's functions and the administration of the Scheme. The Ombudsman will publish the report and the Secretary of State will lay the report before Parliament.
95. The Ombudsman may publish any determination as and when appropriate.
96. When publishing any determination or report, the Ombudsman will have regard to the need for confidentiality and will exclude, as far as practicable:
 - a. any matter which relates to the private affairs of an individual, where publication would seriously and prejudicially affect the interests of that individual; and
 - b. any matter which relates specifically to the affairs of a member where publication would seriously and prejudicially affect its interests, unless the inclusion of that matter is necessary for the purpose of the determination or report.
97. The Ombudsman may publish reports arising from the Ombudsman's work or research including such summaries of the Ombudsman's determinations and any conclusions which the Ombudsman wishes to bring to a wider audience.

Learning from complaints

98. The Ombudsman may issue good practice guidance to members on carrying out housing activities. Before issuing, the Ombudsman will consult with the Regulator of Social Housing, members and residents.
99. Where there is evidence of a failure to comply with the Ombudsman's good practice guidance, the Ombudsman may order a member to self-assess against good practice guidance if a complaint has been received which is within jurisdiction and has been made to the member.

100. If a member fails to comply with the order, the Ombudsman may order the member to publish this failure. If the member fails to publish the failure, the Ombudsman may publish the failure on behalf of the member and recover the costs of doing so from the member.
101. The Ombudsman may also develop best practice for members in complaint handling. Members will be expected to comply with any best practice set by the Ombudsman or provide a reasonable explanation for any non-compliance.
102. The Ombudsman will work with the sector to promote and support effective dispute resolution by members and complainants through training, website tools and promotion of shared learning.

Access to information and confidentiality

103. The Ombudsman must publish the procedures for giving public access to information held by the Ombudsman, how the Ombudsman handles information obtained and its confidentiality and the Ombudsman's practice in publishing determinations.
104. The Ombudsman's determinations may include reference to any statements, communications, reports, papers or other documentary evidence obtained during the Ombudsman's investigation. The Ombudsman will decide what detail to include in any determination.
105. The Ombudsman may name a member against which a complaint has been made.
106. For the purposes of the law of defamation absolute privilege attaches to any communication between the Ombudsman and any person by whom, or against whom, a complaint is made under the Scheme.

PART 3 The Ombudsman's appointment, role and responsibilities/Scrutiny of the Scheme/Complaints about the Housing Ombudsman Service

Appointment, terms and termination

107. The Housing Ombudsman is a corporation sole.
108. The Secretary of State will appoint the Ombudsman on such terms as the Secretary of State thinks fit.
109. The Ombudsman must not, during the appointment as Ombudsman:
 - a. be an agent, shareholder or officer of a member;
 - b. take up a tenancy or any other form of occupation provided by a member without the consent of the Secretary of State;
 - c. be an employee of, or act in any professional or advisory capacity, for a member; or
 - d. without the consent of the Secretary of State, be an employee or hold any office or place of profit under a person or organisation who provides services or goods to a member or any person or organisation associated with a member.
110. The Ombudsman's appointment must be terminated if the Ombudsman resigns by notice in writing to the Secretary of State.
111. The Secretary of State may give notice to, and terminate the appointment of, the Ombudsman. Termination is immediate on the following grounds:
 - a. grave misconduct;
 - b. gross mismanagement;

- c. because illness has prevented the Ombudsman from carrying out their responsibilities for more than 6 months in any consecutive period of 12 months; or
 - d. any of the circumstances in paragraph 109 apply.
112. If the Ombudsman is indisposed or otherwise prevented for whatever reason from carrying out their duties, the Secretary of State may appoint any person or people to be Acting Ombudsman for such period and on such terms as the Secretary of State may decide. This appointment will be on the basis that the Scheme will apply to the Acting Ombudsman as if the Acting Ombudsman were the Ombudsman.

Responsibility for dispute resolution and determining complaints

113. The Ombudsman will be solely responsible for the conduct of dispute resolution and the determination of complaints under the Scheme. The Ombudsman may delegate the ability to issue determinations on their behalf to other members of the dispute resolution team.

Responsibility for the administration of the Scheme

114. Prior to the start of each financial year, the Ombudsman will publish a business plan including projected annual budget, performance criteria and targets. The Ombudsman must have regard to the number of disputes being, or likely to be, submitted and to the proposed performance criteria and targets, and the need to have appropriate and adequate resources to enable the Ombudsman to carry out their functions effectively, in a timely manner and in accordance with the Scheme.
115. The staff, contractors, consultants or agents employed by the Ombudsman will be appointed and dismissed by the Ombudsman. Within the approved budget and the established terms and conditions of employment, the Ombudsman will decide upon their numbers and terms of service or engagement, including remuneration, taking into account the annual Cabinet Office guidance on civil service pay or other relevant guidance.

Audit and advice to the Ombudsman

116. The Ombudsman must appoint, following approval of the Secretary of State, an Audit and Risk Assurance Committee. The Committee will scrutinise aspects of the operation of the Scheme as set out in its terms of reference in the Framework Document agreed with the Sponsor Department.
117. The Ombudsman shall prepare annual accounts in accordance with the Accounts Direction approved by its Sponsor Department.
118. The Ombudsman may from time to time decide to appoint an Advisory Board. The Advisory Board will assist the Ombudsman in such matters as the Ombudsman considers relevant and as set out in its terms of reference in the Framework Document agreed with the Sponsor Department.

Complaints about the Service

119. The Ombudsman must make arrangements for receiving and dealing with complaints about the service provided and must publish such arrangements.

Housing

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