

Dispute Resolution Principles

The Dispute Resolution Principles are high level good practice guidance developed from the Ombudsman's experience of resolving disputes, for use by everyone involved in the complaints process.

There are only three principles driving effective dispute resolution:

- Be fair - treat people fairly and follow fair processes
- Put things right
- Learn from outcomes





Be Fair

Treat people fairly

Here are some of the basic requirements for treating people fairly:

- Everyone is entitled to receive the same standard of service regardless of their background, appearance, age, beliefs or lifestyle.
- Be aware of the effects of bias and prejudice on decision making.
- Ensure the focus is on the individual, taking into account the person and their circumstances.
- Be flexible in application of policy, practice and process to ensure that individual needs are taken into account.
- Be consistent when dealing with an individual person and when dealing with other tenants or complaints.
- Be clear where responsibility lies for any action, including resolving the dispute.
- Progress a complaint to escalate to the next stage unless there is a good reason not to.
- Give everyone involved in the complaint the chance to explain their point of view.
- Respect privacy and keep confidentiality.
- Sometimes people behave in a way that is unreasonable or unacceptable. While that can justify changes to standard procedures people must still be treated fairly.

How is 'treating people fairly' relevant?

Landlords

- We expect landlords to treat all tenants fairly.
- It underpins and increases trust in the landlord and tenant relationship.
- Landlords are entitled to balance the needs of individual tenants with the needs of other tenants and employees.

Tenants

- Tenants can expect to be treated fairly when they raise a complaint.
- Scrutiny and tenant panels can hold their landlord to account for the way it treats tenants.
- They should also ensure that they treat both the landlord and the tenant fairly when considering complaints.
- Tenants need to be aware that their landlord is entitled to manage their expectations and that if their behaviour is considered unreasonable, their landlord is entitled to treat them differently when handling their complaints.

Designated persons

- Designated persons should treat both the tenant and the landlord fairly when they consider complaints.
- Designated persons can have regard to the way in which a landlord treats the tenant when they consider a complaint. They may also consider whether the complainant has reasonable expectations, and whether they have pursued their complaint in a reasonable way.



Follow fair process

Here are some of the signs that a complaint handling process is fair:

- It is well-publicised, giving clear information about the process to be followed, what it can deliver and the complaints that can be considered.
- It is focused on the tenant and with clear commitments to privacy and confidentiality.
- Any steps or stages to the process are for escalation of accountability or to provide genuine review of the complaint – rather than to prolong the process or defer decision making.
- Provision for flexibility to deal with a complaint differently, (for example to accommodate a tenants individual circumstances or behaviour) if that might produce a fairer outcome.
- If tenants' behaviour is unreasonable a landlord can have a process that allows it to manage that behaviour.
- Clear information about the tenant's right to challenge decisions made during the process.
- Clear and realistic timescales to encourage prompt complaint management and manage tenant expectations of how long things will take.
- Opportunities to make a complaint in different ways that are convenient or accessible to the tenant, for example in person, in writing or other methods. Where possible offering help to access the process if it is needed.
- Decisions are based on evidence and the facts of particular case so they are free from bias and impartial.
- All decisions, including the final outcome are clear, setting out reasons for the decision/s and any further action to be taken.
- The process complies with the law and any regulatory requirements.

Why is 'fair process' relevant?

Landlords

- We expect all landlords to have and follow a fair process for handling complaints. It is clear to staff and tenants what they can expect of the process.

Tenants

- Can expect their landlords to have and follow a fair process in considering their complaint.
- Scrutiny and tenant panels can consider the fairness of the process as part of their review of the landlord's handling of a dispute.

Designated persons

- Can consider whether or not the landlord had (and followed) a fair complaint process when considering a complaint.
- We encourage designated persons to consider how following a fair process can make their own consideration of complaints more effective.



Learn From Outcomes

Effective and positive complaint handling provides insight into the services provided by a landlord and how they are perceived and received by tenants. The lessons learned from a complaint or complaints can improve the quality and focus of services provided to the individual tenant and the wider tenant body. They can also improve alignment between the landlords' internal functions. The learning process can also be used as a mechanism for encouraging positive tenant engagement.

Here are some of the signs that complaints are being used for learning:

- Systems are in place to record and analyse data from complaints. Also to review the outcomes and the implication for service delivery and any changes to policy.
- Reports on complaints are made through the relevant governance framework, including lessons learnt and proposals for improving service delivery.
- Anything learned from an individual complaint is recorded and the tenant informed.
- The landlord receives positive as well as negative feedback.
- Landlords are more proactive in their response to future complaints.

How is 'learning from outcomes' relevant?

Landlords

- We expect landlords to demonstrate improvements in service delivery as a result of lessons learned from complaints.
- Landlords should keep tenants as well as scrutiny and tenant panels informed about changes they make to service delivery as a result of complaints.
- Reporting on lessons learned is an effective way of demonstrating that landlords are listening to their tenants

Tenants

- Scrutiny and tenants panels have a role in ensuring that lessons are learnt from complaint handling and that systems are in place to allow service delivery improvements to be made.

Designated persons

- Designated persons can consider whether or not a landlord can demonstrate that it has applied learning from the complaints it receives to improve its service delivery.
- They may also wish to consider how their own consideration of future complaints can be improved through applying lessons learned in the same way.



Put it Right

The purpose of a complaint handling policy and procedure must be to resolve complaints. That is to identify what if anything went wrong and to take any action necessary to put it right. It should not be a series of stages a complainant has to complete in order to approach the Ombudsman, or a mechanism for stopping complaints by putting tenants off. Efficient and effective complaint handling prevents unnecessary escalation and wasted resources.

Here are some of the signs that a policy is designed to put things right:

- Resolving the dispute is a step to improving, repairing or rebuilding the landlord and tenant relationship.
- The tenant is put back in the position they would have been in if there was no service failure.
- Financial compensation is considered if the tenant's position cannot be restored.
- Decision makers have the authority to identify the actions that are necessary to resolve the dispute.
- Expectations are properly managed. Promises should not be made that cannot be delivered and outcomes should not be offered that would cause unfairness to other tenants.
- The proposed outcome to resolve the complaint complies with law, policy and good practice.
- Decision makers look beyond the circumstances of the individual complainant and consider whether anything needs to be 'put right' in terms of wider process or systems.

How is 'putting it right' relevant?

Landlords

- Landlords' complaints handling procedures should demonstrate that their purpose is to resolve disputes and restore the tenant's position if something has gone wrong.
- Landlords are responsible for ensuring that things are put right, even if the Ombudsman is involved.
- Landlords should manage tenant's expectations about what can be done to put things right.

Tenants

- Tenants can expect their landlord to try to put things right if they have considered a complaint and found that something has gone wrong.
- If tenants do not think that things have been put right they are entitled to ask for a complaint to be moved onto the next stage.
- Tenants should be aware that there are sometimes limits, for example legal or financial on what a landlord can do to put things right.
- Scrutiny and tenant panels have a role in ensuring that landlords' complaint handling process are effective in putting things right.

Designated persons

- Designated persons can consider whether the landlord has made a genuine effort to put things right. They can also consider whether or not the tenant has reasonable expectations and how well those expectations have been managed.
- We encourage designated persons to consider how 'putting things right' can apply in their own consideration of a dispute.



Culture

The culture of an organisation should ensure that complaints are seen as an opportunity rather than a threat. It should demonstrate an organisation that focuses on its customers and uses learning to improve services.

Here are some of the signs of a positive complaints culture:

- Effective governance provides leadership in complaint management and sets clear objectives for driving change leading to service improvement. There is clear accountability through the governance structure.
- Leaders and senior managers are committed to achieving positive outcomes and learning from complaints.
- Adequate resources are available for complaint handling.
- Complaint handling is open, in that processes are accessible to tenants and expectations are properly managed.
- The clear purpose of the complaints handling process is to reach appropriate resolution at the earliest opportunity and to ensure organisational learning from the outcomes.
- Everyone involved in the process understands their role and responsibility and has the authority to make decisions.
- People dealing with complaints have the skills, ability and support to consider the individual circumstances of a complaint and reach a fair outcome at any stage.
- Diversity is taken seriously to make sure that tenants are treated fairly whatever their circumstances.

Why is 'culture' relevant?

Landlords

- We encourage landlords to have a positive complaint culture. We look for opportunities to promote such a culture and its benefits. For example, fewer wasted resources, better relationships with tenants, improved services and a better working environment.

Tenants

- Tenants' actions and behaviours contribute to the culture. Having realistic expectations of their landlord will help to contribute in a positive way.
- Scrutiny and tenant panels can hold landlords to account using the principles. What they do and how they behave will have direct impact on the organisation's complaint handling culture.

Designated persons

- Can consider a landlord's cultural attitude towards complaints when reviewing its complaint handling.