

Triage Policy

Abstract

This document explains the purpose of triage and the key activities involved in triaging cases that have completed the landlord's internal complaints procedure

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HOS Triage Policy

1. Policy statement.

Triage is a key component of our dispute resolution process. All complaints that we determine will be triaged which delivers the following:

- Facilitates faster redress through proactive management of dispute issues.
- Determines the most appropriate route for resolution of individual complaints.
- Offers customers greater engagement in the dispute resolution process.

2. Purpose

We aim to deliver a fair and impartial service, resolving complaints at the earliest opportunity in line with the Ombudsman's role to resolve disputes involving members of our Scheme.

Our triage activities must:

- Enable faster access to redress once a complaint enters our formal remit.
- Identify outcomes that are fair, put things right and promote positive change.
- Identify complaints that are outside jurisdiction at the earliest opportunity.
- Identify and progress complaints that may be suitable for resolution by mediation.
- Ensure cases are progressed quickly, proportionately and fairly.
- Ensure our understanding of complaint issues is accurate and shared with residents and landlords prior to cases being determined.
- Ensure our requests for evidence to residents and landlords are accurate and proportionate.

3. Role of the Dispute Examiner

To work with the complainant and landlord to determine the most appropriate route for resolution of the complaint.

By:

- Agreeing with the complainant what issues remain outstanding following the end of the landlord's complaints process.
- Identifying what outcome/s the complainant is seeking to resolve the outstanding issues.
- Deciding the most appropriate route for resolution.
- Carrying out relevant enquiries and obtaining evidence for formal investigation.

- Identifying if the complainant is vulnerable and requires additional support.
- Identifying important/high profile complaints e.g. cladding/mortgage issues.

Also:

- Determining complaints that are outside the Ombudsman's jurisdiction.
- Sharing knowledge and insight to help shape the Ombudsman's programme of support to the sector.

4. Triage Stages

4.1 Review of casefile

We will review the documents to:

- confirm the complaint has exhausted the landlord's complaints procedure or is **duly made**,
- confirm that authorisation for representative is on file,
- identify potential jurisdiction issues,
- establish if there are any special circumstances on the case which mean we must adapt our approach or method of contact, e.g. large font, health issues, contact restrictions in place,
- ensure evidence is on file and accurately recorded on the database.

We must comply with data protection requirements and ensure personal data is properly recorded and kept up to date and safe.

We will decide whether there is sufficient, recent evidence on file to decide on the appropriate case route at this point.

This includes:

- What the complaint is about.
- The landlord's final response to the complaint.
- What the outstanding issues are for the complainant.
- What outcome the complainant is seeking.

If there is enough information on file to triage the case, then the dispute examiner can directly proceed to assessing the case complexity and deciding on the appropriate case route. For example, if the case is unsuitable for mediation; or there is enough evidence on file to determine the complaint quickly; and/or the complaint is outside jurisdiction.

If not, then we will contact the complainant to discuss the complaint further.

4.2 Contact with complainant.

We usually aim to discuss the case with the complainant by telephone, depending on the complainant's contact preferences, information on file and triage timescales. The dispute examiner will decide whether it is more effective to telephone the complainant or to make contact in writing.

We will use the **triage phone call checklist**, where relevant, to structure our call. If there is no response to our telephone contact or telephone number on file, then we can contact the complainant by **email or letter** asking them to arrange a suitable time for a telephone conversation or to provide further information in writing.

If it is not possible to speak to the complainant, for example, they wish to communicate in writing or will not be available within the triage timescales, then we may decide the case route based on the information on the case file if the complaint is duly made. We may carry out further enquiries with the landlord to make this decision.

- a. See **para 4.7** for what we can do on complaints that are not yet duly made.

4.3 Outstanding complaint issues.

We will explain the purpose of our contact is to establish what the complaint is about, including the outstanding issues following the end of the landlords' complaints process.

When considering the outstanding issues, it is important to be aware of:

- the matters that were raised and addressed during the landlord's complaints process,
- any issues that were resolved during the landlord's complaints process,
- if any of the issues relate to historical or new matters,
- if any of the issues relate to matters that fall outside the Ombudsman's jurisdiction.

4.4 Options for resolution of outstanding issues.

We will explore with the complainant what outcome they think will resolve their outstanding issues. We must be mindful of the following:

- If the outcome is realistic and achievable.
- If the outcome is fair (to the complainant, landlord, other residents).
- The difference between the outcome and what the landlord offered in its final complaint response.
- If the outcome is one the Ombudsman has authority to provide.
- If the outcome is specific redress to the circumstances of the complaint.

Our aim is to identify and understand the complainant's concerns; whereby we can acknowledge how they feel about what has happened and use our discussion as an opportunity to re-appraise the situation and begin the process of identifying solutions. Whilst also using our experience to manage the complainant's expectations of what can realistically be achieved through the different routes for resolution.

We remain impartial and mindful that our role is to support both parties in the dispute, remembering that there are two sides to every story. Our focus is on how the complaint can be resolved and ensuring both parties are engaged in the process as this can lead to positive outcomes.

4.5 HOS role, approach, process and timescales.

We will explain the Ombudsman's role to determine complaints that have exhausted the landlord's complaints process subject to the **Housing Ombudsman Scheme**.

We will confirm that we will decide the most appropriate way to determine those complaints that fall within the Ombudsman's formal remit (HOS para 26/44).

This is either by:

Mediation - we will facilitate a resolution to the outstanding issues that is agreed by both parties; based on the outcomes the complainant is seeking. If the outcomes are provided or the complainant tells us they are satisfied with the landlord's response, we will issue a formal determination that the landlord has made a reasonable offer of redress.

Engagement with this process is voluntary, if either party is not willing to engage, we cannot proceed further. We must confirm and record the complainant's agreement to engage in mediation and ensure they understand the potential outcomes of the process.

If we decide the landlord has made an offer of redress that is reasonable in the circumstances, which the complainant has refused, either in the landlord's complaint process or during mediation, then we will **not** investigate the complaint further.

The determination will set out the offer of redress, including recommendations setting out what the landlord has agreed to do to put things right.

Formal investigation – we will gather evidence to establish what happened in the complaint and we will assess whether the landlord's actions were fair in all the circumstances. We may make orders for compensation or other remedies to put things right.

Timescales – we will explain the relevant timescales for the different routes for resolving complaints and clearly set out what will happen next on the case.

Colleague advice - during the triage process, the dispute examiner may decide at any time to obtain advice or input from an Adjudicator in order to progress the case. This may mean the Adjudicator, due to their knowledge and experience, is assigned the case to have the triage discussions with the parties if this will facilitate an expedited resolution.

4.6 Jurisdictional issues.

We will identify if there are any jurisdictional issues arising in the complaint during the case file review. We can make any enquiries we decide are necessary to obtain the evidence to determine complaints that are outside the Ombudsman's jurisdiction (HOS para 28/38).

The dispute examiner will determine complaints where the whole complaint is outside jurisdiction. We can determine these complaints as soon as the landlord's complaints process has been exhausted and the complaint is duly made. (HOS para 24/37).

Where the complaint is likely to be outside jurisdiction and we need further information, we must carefully manage the complainant's expectations about what we will do with their complaint. We can do this during triage by advising the complainant of our jurisdiction in relation to the issues they are raising and by **not** discussing mediation or formal investigation when it is apparent these processes are not the appropriate route for the complaint.

If the complaint is partially outside jurisdiction and some parts fall within the Ombudsman's formal remit, then the dispute examiner will decide the appropriate route for the case; either by mediation or investigation.

4.7 Complaints made in the 8-week period.

We will progress complaints that are brought to the Ombudsman within the 8-week period after the end of the landlord's complaints process, following the stages of the triage process. We cannot formally investigate or determine complaints (HOS para 23/25, 39/42) until they are duly made.

This means it must be evident that the complainant remains dissatisfied with the outcome of the landlord's complaints process and wants the Ombudsman to consider their complaint after the 8 weeks have elapsed. During our contact with the complainant we must clarify that we cannot determine the complaint until the 8 weeks have elapsed and if they subsequently decide to withdraw their complaint, they must tell us immediately.

If the complainant does not respond to our contact in triage and the complaint is **not yet duly made**, then we will write to the complainant confirming they must contact us in two weeks, or the case will be closed. We will also confirm they have 12 months to make their complaint to the Ombudsman following the date of the landlord's final response.

FR Triage



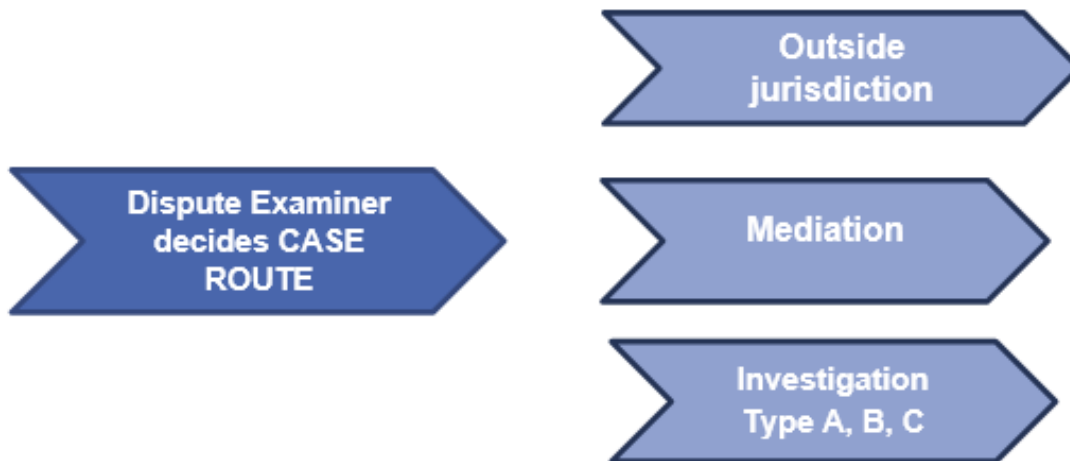
5. Case Complexity

Following the review of the case file and contact with the complainant, the dispute examiner will consider the complexity of the case to determine the most appropriate route for resolution of the complaint – **see case complexity table – Appendix 1**. Whilst not an exhaustive list the following will inform our decision:

- Outcome of case file review.
- Our discussions with the complainant.
- If the complainant has agreed to mediation.
- Knowledge of the landlord.
- Likelihood of a resolution being reached informally.
- Complexity of the issues.
- Type of complaint e.g. fire safety
- Level of evidence and administration needed to progress case to formal investigation.
- Length of time matter has been ongoing.
- Complainant's circumstances.

When deciding the route for resolution of the complaint, we must consider whether the complaint is suitable for mediation. To do so we must have discussed the possibility of mediation with the complainant as this will inform our view of whether to contact the landlord and offer it the option of mediation. There may be reasons, e.g. serious unresolved service failures or systemic issues arising in the complaint, or the complainant is particularly vulnerable, which make formal investigation more appropriate.

6. Case Route – diagram.



7. Post triage.

After the triage process is complete the complainant and landlord are sent 'post triage' letters. These letters set out how the Ombudsman will deal with the complaint and confirm the next steps on the case. This includes how the complaint can be resolved early and/or what information is required for an investigation to be completed.

If the dispute examiner decides mediation could resolve the complaint, and the complainant has agreed, the complainant's requested resolution is put forward to the landlord. The landlord can decide to:

- accept the complainant's resolution. This will resolve the complaint without the need for further investigation
- reject the complainant's resolution and offer something else. If the complainant agrees – then this could resolve the complaint; or
- decline to engage in mediation. This means the complaint will go forward for investigation.

The landlord is required to accept, reject or provide the requested evidence by the deadline set out in the letter. If the landlord indicates it is willing to engage in mediation the case is passed to an Adjudicator (mediation) to facilitate the resolution of the complaint. The complainant must have already agreed to the complaint being resolved by mediation during triage. If a resolution is agreed, the complaint will be resolved without the need for the Ombudsman to formally investigate. The Adjudicator (mediation) will determine that the landlord has made a reasonable offer of redress that has resolved the complaint.

If there is a delay in the landlord contacting us to confirm it is willing to engage in mediation, we must consider the reasons for the late contact before agreeing to the landlord's proposal. We must also consider:

- the age of the case,
- our timescales for resolution either by mediation or investigation,

- the likelihood of resolution,
- the complainant's response to the landlord's proposal.

We may decide it is no longer appropriate to consider mediation and forward the case to investigation instead.

7.1 Post-triage letter to the landlord.

Following triage, we will write to the complainant and landlord setting out the appropriate route for resolution. The landlord's 'post-triage' letter will include the main headings in the table below; the dispute examiner will remove any area that is not relevant to the case, e.g. if there are no jurisdictional issues then we will remove the associated paragraphs.

A summary of the complaint.
The outstanding issues in the complaint.
The outcomes the complainant considers will resolve the outstanding issues.
Information relating to jurisdiction.
Details of the evidence required should the case move forward to investigation.
The landlord must agree to engage in mediation or provide the evidence requested by the specified deadline.
Timescales.
Contact details.

7.2 Evidence Gathering

Our aim is for the landlord to understand our request, so it sends the information to us by the deadline, enabling us to complete the formal investigation in an efficient and timely manner. To do this we must only ask for relevant evidence and ensure our requests are proportionate, clear and specific to the complaint under investigation. Our approach and systems for evidence gathering are detailed in the **Evidence Gathering Policy**.

The landlord will be invited to contact us to discuss our 'post triage' letter and this may mean explaining our evidence request further. We must be mindful of the impact on

the landlord when making extensive information requests. We can consider if we already have the information we are requesting – such as tenancy agreements or final response letters by checking if we have other cases with the same complainant.

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