

Guidance on completing a Self-Assessment

Contents

Summary	1
Statutory powers	2
Compliance with the Code	2
Monitoring compliance with the Code	3
The self-assessment	3
Completing the self-assessment	4
Review of current practices	5
Taking action to ensure compliance	5
Gathering and documenting evidence	6
Scrutinising and challenging the self-assessment	7
Publishing the self-assessment	7
Communicating and embedding change	8
Submitting the self-assessment to the Ombudsman	9
Failure to complete or submit the self-assessment	10

Summary

1. Member landlords must comply with the Ombudsman's Statutory Complaint Handling Code "the Code". Landlords must assess against the Code and assure policies and practices comply with the Code at least annually.
2. Landlords are also required to re-assess compliance with the Code where there have been significant changes in their operating environment, including mergers, acquisitions, and instances where business continuity planning has been initiated.
3. The self-assessment (Appendix A of the Code) requires landlords to assess itself against each provision of the Code. In doing so, landlords can identify areas of operation or policy where changes are required.
4. The self-assessment also requires landlords to evidence how they comply with the Code. Landlords may wish to include wider scrutiny arrangements such as using a tenant panel to review its self-assessment or complaints policy to satisfy itself that its complaints function is operating in compliance with the Code.
5. Where a landlord is not able to comply with the Code, they must confirm this in the self-assessment and set out the actions and timescales for achieving compliance or demonstrate how they have made all reasonable endeavours to meet the intentions in an alternative way. The Ombudsman will assess all reports of non-compliance and may take action to intervene to ensure landlords meet the requirements of the Code, even where they have provided reason(s) for non-compliance.
6. Landlord self-assessments must form part of their annual complaint performance and service improvement report. This report must be reported to the landlord's governing body (or equivalent) and published on the section of the website relating to complaints. The governing body's response to the report must be published alongside this.
7. The report and self-assessment provide landlords with an opportunity to be open and transparent with residents on their complaint handling performance. Landlords are expected to provide accurate and complete information about complaint handling and share how they have learned from complaints received.
8. Landlords are required to make a submission to the Ombudsman, providing a link to its published self-assessment, annual complaints performance and service improvement report and its governing body's response.
9. Failure to publish a complete self-assessment and provide evidence of this through the annual submission may result in the Ombudsman finding failure to comply with the Code and a decision of Complaint Handling Failure being issued.

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 will take effect from 1 April 2024 and our duty to monitor compliance will commence at the same time.

Paragraphs 9-12 of the [Housing Ombudsman Scheme](#) set out the membership obligations to which all landlords must adhere. Paragraph 9b specifies that landlords must establish and maintain a complaints procedure in accordance with the Code.

Paragraphs 13-15 of the Scheme set out the power and steps that the Ombudsman can take if a landlord is failing to comply with their membership obligations. One of these steps is to issue, and publish, a CHFO.

Compliance with the Code

The Code is mandatory for member landlords (as above) and completing the self-assessment forms part of the annual complaint performance and service improvement report as set out in provision 8.1 of the Code.

Where a landlord's policy does not comply with the Code, it must provide a detailed explanation for non-compliance in its self-assessment and the date by which it intends to comply.

If there are reasons a landlord cannot meet a requirement of the Code, for example a small provider does not have a website, it must make all reasonable endeavours to deliver the intentions of the Code in an alternative way, for example, if there is no website it should publish information in a public area so that it is easily accessible. This must be detailed in the self-assessment under the relevant provision.

Where a landlord is unable to comply with the Code due to exceptional circumstances that have led to business continuity plans being enacted, such as a cyber incident, the landlord must inform the Ombudsman of its reasons, provide

information to residents who may be affected and publish this on their website. The landlord must provide all parties with a timescale for returning to compliance with the Code and the reasonableness of exemptions to the Code during this period may be assessed by the Ombudsman.

Regardless of the reason(s) for non-compliance with any provisions of the Code, landlords must clearly set this in its self-assessment and annual submission to the Ombudsman.

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 will use the duty to monitor to support landlords in improving their complaint handling practices for residents. Through the annual complaints performance and service improvement report, landlords will have the opportunity to demonstrate any complaint handling improvements made throughout the year and its performance and compliance against the Code.

The Ombudsman's [Code Compliance Framework](#) ('the framework') sets out how we will assess whether a landlord has met the requirements set out in the Code. The framework also sets how we will engage with landlords to resolve any instances of non-compliance with the Code. It also explains any learning support offered and the powers available to the Ombudsman should landlords fail to act in response to our Code compliance engagement.

The self-assessment

The purpose of the self-assessment is to set out how landlords demonstrate their complaint handling service complies with the provisions of the Code. In addition, the self-assessment also supports landlords to inform residents about service provision.

The self-assessment must cover all services that are delivered either directly or indirectly by members of the Scheme in their capacity of a landlord. This includes any services delivered by a third-party, such as a contractor, managing agent or another social landlord. Landlords with such arrangements in place should refer to

appendix one of this guidance which provides more information on how these should be reported.

The self-assessment is separated into the nine sections of the Code and each provision is listed individually, allowing landlords to review its policies and procedures against them.

Landlords must provide evidence of their compliance with the provisions of the Code within the assessment. By setting out clearly how it complies with each provision, landlords can demonstrate that they are being open and accountable to residents. It also supports the Ombudsman's assessment of compliance in policy and practice.

Where a landlord is unable to comply with a provision of the Code, an explanation must be provided detailing any alternative approach the landlord is taking, and how this fulfils the intentions of the Code. They must also provide dates for achieving compliance where appropriate.

Self-assessments must be completed annually and submitted to the Ombudsman. However, landlords should expect to review and make changes to its complaints policy or processes more frequently, such as in the event of significant organisational restructures or in response to an order by the Ombudsman.

If a landlord reviews and updates its self-assessment before the annual submission is required, they must inform the Ombudsman by re-submitting their assessment.

Completing the self-assessment

Landlords should consider the completion of the self-assessment as an opportunity to reflect on their approach, and to make any necessary changes to policy, process, or practice to ensure effective complaint handling.

In preparation for completing the self-assessment, landlords should ensure they are fully aware of the provisions and requirements for handling complaints effectively and fairly. Landlords can refer to our Centre for Learning for more information about the Code and the provisions included.

Completion of the self-assessment will typically require landlords to:

- review current practices to identify any gaps or actions required to comply
- take any necessary action to ensure that Code requirements are met

- gather and document evidence to support the assessment of compliance
- scrutinise and challenge the assessment, to provide assurance
- publish the self-assessment and wider documentation
- communicate and embed changes made through the self-assessment

The above is not an exhaustive list of the actions needed to complete the self-assessment; landlords should utilise their own governance and scrutiny channels to assure the governing body, and their residents that they comply with the Code.

Review of current practices

Landlords should review their current approach against each section and provision listed in the self-assessment. By doing so, landlords can more easily identify if there are any gaps in policy, or actions needed to modify practices to handle complaints in line with the Code. This may include review of:

- the complaint handling policy (and any associated policies)
- any training or guidance provided to staff handling complaints
- any templates and/or example correspondence related to complaints
- system arrangements for recording and tracking complaints
- wider resource arrangements such as staffing or approvals

Landlords should also consider feedback from residents who have recently reported a complaint; this may be through surveys, comments made during the process or through other engagement activities. This will help landlords ensure that resident experience is a foundation of the review.

Landlords should approach the review process with an open mind and a willingness to learn; this should be valued as an opportunity for continuous learning and improvement.

Taking action to ensure compliance

Through the review, landlords may identify action(s) required to ensure that they meet the requirements of the Code.

Landlords can refer to the Centre for Learning which highlights key topics including [knowledge and information management](#), and [attitudes and respect](#) for recommendations on service delivery. They can also refer to the Ombudsman's

wider publications such as [guidance on remedies](#) and [apologies](#) to inform decision making.

Depending on the extent of the changes required, landlords may decide to develop a comprehensive action plan for implementing improvements or changes to their complaints function to achieve compliance.

Landlords should regularly monitor progress against any action plans required to achieve compliance with the Code. They must report activities to the governing body, via the [Member Responsible for Complaints](#) (MRC). They should also ensure that residents and staff are informed of the action plan and that they are regularly updated on progress.

Gathering and documenting evidence

When completing the self-assessment, landlords must publish evidence that supports their view that they meet the requirements of the Code. Landlords can also include further contextual information about their complaint handling approach if they wish to do so.

Evidence which may be used to support the assessment includes (but is not limited to):

- formal publications such as policies, procedures, or reports
- explanations of activities undertaken to achieve compliance such as training undertaken, any independent reviews and scrutiny activities

data and/or information that provides additional context such as volumes of complaints received, outcomes of complaints and responses times.

When referring to evidence, landlords must ensure they are clear what information has been included as evidence and how this demonstrates compliance with the Code. Landlords are encouraged to involve residents in considering how evidence is documented and referenced; this will help ensure that the self-assessment is accessible and clear when published.

Scrutinising and challenging the self-assessment

When completing the self-assessment landlords should continually ask themselves if it is a true reflection of their complaint handling service, and how they have assured that this is the case.

The MRC should be responsible for ensuring that the self-assessment is scrutinised and challenged. This forms part of their role in embedding a positive complaint handling culture across the organisation. An MRC may wish to consider:

- examining the evidence referred to and ensuring that this is complete and accessible to readers including staff and residents
- scrutinising any data and performance information included to ensure the governing body is satisfied that it is accurate, reliable, and repeatable
- challenging any commentary or context, to ensure that it is a fair and reasonable assessment

Landlords should also use any formal scrutiny arrangements such as tenant panels to review its self-assessment or relevant policies to satisfy themselves that the complaints function is operating in compliance with the Code. By taking this approach, landlords can demonstrate how residents have been involved in assessing service delivery.

Publishing the self-assessment

Publication of the self-assessment is a requirement of the Code as set out in Section 8: Self-assessment, reporting and compliance. The purpose of publishing the self-assessment is to support landlords to be transparent and accountable to residents.

The self-assessment should use plain English and be as clear and direct as possible in its use of language when assessing each provision. The self-assessment should be easy for all residents to read and understand. Landlords should also set out how any alternative formats (such as translation, braille or similar) can be requested by residents.

Landlords must ensure that the self-assessment and complaint handling and service improvement report are published annually on their website by the submission deadline relevant to its size:

- for large landlords (1000 properties or more) – by 30 June, commencing from 30 June 2024
- for small landlords (less than 1000 properties) - within 12 weeks of submitting their annual accounts or at the point they publish their Tenant Satisfaction Measures (TSMs), whichever is sooner

Landlords must ensure that the self-assessment is published on their website (if they have one) in a clear and accessible format. Landlords should ensure that residents are able to locate the document, and any associated documents such as policies or wider reports easily.

Governing body's response

When publishing the self-assessment as part of the annual complaint performance and service improvement report, landlords must include the governing bodies response to the report.

The purpose of publishing the governing body's response to the self-assessment is to provide assurance that the self-assessment is a true reflection of the landlord's complaint handling.

The response should set out how the MRC has scrutinised and challenged the self-assessment and how any risks identified as part of the review have been addressed. Landlords should also include any lessons learned through the self-assessment process and actions taken as a result.

The response can also highlight areas of achievement and any challenges that the landlord has faced during the reporting year. When doing so, landlords are encouraged to take an open and transparent approach to demonstrate accountability to their residents and other stakeholders.

Landlords can refer to the Ombudsman's [Guidance for Governing Bodies](#) for more information about effective involvement and assurance.

Communicating and embedding change

Where changes to policy and/or processes have been made through the self-assessment review, landlords must ensure that they are proactively communicating

and embedding the approach to complaint handling across their organisation. This should be a key focus for landlords after publication of the self-assessment.

Landlords should ensure they communicate any changes to all relevant staff members and not just those responsible for complaint handling. When doing so, landlords may wish to roll out updated complaint handling training or arrange for staff to access online training offered via the Centre for Learning.

Landlords should also communicate any changes to its residents, ensuring they are aware of their right to have a complaint investigated and how a complaint will be handled.

Beyond communication of changes required, landlords must ensure these are embedded in complaint handling in practice. This could include:

- a focused period of quality checking and assurance of complaint responses
- 'spot checks' of complaint records and associated documentation
- close monitoring of resident feedback after complaints are closed
- regular engagement with staff responsible for handling complaints
- more frequent complaint handling performance reporting to the MRC.

The above is not an exhaustive list of the actions needed to embed change; landlords should utilise relevant quality assurance and/or continuous improvement approaches already in place.

Submitting the self-assessment to the Ombudsman

Landlords are required to provide an annual submission to the Ombudsman to demonstrate their compliance with the Code. This must be provided via our dedicated electronic form unless an alternative method has been agreed with the Ombudsman in advance.

To simplify the process, the electronic form asks landlords to confirm compliance with each statement and a landlord is only required to provide additional information if it is unable to comply.

The electronic form also asks landlords to provide electronic links to key information and documentation required to support their submission, these include:

- the self-assessment as published on the website
- the annual complaints performance and service improvement report
- the governing bodies response to the report
- the complaints policy.

Further information about the submissions process is set out in our [Guidance on Annual Submission](#).

Failure to complete or submit the self-assessment

If a landlord is unable to submit their self-assessment by the relevant date they 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 their submission or resubmission by the relevant date may be issued with a Type 3 CHFO. If there is non-compliance with the order, we will consider whether a referral to the governing body or the Regulator of Social Housing is required.

Further information on our approach to [Complaint Handling Failure Orders](#) is available on our website.

Appendix One – Third Party Arrangements

Services provided by third parties on behalf of landlords

The Ombudsman recognises that members of the Scheme may contract third parties to provide services on their behalf.

Where a landlord chooses to do so, it remains responsible for fulfilling its obligations in its capacity as a landlord, regardless of who is contracted to deliver the service(s). This includes the recording, handling, and reporting of complaints about these services.

Such arrangements include, but are not limited to:

- repairs and maintenance contractors to provide repairs services
- managing agents to provide estate or block management services

- another landlord to provide housing management services

Landlords with such arrangements in place must ensure that all complaints made about these services by their residents, either made to the landlord directly or the third party are raised and responded to in line with the Code.

Landlords may arrange for a third party to handle complaints at either, or both stages of the complaints process. Should a landlord decide to implement this approach, it must ensure that this forms part of the two stage complaints process set out in the Code (provision 5.4) and that its policy is clear.

These complaints, regardless of who has handled them, must be included in the annual complaint handling and service improvement report. This will help ensure that landlords have complete and accurate information relating to complaints about services provided to their residents.

When completing the self-assessment against the Code, landlords are required to set out how they have ensured that complaints made about services provided by third parties are handled in line with the Code. This will usually, but not always, be evidenced through:

- referring to the relevant section(s) within their complaint handling policy
- setting out how these complaints are monitored and acted on
- detailing any training, monitoring or assurance activities undertaken

Landlords can refer to the Ombudsman's [Spotlight Report on Managing Agents](#) for more information about best practice in third party arrangements.

Services provided by member landlords on behalf of another organisation

The Ombudsman also recognises that member landlords may enter into agreements to act as a third party and provide services on behalf of another organisation. This could include members of the Scheme, or organisations who are not.

Where a landlord is acting as a third-party provider of services (including complaint handling), they are not required to provide information and/or evidence to demonstrate how complaints about these services comply with the Code. This is the

responsibility of the organisation that has contracted the member landlord as a third party.

If a landlord chooses to include information about how any complaints about services they provide as a third party are handled in the self-assessment or in its annual complaint handling and service improvement report, they must ensure it is clear these complaints are from non-residents.

Other services provided

Landlords may also provide additional services outside their capacity as a landlord.

This could include, but is not limited to:

- homelessness related services provided by councils
- social enterprises or ventures
- commercial activities such as community shops or activities
- befriending or home help services

Unless these services form part of the landlords' obligations as set out in the tenancy agreement(s), landlords are not required to set out in their self-assessment or annual complaint handling and service improvement report how complaints will be handled in line with the Code.

Should a landlord wish to provide information about complaints relating to other services, it must clarify that these are provided outside their capacity as a landlord. This will ensure residents are clear how the landlord is handling complaints about services provided in their capacity as a landlord separately from any other services.