



**Network  
Homes**

# **Complaints and Service Recovery Policy**

**August 2023**

**Important**

Policies and procedures must be coordinated through the Business Development Team for compliance, auditing and control purposes. A Policy Registration Form must be completed before any revisions are made by contacting the Business Development Team at [NH.Policy@networkhomes.org.uk](mailto:NH.Policy@networkhomes.org.uk)

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<b>Policy author</b>	<b>James Mahaffy – Central Complaints Manager</b>	
<b>Policy owner</b>	<b>Jamie Ratcliff - Executive Director for People &amp; Partnerships</b>	
<b>Accountable officer</b>	<b>James Mahaffy – Central Complaints Manager</b>	
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## 1. Introduction

- 1.1. This policy applies to Network Homes, including contractors or third parties working on behalf of Network Homes.

**For information on complaints regarding SW9, please refer to section 12, page 15.**

- 1.2. This policy complies with the HCA Tenant Involvement and Empowerment Standard.
- 1.3. The policy provides a framework for fair and consistent management and resolution of resident complaints. We have updated the procedure to include the new arrangements for complaints brought in by the Localism Act 2011.
- 1.4. We also are compliant with the complaint Handling Code and obligations on us (more information provided on this in section 5.3, page 13. In line with the guidance provided by the Housing Ombudsman, our complaints procedure emphasises working with residents and taking reasonable actions to resolve complaints in a fair, prompt and polite manner, taking into account the individual circumstances of the complainant.
- 1.5. As detailed in the Social Housing's Tenant Involvement and Empowerment Standard we will publish details of the number of complaints raised on an annual basis. This information will include the nature of the complaint along with the outcomes. We will also maintain examples of complaints brought to us to aid transparency about outcomes and processes. Additionally, we also operate a 'Lessons Learned' strategy not only to improve our overall service but also to identify trends and the areas which need additional focus.

## 2. Aims and Objectives

- 2.1 Network Homes recognises the importance of resident complaints as a valuable form of feedback about our services. We will learn from and use the information gained from complaints to help drive forward improvements and to respond positively to our customers' needs and expectations. We want to resolve all complaints quickly and effectively. Our aim is to resolve any problems straight away where possible.

### 3. Policy Statement:

#### Overview of our complaint policy

3.1 Our definition of a complaint is as defined by the Housing Ombudsman Service:

*“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents”.*

3.2 There is an important difference between a service request and a complaint. A service request is a request from a resident to their landlord requiring action to be taken to put something right. Service requests are recorded, monitored, and reviewed regularly. A complaint can be raised when a resident raises dissatisfaction with the response to their service request.

3.2 We only accept complaints:

- Named tenants.
- Shared owners and leaseholders.

If our resident wants someone to represent them for GDPR reasons, we need the consent from the resident confirming this. The link to the form to be completed is [here](#)

Where the complainant does not meet any of the above criteria, have the right to refuse a complaint, however, we may still investigate the concerns raised outside of the complaint policy, and respond, usually within 10 working days. This is subject to consultation and the Complaints Managers final decision.

We will accept group complaints where one complainant has been identified as the complaint lead, will act as sole communicator, and provide updates to all involved. We will only communicate with the lead complainant, and it would be for the lead complainant to advise the outcome of any complaint to others involved.

All complainants should provide their full name, address, and confirm that they have given explicit consent to the group complaint, if we do not have this, we will treat it as a single complaint brought by the lead complainant.

3.3 This policy does not apply when:

- The issue has already been considered through our complaints process at any stage.
- The issue of concern(s) was not raised within 6 months of said issue(s) occurring or within a reasonable timeframe of the resident becoming aware of the issue(s). (see 3.4, below).

- It is the first time we have been made aware of the issue - we need a chance to put it right before investigating as a complaint.
- Legal action is taken (or a court date or scheduled) against Network Homes about the issues the resident wishes to complain about. (See section 3.3.2 below).
- There is already an open complaint, whether group or individual, covering the same specific issue.
- The complaint is about a service that we do not provide, including (but not limited too) repairs that are the tenant's responsibility.
- If a complainant lives in a property managed by an external Managing Agent. In these circumstances the complainant should complain to the Managing Agent in the first instance. If their complaint cannot be resolved by the Managing Agent within a reasonable timeframe, Network Homes will independently review the matter and may consider logging a new complaint.
- The complaint is about matters subject to an insurance claim. (However, residents can complain about delays in handling an insurance claim).
- The complaint relates to a dispute about a service charge, including how a figure has been calculated or whether it represents value for money. Such complaints will be referred to the service charge dispute procedure and ultimately if unresolved to the First Tier Tribunal. This should be referred to the relevant team either by emailing to [leasehold.services@networkhomes.org.uk](mailto:leasehold.services@networkhomes.org.uk) or by calling us on 0300 373 3000. Please also see section xx, page xx for further guidance.
- The complaint is about one of our policies (including anti-social behaviour). Generally, matters of policy cannot be complained about, however, a resident can complain if they believe a policy has not been applied or followed correctly in their case or if the resident is unhappy about the way in which we have handled the issue. Anti-social behaviour can be reported to us using any means the resident sees fit but we would suggest in the first instance calling us on 0300 373 3000 or using the anti-social tools located on line [here](#).
- If the property is managed by SW9. They have their own Complaints Team with their own policies. Please see section 12, page 15 for more information on this.
- The concerns raised are part of an initial Service recover request and not considered a complaint. (See 3.3.1, below)

This is not an exhaustive list and there may be instances not listed where this policy does not apply. The complaints manager will seek guidance on anything not covered above prior to making any final decision.

Should we refuse a complaint or an escalation to Stage 2 of our complaints procedure, a detailed explanation will be provided setting out our reasons, along with The Housing Ombudsman's contact details as your right to challenge our decision. Refusal to log or escalate a complaint will be recorded and reported to the Housing Ombudsman Service at least once every 12 months in line with the Complaints Handling Code.

### 3.3.1 Service recovery

We ask residents to get in touch with us as soon as something has gone wrong and give us the opportunity to put it right.

If we believe we can resolve a concern raised within two clear working days (from initial contact) we will treat this a service recovery request and your concerns will be dealt with outside of the complaints policy. We will inform the resident of this at the earliest opportunity and if we cannot resolve the problem within the agreed timeframe we will then register and investigate it as a formal stage 1 complaint if our resident confirms this is how they would like to proceed.

If after being informed of the above process the resident requests, we log a complaint and bypass the initial service recovery stage, a stage 1 complaint will be logged straight away (assuming it meets the criteria for being a complaint).

- 3.3.2 Disrepair - Where there is a complaint that relates to potential disrepair, we will always ask a resident to pursue the complaints process in the first instance recognising that litigation can be costly and time consuming for both resident and Network Homes and often the compensation policy will provide sufficient recompense to residents who are aggrieved.

If a resident is pursuing a disrepair claim, then we can still consider a complaint about the same topic until the disrepair case is given a court date. This complaint can be considered at both stage 1 and stage 2 and referred to the Housing Ombudsman if required. Once the court date is received, then this would mean that the complaint falls outside of this policy.

- 3.3.3 Where a complaint is solely about a missed appointment, in line with our compensation policy, we will offer £30, and this will be offered outside of our complaints' process. This is the maximum award payable for a missed appointment.

If a resident still wishes to log a complaint, we will do so in line with this request, however, no increase in compensation will be sanctioned. We will also bypass out two Stage process and move straight to providing our final response and Ombudsman referral rights, so this matter can be referred to the Ombudsman immediately if needed worthy.

We will only consider/take this view if the issue at hand is specifically and solely in relation to a missed appointment.

- 3.3.4 Where a resident complains about something that is happening in another property but is affecting them our investigation will include looking at all matters being complained about. Due to GDPR and a resident's right to privacy, we will not be able to disclose specific information about any actions or decisions we are making about the other resident or the property in which they live.

We would not accept a complaint in respect of not disclosing said information in line with the rules, regulations, and good practice of GDPR.

- 3.3.4 Where a resident brings about their concerns of a potential GDPR breach this will be raised with our Data Protection team to investigate. If it is identified that an actual breach has occurred this will be formally recognised and will be dealt with outside the complaints process and by way of our data protection process. Information on our GDPR processes can be located on our website assessed using the link [here](#).

If it has been identified that whilst there has not been a breach but best practice and/or there have been service failures by teams or individuals, then a Stage 1 complaint will be logged in respect of this, and an investigation will take place as per the Complaints Policy.

#### 3.4.1 Six Month rule

In line with guidance from the Housing Ombudsman, we expect our residents to raise their concerns within 6 months of the matter they wish to complain about occurring or if outside of this timeframe, within a reasonable timeframe of a resident becoming aware of the issue/concern. An example of how we may interpret this rule is detailed below.

**Example:** A roof leak was repaired in February 2021. Resident complained to us in November 2021 that the leak as never fixed correctly and wants to raise a complaint.

**Outcome 1:** Resident informed us that they had identified that the issue was not resolved and leaking in late March 2021, but not raised with us until November 2021 as they were busy. This would not be considered in respect of logging a complaint as resident aware of issue in late March, but did not report it until November, some 8 months later – and outside of the six-month timeframe.

**Outcome 2:** Resident made us aware that November was the first time they have identified the leak had returned as there had been a very dry summer and the first storm/meaningful period of rain took place in November. In this instance we would need to trace the leak to confirm it was the same original issue – if it was, we would look to raise a complaint. If it was not considered the same issue, we would not log a complaint.



If it is decided that we will not look at an issue of concern under the Complaints process, we would still look to inform the relevant team(s) within Network so that issue can be investigated and responded to, usually within 10 working days.

Additionally, if there is evidence to suggest that the same matter/issue/repair has been ongoing for longer than 6 months without ever being fully resolved, then we can use our discretion to investigate beyond six months and determine the new scope (timeframe) for our complaint investigation. As referred above the issue would need to be confirmed as one in the same issue, not a separate, similar issue and the decision on how to proceed is entirely at the discretion of the investigating Complaints Officer, in conjunction with the Complaints Manager.

Any decision made (in respect of considering a longer timeframe than 6 months) will be explained to residents within their complaint response.

- 3.4.2 There are also instances where we may consider issuing a follow-on response instead of logging a new complaint or escalating to Stage 2. There are various reasons why we may choose to complete a follow-on response, namely as there would be little merit of starting the process over and/or we consider that we can deal with the matter quickly and to the residents satisfaction.

When we decide to issue a follow-on response, log a new complaint, or escalate to Stage 2, we will make contact with the resident to confirm our decision, understanding of the complaint and the desired resolution. This will form the basis of our complaint investigation.

- 3.5 A resident can make a complaint in a format that they find easiest including:

- Using our online resident portal and social media platforms
- By phone to 0300 373 3000
- In person or by letter
- By email to [complaints@networkhomes.org.uk](mailto:complaints@networkhomes.org.uk)
- Through an advocate (See advocacy and support for further information).

- 3.5.1 As noted a resident can bring a complaint to us using their chosen method and irrespective of this, we will manage all communication with the resident or their representative within the GDPR regulations, noting that we are fully committed to our resident's right to privacy.

- 3.6 We will acknowledge and log all complaints and Stage 2 escalations as soon as possible and in any event within 5 working days of the complaint/request being received by the Central Complaints Team. This is in line with the Housing Ombudsman Service guidance.

- 3.7 We will aim to respond to all Stage 1 complaints within 10 working days and all Stage 2 complaints within 20 working days. (See 3.9). Where we are unable to meet the target timescales set out above, we will contact the complainant and explain the reasons for the delay and provide a new target response date. We will keep residents informed throughout the complaint process until the complaint is fully resolved.

- 3.8 Our complaint response will include information about the customer's right of review. If a resident is dissatisfied with a response to their complaint at stage one, they are entitled to ask for the complaint to be escalated to stage 2 of our Complaints Process.

A complaint cannot be escalated until the stage 1 decision has been issued. The Stage 2 response will provide referral rights and the contact details for the Housing Ombudsman Service.

Residents cannot refer their complaint formally to the Ombudsman until they have been through both Stage 1 and Stage 2 of our complaints process.

With respect of a complaint regarding repairs, we may refuse (or delay) the option to escalate to Stage 2 until we have been out to attempt to resolve the repair within a reasonable timeframe. This assumes that it is highly likely that only one attendance will be required and that the repair/issue will be fully resolved during the agreed attendance. If after attending (or if scheduled attendance cancelled by us) this issue is still outstanding (not resolved) residents may escalate the complaint accordingly.

Notwithstanding the above, residents have up to 30 days from the date of the Stage 1 response to escalate their complaint to stage 2. If an escalation request is received after the 30 days, we may ask for further details from the resident to help us to determine whether there are sufficient grounds to agree to escalate a complaint. Again, the decision on whether to accept an escalation will be at the discretion of the investigating Complaints Officer and the Complaints Manager.

If we determine a sufficient reason has not been provided, we will refuse the escalation, confirm our reason for refusing the escalation and provide contact details for the Housing Ombudsman Service. There may be some instances whereby we agree to log a new complaint.

We may also decline an escalation request where the resident has behaved unreasonably or has refused to engage with staff in resolving the complaint through reasonable action. This would include implementing an action plan to resolve issues or refusing access to a property. Again, the reason for refusing the escalation and contact details for the Ombudsman will be provided.

The Ombudsman can ultimately review our decisions on how we have dealt with a complaint (at any stage of the process). We encourage residents to discuss their concerns and/or seek clarity by contacting Ombudsman.

- 3.9 We have a two stage complaints process, where we aim to resolve the vast majority of complaints at stage one, and we aim for 95% of all our complaints at both Stage 1 and two to be responded to on time.

**Stage one:** The complaint investigation will be conducted by a member of staff with a suitable level of training and competence and overseen by a Team Manager or senior manager up to and including Director Level. The complaint outcome, associated response to the customer, any compensation award and any service improvements or follow up actions will be approved by the manager who was responsible for overseeing the complaint investigation. From the date of receipt of a stage 1 complaint if accepted we have 10 working days to respond.

**Stage two:** A dedicated Central Complaints Officer from our Central Complaints Team, will review and respond to your complaint. This will be reviewed and approved by the Central Complaints manager, whose work is directly overseen by a member of our Executive Leadership Team.

Once a Stage 2 escalation has been accepted and acknowledged, we have 20 working days to investigate and issue our final response.

- 3.10 We will never ask a member of staff to investigate a complaint where they have been personally involved in the concerns raised.

#### **Complaints concerning the Chief Executive or Board Member**

- 3.11 Where the complaint is about the actions of the Chief Executive or Board Member, as with any complaint, informal resolution should always be sought in the first instance, working with the complainant to seek to agree how the matter can be resolved without requiring a formal investigation. It may not be appropriate for the Chief Executive to be involved in related discussions given the subject matter of the complaint and in such circumstances, the Company Secretary should liaise with the complainant as the Company Secretary supports and administers the Board of Network Homes. The Company Secretary should keep the Chair of the Board informed of any complaint and informal resolution.
- 3.12 Where an informal resolution cannot be agreed, the Chair of the Network Homes Board, will appoint a panel made up of two members of the Board to investigate the complaint (not the Board member in question should the complaint be against that Board member). The Company Secretary will provide support to this arrangement.
- 3.13 In carrying out its' investigation, the panel should take reasonable steps to establish the facts of the complaint and ensure that the Chief Executive/Board Member is given a fair opportunity to put their case in writing or in person (whichever they prefer).
- 3.14 The panel should notify its conclusions and any recommendations for action to the Chair, who will issue the final decision on the complaint. The decision should be issued within 30 working days of the panel hearing.

- 3.15 Where the complaint is one that would fall under the jurisdiction of the Housing Ombudsman, the complainant will be advised of process to follow should they remain dissatisfied and wish to refer the complaint to the Ombudsman.
- 3.16 If a complaint is made in relation to the conduct of the Chair of the Board, the same process and investigation will be conducted as above, with the Chair of the Audit and Risk Committee taking on the role of the Chair of the Board in setting up the panel and issuing the final decision.

#### **4. Advocacy and support**

- 4.1 Sometimes a resident may be unable or reluctant to make a complaint on his or her own. We will accept complaints brought by third parties if the resident has given their written consent for that person to act on their behalf. This person may be a friend, relative, carer, Citizens Advice Bureau, or similar representative. If our resident wants someone to represent them for GDPR reasons we need the consent from the resident confirming this. The link to the form to be completed is [here](#)

It is worth noting that we will not cover any expenses or fees for third party representation regardless of the complaint outcome.

- 4.2 Where a person does not have the capacity to provide written consent for an advocate to act on their behalf and power of attorney is not given, we will accept verbal consent. However, to comply with the Data Protection Act and the General Data Protection Regulation (GDPR) we will attempt to verify that consent has been given. If this is not possible, we will accept the complaint but will only respond in writing direct to the complainant via their registered address.
- 4.3 Network Homes has a separate procedure for responding to correspondence and enquiries from MPs or Councillors, which will be used unless the MP or Councillor specifically requests the complaints procedure be used.
- 4.4 Where a general enquiry from an MP or Councillor relates to an existing complaint, we will inform them that we are already investigating the complaint and that we will advise them of the outcome of the investigation once it is completed

#### **5. Taking a complaint further**

##### **Housing Ombudsman**

- 5.1 A person may refer their complaint to the Ombudsman once they have received their Stage 2 complaint response. This is considered the end of the Network Homes complaints procedure.
- 5.2 The Housing Ombudsman can only investigate complaints which are in relation to housing services. We can advise residents on appropriate alternative bodies that may be able to hear a

complaint. For example, complaints about service charges should be referred to the First Tier Tribunal.

- 5.3 We adhere to the Housing Ombudsman Complaint Handling code. We also carry out an annual self-assessment and sign up to the Complaint Handling Code and publish complaints data annually within the self-assessment and learnings identified from any Ombudsman determinations and/or issues that have highlighted failings within the service provided.

Once we receive an information request from the Ombudsman Service, we will supply this within 15 working days. If this is not possible, we will supply the Housing Ombudsman with an explanation and a revised timeframe. It will then be for them to consider whether the extension is acceptable or start their investigations with the information they have.

- 5.4 We will provide the Housing Ombudsman with the complaint records they need to provide an independent review of the complaint. We will take a positive view of recommendations for learning made by the Housing Ombudsman and comply with their final determinations.

## 6. Unreasonable behaviour

Our complaints policy is based around effective and open communication between our staff and the resident to agree a resolution to the complaint. We recognise that sometimes a minority of people can be unreasonably persistent or aggressive in pursuing their complaints, and that this can affect our staff's ability to investigate and respond to a complaint, or to provide a service.

Residents who display unreasonable behaviour may be considered under Network Homes Habitual Complaints Policy, which can be located on our website [here](#).

## 7. Learning Lessons and reporting

- 7.1. We record the actions and outcomes of complaint investigations and Ombudsman determinations so that we can learn from them.
- 7.2. Complaint performance reports are provided weekly to senior managers across Network Homes to identify and remedy areas of poor performance. A complaint monitor is presented to the resident service committee quarterly. This monitor reports on complaint performance across Network Homes and highlights repeat complaints and lessons learnt.
- 7.3 There are regular "High Profile" case meetings held each week which seek to bring about discussion and action from the managers of the various teams involved with multiple high-profile complaints/complainants.

## 8. Legislation and regulation

- 8.1 The legislation listed in this policy is not intended to cover all legislation applicable to this policy. To meet the required HCA Tenant Involvement and Empowerment Standard outcome on

adherence to all relevant law, Network will take reasonable measures to ensure compliance with any and all applicable legislation by reviewing policies and procedures and amending them as appropriate.

## 9. Equality and diversity

- 9.1 Network Homes will treat all residents with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.
- 9.2 Our complaints approach promotes open communication between residents and Network Homes' staff in order to understand the complaint and resolve it in a positive manner. We will take into account customers' communication needs and preferences and offer support or tailor our approach accordingly and make any reasonable adjustments necessary to the operation of this policy to ensure that it is open and accessible to all.
- 9.3 We are committed to helping residents to access information about their homes and services in a way that suits individual needs. We will apply this policy consistently, fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010. We will make reasonable adjustments to policy, process, training, culture and learnings when identified as required.
- 9.4 As outlined in our "Equality, Diversity and inclusion: 10 Point Plan"

Network Homes is firmly committed to making sure our organisation and the communities we serve are places of equality, diversity and inclusion. This means:

- Equality: Everyone has equal opportunities to join and progress within our organisation. Everyone we work with and work for is treated with respect and dignity.
- Diversity: Our organisation reflects the diversity of the communities we work with. We are made stronger by having a diversity of experience among our people and residents.
- Inclusion: We understand the experiences of different groups of employees and residents and the specific issues facing them. We adapt our services so that no one is excluded or ignored.

Our social purpose is at the heart of everything we do. We exist in order to have a positive impact on people's lives. But our social purpose is undermined if we fail to promote equality, diversity, and inclusion.

Increasing equality, diversity, and inclusion is also important for fulfilling our strategic objectives. Our objective to build a great organisation requires Network to be an inclusive place where talent is developed. Understanding the equality issues faced by residents will also allow us to provide better resident service. And making our organisation more reflective of the diversity of residents will help to strengthen trust.

This 10 Point Plan explains what actions we will take between 2020 and 2025 to increase equality, diversity, and inclusion at Network Homes. Some of the actions reflect commitments we have made as part of sector-wide equality programmes, such as Leadership 2025 – the initiative to increase ethnic diversity in housing leadership – and the HouseProud Pledge – a scheme designed to ensure LGBTQ+ residents can enjoy their homes without fear of discrimination. We have also devised our own activities to achieve equality, diversity, and inclusion for all groups defined by protected characteristics.

## 10. Related Documents

The following documents can be located on our website via the links below.

[Habitual Complaints Policy](#)  
[Data Protection \(GDPR\) Policy](#)  
[Anti-Social Behaviour Policy](#)  
[Complaints and Complements](#)

## 11. Future review of this Policy

All policies should be reviewed every 12 months as a minimum, or sooner if there is a specific legislative, regulatory, or service requirement or change in guidance, law, or practice.

## 12. SW9 Complaints

Complaints regarding SW9 will be administered and recorded for the purposes of audits and providing data to the Housing Ombudsman. However, the complaint investigation and responses throughout Stages 1 and 2 will be completed by SW9, who have their own Complaints Policy and process in place. The SW9 Complaints Policy Document is available upon requesting it directly from SW9.

## 13. Former Resident Complaints

We will accept a complaint from a former resident providing the concerns raised meet the criteria above and the issue took place within the last six months. Matters raised that do not meet this criteria will be passed to the necessary team to respond to outside of the Complaints process. We will confirm our decision in writing along with relevant Housing Ombudsman Service referral rights.

## 14. Allocations Policy Complaints

Any concerns that arise from a *potential* resident linked to our allocations policy may raise their concerns by way of the Complaints Policy. The scope of a complaint is limited to the allocation

decision and not anything else. We will confirm our decision in writing along with relevant Housing Ombudsman Service referral rights.

### **15. Service Charge Complaints – resident referral rights**

As referred above (page 6) we would not consider a complaint about the figures/data provided in either an estimate or actual Service Charge notice, these would go through a separate process dedicated to investigating such matters (Service Charge Dispute). Should you remain dissatisfied with our investigation you would then be provided with First Tier Tribunal referral rights who can independently review all evidence and determine if the figures/data provided is accurate and reliable.

The Housing Ombudsman sets out what complaints they can and can't investigate. We align with their guidance. A copy of the scheme can be found at this link: [The Housing Ombudsman Scheme \(housing-ombudsman.org.uk\)](https://housing-ombudsman.org.uk). The relevant paragraphs of the scheme are 39 (g) and 39 (i).

Paragraph 39(g) of the scheme says that the Ombudsman will not investigate complaints which, in the Ombudsman's opinion, concern the level of rent or service charge or the amount of the rent or service charge increase.

Given the wording of paragraph 39 (g) they have no discretion to consider complaints that, in their opinion, concern the level of rent/service charge or the level of any increase. Where a complaint is purely expressed in terms of the level of service charge or rent, or the level of increase this would generally be a matter for the First Tier Tribunal (FTT).

Issues they/we may consider include (this list is not exhaustive):

- Basic errors in the accounts
- Content and timeliness of information provided
- The decision to stop providing or to introduce a service
- The method of deficit recovery
- Timescales to demand charges
- How payments into sinking funds have been planned and calculated
- Failure to apply refunds
- Failure to consult/inadequate consultation carried out

Paragraph 39(i) of the scheme says that the Ombudsman will not investigate complaints which, in the Ombudsman's opinion concern matters where the Ombudsman considers it quicker, fairer, more reasonable or more effective to seek a remedy through the courts, other tribunal or procedure.

As service charge complaints can also be considered by the FTT they may therefore be outside our jurisdiction under paragraph 39(i).



If, taking into account paragraphs 39 (g & i), they can only consider limited aspects of the complaint, it may be appropriate for them to determine the entire complaint as outside our jurisdiction as the FTT can make determinations on wider aspects e.g. aspects of the liability to pay a service charge. The FTT is also better placed than us to examine service charge accounts in detail. Therefore, it may be appropriate to decide a complaint is outside jurisdiction where for example the resident is alleging that sinking fund contributions have not been properly accounted for or that there are extensive and ongoing errors in the accounts.

In considering whether a complaint is better dealt with by the FTT the Ombudsman can consider the circumstances of the resident in relation to their ability to pursue a complaint with the FTT or the court.

However, regardless of the resident's circumstances we cannot consider a complaint if it falls outside jurisdiction under p. 23 (g).

**We have provided a short video explaining some Service Charge basics that can be located on our website or our YouTube channel.**

## **16. EW1S Certification, External Cladding and general Building Safety Complaints**

There has been widespread media reporting of the problems leaseholders and shared owners are experiencing with cladding and building fire safety. A small number of Leasehold or Shared Owners are finding themselves unable to staircase, re-mortgage or sell their flats as banks are refusing mortgage applications and surveyors are providing £0 valuations until relevant fire safety approvals are provided.

The response to this issue is evolving and complex. The Government issued guidance on 'Building safety advice for building owners of multi-storey, multioccupied residential buildings' incorporating its previous advice notes, including Advice Note 14. The guidance sets out the measures building owners should take to review ACM cladding and assess non-ACM external wall systems.

Buildings must be checked by professional fire safety experts who can then provide assurances to lenders/valuers that the property is safe or otherwise. This process is often referred to as EWS1, after the industry-led form.

The shortage of appropriately qualified fire experts coupled with the extensive testing required has made it difficult for many landlords to comply with the guidance. Many surveys are likely to be intrusive and may result in remedial works that will take time to complete, particularly where a large proportion of a landlord's stock is involved.

The Ombudsman has provided clear guidance on this matter, which is as follows.

- Where a complaint concerns building safety requirements the landlord should give clear information regarding its plans for compliance with Government guidance and consider the impact of these plans on its residents.
- Landlords should communicate with their shared owners and leaseholders ensuring accurate information is provided regarding the impact of the building safety guidance.
- When dealing with complaints from residents who are unable to sell or staircase due the absence of a cladding assessment landlords should consider the individual circumstances of the resident in question, show empathy for residents trapped in these circumstances and to mitigate the impact where possible.

**If we consider and are able to demonstrate that we have met the above criteria and that it is because of the shortage of appropriately qualified fire experts coupled with the extensive testing required and/or waiting on Government Guidance, which has meant we have yet been able to complete building safety works or issue an EWS1 form, we will not log a complaint and compensation would not be considered.**

**We would only look log a complaint if we are unable to demonstrate that we have met the above standards of communication.**

**In any event we would explain our position clearly, in addition to providing Ombudsman referral rights so all residents can refer their concerns and the Ombudsman can determine if the complaint falls within their jurisdiction/scope.**