

BERNESLAI HOMES POLICIES & PLANS



berneslai
homes

**Compliance with the Housing Ombudsman
Complaint Handling Code**

October 2022

Introduction

This report explains how we comply with the Housing Ombudsman Complaint Handling Code and includes the self-assessment that we have completed.

Who is the Housing Ombudsman?

The Housing Ombudsman Service is established to look at complaints about housing organisations that are registered with them. Registration for social landlords is mandatory. It is Barnsley Council who is registered with the Housing Ombudsman Service, and they delegate complaint handling to Berneslai Homes.

What is the purpose of the Housing Ombudsman Scheme?

The Housing Ombudsman encourage us to work together with our tenants to resolve complaints together at the earliest opportunity and this is usually possible. However, if it's not, the purpose of the Housing Ombudsman scheme is to enable tenants and other individuals to have complaints about us, as members, investigated independently.

What is the Complaint Handling Code?

The Housing Ombudsman published a new Complaint Handling Code in July 2020. New powers came into effect in September 2020, setting out good practice that will allow landlords to respond to complaints effectively and fairly.

Key areas in the code include:

- Universal definition of a complaint.
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service.
- The structure of the complaint's procedure – only two stages are necessary and there must be clear timeframes set out for responses.
- Ensuring Fairness in complaint handling with a resident focused process.
- Acting to put things right and appropriate remedies.
- Creating a positive complaint handling culture through continuous learning and improvement.
- Demonstrating learning in Annual Reports.

Twelve months after it was introduced, The Housing Ombudsman updated the code to strengthen provisions to support a positive complaint handling culture. These changes took effect from 1st April 2022 and we had until 1st October 2022 to ensure we were compliant with the changes.

What is the purpose of the Complaint Handling Code?

The purpose of the Housing Ombudsman's Complaint Handling Code is to enable landlords such as Berneslai Homes, to resolve complaints raised by their residents quickly and to use the learning from complaints to drive service improvements.

How do we know that we comply with the Complaint Handling Code?

The Housing Ombudsman asked all landlords to complete a new self-assessment against the revised code and to be compliant by the 1st October 2022. They advised this should be published and take appropriate steps to make sure complaint handling is in line with the code.

How will we monitor that we comply with the Code?

The Housing Ombudsman expect that we will carry out an annual self-assessments against the Code and take appropriate action to ensure our complaint handling 'Your Comments Count policy' is in line with the Code.

We will also monitor:

- Through our regular monthly and quarterly performance management arrangements, including complaint quality audits completed by the customer service team.
- By our Board and Customer Service Committee– when we provide a formal update on progress and performance as part of the year end Your Comments Count report and when we present our annual self-assessment.
- By Barnsley Council – through our performance management arrangements.
- By a panel of tenants and residents – when the tenant voice scrutiny panel undertake a scrutiny exercise of complaint handling, at customer review group meetings where quality is reviewed and when we present our annual self-assessment.
- By any customer who wishes to challenge or question the evidence we have included in this summary.





What happens if we do not comply with the Complaint Handling Code?





The self-assessment is a tool for us to use to identify areas that require change and to plan and implement any necessary adjustments to our complaint handling. Following the self-assessment, if changes to policies are needed, we must have made them by 1st October 2022.



Non-compliance could result in the Ombudsman issuing complaint handling failure orders.





The Housing Ombudsman Complaint Handling Code states what we ‘must do’ and what we ‘should do’.



In the table below code requirements with a white background are considered ‘must do’s’ and the code requirements with blue backgrounds are ‘should do’s’.




	Code requirements	Yes	No	How we Met This
1	Definition of a complaint			
1.2	A complaint must be defined as: '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.			Yes, our complaint definition is the same as the Housing Ombudsman. <i>A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Berneslai Homes, its own staff, or those acting in its behalf, affecting an individual resident or group of residents.</i>
1.3	The resident does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord's complaints policy.			The resident does not have to use the word 'complaint' for it to be treated as such. We accept complaints that are made via third party or representatives.
1.4	Landlords should recognise the difference between a service request, where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.			A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Berneslai Homes, its own staff, or those acting in its behalf, affecting an individual resident or group of residents. A complaint does not include requests for service or information about any policy or procedure.
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they			This is an extract of our repairs survey: <i>Your individual responses will only be seen by the staff in our Customer Insight Team unless you are dissatisfied or made comments that you would like us to follow up, then we will pass your details onto the relevant department to contact you.</i>



	can pursue their dissatisfaction as a complaint if they wish to.			When dissatisfaction is identified relevant service managers will contact the resident to discuss and they will be made aware of the complaint's procedure if necessary. This forms part of our survey rectification process.
1.6	... if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.			Yes we follow this, our 'Your Comments Count' policy states: If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a formal complaint.
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.			The complaint procedure will be initiated in all cases where an expression of dissatisfaction has been made. There are a few exceptions: <ul style="list-style-type: none"> • Where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court. • Where the complaint is about our failure to allow access to the appeals procedures or failure to carry out the appeal in line with our procedure. • Where the complaint is about an issue that has not been brought to our attention within 6 months. However, it may not be appropriate to exclude any complaints that concern safeguarding or health and safety issues. • Matters that have already been considered under the complaints policy. • Where a claim arises relating to alleged damage of belongings or personal injury, these are investigated through the Insurance route by Barnsley Council.
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be considered, and these circumstances should be fair and reasonable to residents.			Yes, please see above point 1.7
1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident			If we decide not to accept a complaint, a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for our





	setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.			complaint's procedure and the resident's right to take that decision to the Ombudsman.
2	Accessibility and Awareness			
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.			<p>Our 'Your Comments Count' policy states that you can make your complaint via the following methods:</p> <ul style="list-style-type: none"> • <i>by electronic methods; email us at customerservices@berneslaihomes.co.uk, or visit the website and complete an eform at www.berneslaihomes.co.uk</i> • <i>by telephone on 01226 787878;</i> • <i>in writing;</i> • <i>in person; or</i> • <i>by a third party (e.g. local councillors, MPs). (Normal day to day enquiries from councillors are dealt with through a separate procedure);</i> • <i>via social media (to maintain your privacy we will ask for details to be sent in private messages).</i>
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.			<p>Yes, we accept complaints via social media. Our 'Your Comments Count' policy states the following:</p> <p><i>A complaint may be made: via social media (to maintain your privacy we will ask for details to be sent in private messages)</i></p>





2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.			Yes, we have links to our complaints policy and procedure on Berneslai Homes website.
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website.			Yes, we have links to our complaints policy and procedure on Berneslai Homes website.
2.5	Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual's needs. Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.			<p>The following statement is included in section 3.5 of our 'Your Comments Count' policy;</p> <p><i>'We will always accommodate a customer's needs to make a complaint, making any necessary adjustments and taking complaints from advocates. If appropriate we will assist them in making the complaint, as we do not want to discourage anyone from making a complaint'.</i></p> <p>Our website contains further details on how we are 'Making services accessible'.</p>
2.6	Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.			<p>Our complaints policy is available online</p> <p>We also have a compliment, complaints or suggestion section on our website.</p> <p>All the above include information and contact details for the Housing Ombudsman.</p> <p>The annual report included a section regarding complaints.</p> <p>Annual report</p>





			<p>We will provide a printed copy of our complaints policy when requested. We have run 'It's Okay to Complain' publicity campaign multiple times to promote the complaints procedure via our website and social media platforms. 'How to make a complaint' was also featured in tenant's newsletter.</p> <p>The completed self-assessment was promoted in the resident e-bulletin/newsletter.</p> <p>We have designed posters that will be printed and displayed in community hub/library building and Berneslai Homes community buildings/ residential living schemes.</p> <p>Our communications team are currently drafting a plan on how our organisation 'Listens' to customers. This will also include opportunities to gather feedback, complaints etc'.</p>
2.7	Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.		<p>Our website gives information on how to contact the Ombudsman</p> <p>Berneslai Homes website</p> <p>All complaints correspondence contains information regarding the Ombudsman.</p>
2.8	Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord's complaints process is exhausted.		<p>This currently forms part of our 'Your Comments Count' policy, which states:</p> <p><i>The role of the Housing Ombudsman is to encourage and assist landlords and tenants to resolve a dispute at the earliest opportunity, complainants can contact them to talk about their concerns and see if they can help in this way, at any point before or during the complaint process.</i></p> <p>We also give early advice to complainants when they first make a complaint. This is included and documented in the complaints procedure quick guide that is sent with all acknowledgement letters.</p>





3	Complaints team and process			
3.1	Is there a complaint officer or equivalent in post?			<p>Yes, we have a dedicated Customer Services Team within Berneslai Homes.</p> <p>Stage 1 complaints are investigated by the relevant Service Manager.</p> <p>Stage 2 complaints are investigated and reviewed by a member of the Customer Services Team who produce a report which is sent to the Executive Director of the relevant directorate to make the final decision.</p>
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.			<p>Yes, all officers handling complaints are trained effectively and have the appropriate skills to investigate complaints fairly, objectively and without conflicts of interest.</p> <p>Complaint handling forms part of the corporate induction with mandatory eLearning training to be completed within the first week. Further in-depth training is available to all investigating complaint officers.</p>
3.3	<p>Complaint handlers should:</p> <ul style="list-style-type: none"> • be able to act sensitively and fairly • be trained to handle complaints and deal with distressed and upset residents • have access to staff at all levels to facilitate quick resolution of complaints • have the authority and autonomy to act to resolve disputes quickly and fairly. 			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers. Some complaints will relate to more than one team or organisation. In the majority of these complaint's it will be clear who will take the lead. That service will take responsibility for the investigation and response, with the full co-operation and support of the other teams involved.</p> <p>Our 'Your Comments Count' policy the following:</p> <p><i>All officers handling complaints are trained effectively and have the appropriate skills to investigate complaints fairly, objectively and with no conflicts of interest.</i></p> <p><i>The tone and style of our response is respectful and non-confrontational.</i></p> <p>Our policy states the following:</p> <p><i>Berneslai Homes must ensure that all staff who have contact with the public are trained to handle complaints in a helpful and constructive manner.</i></p>




				<i>Officers responsible for complaint investigation will be capable of investigating complaints fairly and objectively.</i>
4	Communication			
4.1	<p>Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord's audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident's concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as 'stage 0' or 'pre-complaint stage') as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure within five days of receipt.</p>			<p>An informal complaint is a complaint of a minor or non-complex issue that can be resolved simply with one transaction, without the need to initiate formal procedures, in agreement with the customer. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a formal complaint.</p> <p>Informal complaints will generally be face to face or telephone contact. Responses to informal complaints are generally given verbally.</p> <p>Information generated from informal complaints is just as valuable as that generated from formal complaints. It is therefore essential that informal complaints are recorded on the complaints database.</p>
4.2	<p>Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.</p>			<p>The complaint acknowledgment letter includes a brief summary of the complaint, timescales and details of the investigating officer and how they can be contacted.</p> <p>Our 'Your Comments Count' policy states the following:</p> <p><i>The investigating officer visits the complainant wherever possible, if not they must speak to the resident to discuss the complaint in full and establish the outcome/s they are seeking.</i></p>






4.3	Landlords should manage residents' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.
4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable.			<p>A complaint may be made:</p> <ul style="list-style-type: none"> • by a third party (e.g. local councillors, MPs). (Normal day to day enquiries from councillors are dealt with through a separate procedure); <p>We will always accommodate a customer's needs to make a complaint, making any necessary adjustments and taking complaints from advocates. If appropriate we will assist them in making the complaint, as we do not want to discourage anyone from making a complaint.</p>
4.6	A complaint investigation must be conducted in an impartial manner.			All officers handling complaints are trained effectively and have the appropriate skills to investigate complaints fairly, objectively and without conflicts of interest.



4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully <p>keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.</p>			<p>Mandatory Complaints Handling training is available as eLearning and provides a basic overview of the complaint procedure and our 'Your Comments Count Service Standards'. This training forms part of the Corporate Induction for all new members of staff.</p> <p>The Customer Services team delivers in-depth Complaints Handling training to investigating officers. This will ensure officers have the skills to handle, investigate and respond to complaints effectively. On completion of this training, the complaint handler will have the skills to;</p> <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully <p>keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.</p>
4.8	<p>Where a key issue of a complaint relates to the parties' legal obligations landlords should clearly set out their understanding of the obligations of both parties.</p>			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p>
4.9	<p>Communication with the resident should not generally identify individual members of staff or contractors.</p>			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p>
4.10	<p>Landlords should keep residents regularly updated about the progress of the investigation.</p>			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p> <p>Our 'Your Comments Count policy' states the following:</p> <p><i>The complainant is kept informed throughout the investigation.'</i></p>





4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication			<p>Acknowledgement letters set out timescales and the complaint procedure quick guide that is sent out with all complaint correspondence highlights the timescales for responding to complaints.</p> <p>We respond to formal complaints in writing giving a full explanation for our decision in plain English via the customer's preferred method of contact.</p>
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position <p>comment on any adverse findings before a final decision is made.</p>			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p> <p>The resident and any staff member who is the subject of the complaint, if applicable, must also be given a fair chance to set out their position, comment on any adverse findings before a final decision is made.</p>
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint			<p>Customers who are not satisfied with the outcome of the stage 1 investigation will be given the opportunity to ask for the matter to be reviewed.</p> <p>If the customer wishes to take their complaint to stage 2, the Customer Services Officer or Customer Services Manager will investigate on behalf of the relevant Executive Director. They should do this within 28 working days of receiving their Stage 1 response letter.</p>
4.14	<p>A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord's complaints policy and must be the same as the reasons for not accepting a complaint.</p>			<p>Customers who are not satisfied with the outcome of the stage 1 investigation will be given the opportunity to ask for the matter to be reviewed.</p> <p>If the customer wishes to take their complaint to stage 2, the Customer Services team will investigate on behalf of the relevant Executive Director. We would only refuse to escalate a complaint for the reasons stated in section 3.2 of this procedure.</p> <p>They should do this within 28 working days of receiving their Stage 1 response letter.</p>




4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.			All complaints are recorded on our internal database and all supporting evidence and correspondence is saved in our document management and storage system. This is in line with our retention policy.
4.16	Landlords should seek feedback from residents in relation to the landlord's complaint handling as part of the drive to encourage a positive complaint and learning culture.			<p>We survey 50% of complainants when the complaint is closed to get their views on how we handled the investigation. This information will be used to improve the complaints service.</p> <p>The policy states the following:</p> <p><i>We will survey customers who have accessed our complaints procedure. We aim to survey 50% of Stage 1 complainants, all Stage 2 complainants and a number of informal complainants. This will enable us to collect information on how well we handle complaints throughout the escalation stages and help us identify any areas of concern.</i></p> <p><i>This information will be fed into the quarterly complaint reports and areas of concern will be discussed with managers.</i></p>
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained			A positive complaint handling culture is promoted across the organisation. The focus is on listening to customers and improving services as a result of this. The Customer Services team support all staff to be fully engaged in the complaints process. The Service Improvement Co-ordinator also supports learning from complaints.
4.18	Landlords must have policies and procedures in place for managing			We have a warning indicator policy for all employees to follow for managing unacceptable behaviour.

	unacceptable behaviour from residents and/or their representatives when pursuing a complaint.			Our website also contains some information regarding this. https://www.berneslaihomes.co.uk/your-home/your-tenancy/rights-and-responsibilities/warning-indicators/ This is also included in Our 'Your Comments Count' policy.
4.19	Any restrictions placed on a resident's contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.			We would use our warning indicator policy as guidance which states the following: 5.4 Equality Legislation When making a decision about applying a warning indicator we have to ensure that we comply with the Equality Act 2010. This means that by applying a warning indicator we are not treating people with protected characteristics unfairly. For example, if we restrict contact to a person with a hearing impairment because of unreasonable demands/actions then we have to ensure that they can still access our services and make contact in an accessible way.
5	Complaint stages			
5.1	Landlords must respond to the complaint <u>within 10 working days</u> of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.			We aim to respond to most stage one complaints in writing within 10 working days of date of acknowledgement, however this can take longer if the complaint is of a complex nature. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.			We aim to respond to most stage one complaints in writing within 10 working days of date of acknowledgement, however this can take longer if the complaint is of a complex nature. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.


5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.			Where agreement over an extension period cannot be reached, we will provide The Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of our response.
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p> <p>We call outstanding actions 'Promises'.</p> <p>It is the investigating officer's responsibility to update the customer and to share the outstanding actions from the complaint (promises) with the Service Improvement team. These are recorded on our internal systems and are kept track of to ensure that they are completed.</p>
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.
5.7	Where residents raise additional complaints during the			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.



	investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.			
5.8	<p>Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions <p>details of how to escalate the matter to stage two if the resident is not satisfied with the answer</p>			This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.
5.9	If all or part of the complaint is not resolved to the resident's satisfaction at stage one it must be progressed to stage two of the landlord's procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the			<p>Customers who are still not satisfied with the outcome of the stage 1 investigation will be given the opportunity to ask for the matter to be investigated further. They should do this within 28 working days of receiving their Stage 1 response letter.</p> <p>If the customer wishes to take their complaint to stage 2, the Customer Services team will investigate on behalf of the relevant Executive Director. We would only refuse to escalate a complaint for the reasons stated in section 3.2 of this procedure.</p>





	resident's right to approach the Ombudsman about its decision.			<p>We include a Complaints Handling Procedure Quick Guide advising of the Housing Ombudsman contact details in all correspondence. We also include the following in all stage 2 response letters:</p> <p><i>If you remain dissatisfied with the review of your complaint, you contact the Housing Ombudsman, by phone on 03001113000, by e-mail at info@housing-ombudsman.org.uk, on-line at www.housing-ombudsman.org.uk or by post to Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ.</i></p>
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.			On receipt of the escalation request, the Customer Services team visits the complainant wherever possible, if not they speak to the resident to discuss the complaint in full. They set out their understanding of the issues outstanding and establish the outcome/s the resident is seeking.
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.			Complaints can only be escalated after a stage 1 complaint response has been received.
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.			Stage 1 complaints are dealt with by the manager of the relevant service area. Stage 2 complaints are usually investigated by the Customer Services Team. The Customer Services Team will produce a report and the customer response will be sent from the Executive Director of the relevant directorate.
5.13	Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for			The customer will be contacted within 2 working days of receipt of the stage 2 complaint. If the investigation cannot be carried out within the 20 day timescale, the customer must be regularly updated. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.



	when the response will be received. This should not exceed a further 10 days without good reason.			
5.14	Stage 2 complaints: If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.			Yes, we meet this our 'Your Comments Count Policy' states the following; <i>If the investigation cannot be carried out within the 20 day timescale, the customer must be regularly updated. If longer, we contact the customer to make an agreement and will write to them to confirm this and give them an expected response date. This should not exceed a further 10 days without good reason.</i>
5.15	Stage 2 complaints: Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response			Where agreement over an extension period cannot be reached, we will provide The Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of our response.
5.16	Landlords must confirm the following in writing to the resident at the completion of stage two in clear, plain language: <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right 			We have a standard letter template to ensure the Stage 2 complaint response letter includes all points. We offer training to investigating officers to aid in all points being considered.



	<ul style="list-style-type: none"> • details of any outstanding actions and • if the landlord has a third stage, details of how to escalate the matter to stage three • if this was the final stage, details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied. 			
5.17	Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.	N/A	N/A	Berneslai Homes do not have a stage 3 step in our complaint process.
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint within 20 working days of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should	N/A	N/A	Berneslai Homes do not have a stage 3 step in our complaint process.




	be provided to the resident.			
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman's contact details so the resident can challenge the landlord's plan for responding and/or the proposed timeliness of a landlord's response.	N/A	N/A	Berneslai Homes do not have a stage 3 step in our complaint process.
5.20	Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language: <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right details of any outstanding actions details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied	N/A	N/A	Berneslai Homes do not have a stage 3 step in our complaint process.
6	Putting Things Right			
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.			Where a customer complaint has been agreed, Berneslai Homes will, where possible, put the customer in the position they would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case, but will usually be achieved in the following ways. <ul style="list-style-type: none"> • acknowledging where things have gone wrong • providing an explanation, assistance or reasons • apologising

				<ul style="list-style-type: none"> • taking action if there has been a delay • reconsidering or changing a decision • amending a record • providing a financial remedy • changing policies, procedures or practices. <p>This is also covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p>
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.			<p>The investigating officer must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.</p> <p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p> <p>We also address this in our Compensation policy.</p>
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be 'put right' in terms of process or systems to the benefit of all residents.			<p>Where a customer complaint has been agreed, Berneslai Homes will, where possible, put the customer in the position he or she would have been in if things had not gone wrong. This will be dependent on the individual circumstances of the case, but will usually be achieved in the following ways.</p> <ul style="list-style-type: none"> • acknowledging where things have gone wrong • providing an explanation, assistance or reasons • apologising • taking action if there has been a delay • reconsidering or changing a decision • amending a record • providing a financial remedy • changing policies, procedures or practices.

6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers.</p> <p>It is the investigating officer's responsibility to update the customer and to share the outstanding action from the complaint (promises) with the Service Improvement team. These are recorded on our internal systems and are kept track of to ensure that they are completed.</p>
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.			<p>Our 'Your Comments Count' policy does advise officers to look at remedies and compensation.</p> <p>This is also covered in our Compensation policy.</p>
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.			Investigating Officers would always seek legal advice if the complaint relates to legal entitlement to redress.
7	Continuous learning and improvement			
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.			<p>https://www.berneslaihomes.co.uk/wp-content/uploads/2021/09/Annual-Report-2020-21.pdf</p> <p>We aim to include lessons or learning identified/service improvements in the complaint response letters that we send to residents. We also include examples of continuous learning and improvement from complaints on our website and include this in our annual report that all residents receive.</p>

				<p>We share lessons with the Customer Services Committee, this was included in the annual Customer Service report for 2020/21. Key points are shared with the board. This is also shared with the Tenant Voice Panel.</p> <p>Our annual report for 2021/22 covers complaints and feedback with examples of how we are using these to improve services.</p> <p>Reports are regular presented to the Tenants Voice Panel.</p>
7.3	<p>A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord's complaint handling performance.</p>			<p>Berneslai Homes have an appointed tenant member of the board to fulfil this role.</p>
7.4	<p>As a minimum, governing bodies should receive:</p> <ul style="list-style-type: none"> • Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance including compliance with the Ombudsman's orders • Regular reviews of issues and trends arising from complaint handling, • The annual performance report produced by the Ombudsman, where applicable • Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals 			<p>Quarterly meetings are scheduled to discuss these points.</p>

	<p>to regulatory bodies. The implementation of management responses should be tracked to ensure they are delivered to agreed timescales. The annual self-assessment against the Complaint Handling Code for scrutiny and challenge.</p>			
7.5	<p>Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.</p>			<p>This is completed via bi-monthly complaint reviews where themes and trends are identified.</p>
7.6	<p>Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:</p> <ul style="list-style-type: none"> • have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments • take collective responsibility for any shortfalls identified through complaints rather than blaming others <p>act within the Professional Standards for engaging with</p>			<p>This is covered within our in-depth Complaints Handling Training which is delivered to all investigating officers and our corporate induction programme.</p>

	complaints as set by the Chartered Institute of Housing.			
8	Self-assessment and compliance			
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.			We are aware of this new requirement and will complete an annual self-assessment against the code. We had already recognised this as good practice and completed an additional self-assessment against the code in February 2022, this was in addition to the initial requirement made by the Ombudsman which was completed December 2020.
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.			We are aware of this requirement and will follow this guidance when necessary.
8.3	Following each self-assessment, a landlord must: <ul style="list-style-type: none"> report the outcome of their self-assessment to their governing body. In the case of local authorities, self-assessment outcomes should be reported to elected members publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents include the self-assessment in their annual report section on complaints handling performance			All self-assessment reports are shared with Customer Service Committee (Governing body) and a customer friendly version of the report are published on our website. It is noted that the self-assessment must be included in our annual performance report on complaint handling. This will therefore be included.

