



berneslai
homes

Complaints Policy

Document Control

| | |
|--------------------------------|---|
| Title | Complaints Policy |
| Responsible Officer | Sarah Barnes, Head of Customer Services |
| Author | Toni Allen, Customer Services Manager |
| Subject | A policy which sets out how we deal with complaints. |
| Information Asset Owner | Sarah Barnes, Head of Customer Services. |
| Approved by | Executive Management Team |
| Approved date | 26 th March 2024 |
| Review date | March 2027 |
| Review responsibility | Toni Allen, Customer Services Manager |
| Applicable to | Tenants, Residents, Housing Applicants, and any other customers of Berneslai Homes |
| DPIA Completion Date | N/A |
| EIA Completion Date | 6 th March 2024 |
| Regulatory Framework | Transparency, Influence and Accountability Consumer Standard Housing Ombudsman Complaint Handling Code |
| Legislative Duties | The Social Housing (Regulation) Act 2023 empowers the Housing Ombudsman to issue the Complaint Handling Code. It also places a duty on the Ombudsman to monitor compliance with the code. |

Revision History

| Date | Version | Author | Comments |
|------------|---------|---|---|
| 06.03.2024 | 0.1 | Toni Allen, Customer Services Manager | Draft version |
| 19.03.2024 | 02 | Toni Allen, Customer Services Manager | Draft version 02, minor amendments following Tenant Consultation. |
| 05.06.2024 | 03 | Joanne Cooke Senior Customer Services Officer | Updated Housing Ombudsman contact details |

Consultation and distribution

| Type | Details |
|---------------------|--|
| Consultation | Customer Service Team, Operational staff, Heads of Service, Tenants, Senior BMBC Staff |
| Distribution | Operational staff involved in the process |



Contents

| No | Contents | Page |
|-----------|--|-------------|
| 1 | Introduction | 4 |
| 2 | Policy Aim | 4 |
| 3 | Regulatory and Legal Responsibilities | 4 - 5 |
| 4 | Roles and Responsibilities | 5 - 6 |
| 5 | What is a Complaint | 6 - 9 |
| 6 | How to make a Complaint | 9 - 11 |
| 7 | How we respond to Complaints | 11 - 14 |
| 8 | Putting Things Right | 14 - 15 |
| 9 | Continuous Learning | 15 - 16 |
| 10 | Housing Ombudsman | 16 -17 |
| 11 | Self-Assessment, Performance Management, Governance and Compliance | 17 - 19 |
| 12 | Unacceptable behaviour and unreasonably persistent complaints | 19 - 20 |
| 13 | Training | 20 - 21 |
| 14 | Equality, Diversity, and Inclusion | 21 |
| 15 | Related documents | 21 |

1. Introduction

Berneslai Homes is an arms-length management organisation (ALMO) responsible for managing around 18,000 homes on behalf of Barnsley Council.

Barnsley Council have delegated complaint handling to Berneslai Homes under the terms of our services agreement. Barnsley Council have responsibility for ensuring we handle complaints in line with our policy and that in doing so we are compliant with the Housing Ombudsman Complaint Handling Code.

2. Policy Aim

We understand that sometimes things go wrong. This policy is designed to ensure that if residents have the need to complain, we handle the complaint well and in line with the statutory Housing Ombudsman Complaint Handling Code. It ensures that we put things right for residents, along with identifying learning and making improvements from complaints.

This policy sets out the following:

- What a complaint is, including what we can consider.
- How residents can access the service and register a complaint.
- How we deal with and respond to complaints.
- How we put things right.
- How we learn and make improvements.
- The role of the Housing Ombudsman.
- How we monitor and report our complaint handling performance and compliance.
- Our role and responsibilities.
- Unacceptable behaviour and unreasonably persistent complaints.
- How we train staff.

3. Regulatory and Legal Responsibilities

This policy meets our regulatory duties under the **Transparency, Influence and Accountability Consumer Standard**.

The Transparency, Influence and Accountability Standard requires landlords to be open with tenants and treat them with fairness and respect so they can access services, raise concerns when necessary, influence decision making and hold their

landlord to account. This standard also sets out requirements for landlords to gather and report our performance against the Tenant Satisfaction Measures, which include measures for complaint handling performance and tenant perception on effective complaint handling.

This policy meets our duties under the Social Housing Act 2023 which legislates that social housing landlords' must comply with the Housing Ombudsman Complaint Handling Code.

4. Roles and Responsibilities

This section sets out our roles and responsibilities in respect of this policy and our approach to complaint handling.

Staff

All staff

All staff are trained and have responsibility for recognising complaints and making sure that if they are not responsible for handling the complaint that they support the resident by referring the complaint to the appropriate person quickly and explaining the next steps to the resident.

Staff with responsibility for Complaint handling (Investigating Officers)

We have a pool of officers (including contractor leads) with the appropriate level of training and responsibility to investigate and respond to complaints at Stage 1 and Stage 2.

Customer Services Team

We have a small team of specialist staff who co-ordinate and oversee our complaint handling service. They are responsible for the following:

- Developing and reviewing this policy and procedures.
- Completing the Annual Self-Assessment against the code.
- Performance monitoring and reporting.
- Gathering resident feedback.
- Offering specialist support and guidance to investigating officers.
- Stage 2 investigations.

Lead Officer Roles

Our Head of Customer Services is the Lead Officer with responsibility for complaint handling and compliance with the Housing Ombudsman Code.

Our Senior and Executive Management Team have shared responsibility for ensuring their service areas handle complaints in line with this policy and the Housing Ombudsman Code. They have responsibility for ensuring resolutions are delivered effectively and their service responds to any learning.

They have authority to issue the final Stage 2 response to complaints.

Governing Body Roles and Responsibilities

Member Responsible for Complaints (MRC)

The BMBC Cabinet Spokesperson for Regeneration and Culture has lead responsibility for governance of and assurance that our complaint policy and practice align to the Housing Ombudsman Code. They receive and respond to:

- our annual self-assessment against the code; and
- our quarterly performance and learning reports.

They do not respond to individual complaints. Their assurance response to our annual self-assessment against the Housing Ombudsman Code, and any other formal response in respect of complaint handling performance and learning is published on our website.

Board and Customer Service Committee Members

Customer Services Committee and Board have organisational responsibility for governance of and assurance that our complaint policy and practice aligns to the Housing Ombudsman Code.

They receive and respond to:

- our annual self-assessment against the code; and
- our quarterly performance and learning reports.

We have a Board Complaint Handling Champion who supports officers and residents in ensuring we have a positive complaint handling culture.

They do not respond to individual complaints. Their assurance response to our annual self-assessment against the Housing Ombudsman Code, and any other formal response in respect of complaint handling performance and learning is published on our website.

5. What is a complaint?

Definition of a complaint

‘A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents’.

A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction we must give them the choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy in agreement with the resident.

What is a service request?

A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but we record them, monitor, and review them for learning and improvements.

Where a resident expressed dissatisfaction with our handling of a service request, we will raise a complaint, even where the service request is ongoing.

Examples of complaints are set out below:

- We repair something wrong or badly.
- We do not do something that we promised to do or should have done, for example we don't place a repair order that you made, or we don't turn up for an appointment we made.
- Our staff behaviour is not acceptable.
- We do not provide a service within our specified times.
- We fail to communicate as we promised.
- We fail to meet our legal duties.
- We do not manage reports of Anti-Social Behaviour.
- We give wrong or misleading advice.
- We do not act within agreed policies, procedures, or service standards.
- We delay in undertaking work which cannot be explained within the terms of policy and procedure.
- We display bias or inequality of treatment.

Complaints which we will not consider.

We will not consider complaints in the following circumstances:

- Where the issue giving rise to the complaint occurred more than twelve months ago, or the resident became aware of it more than 12 months ago. We may apply discretion where the resident was unable to make the complaint earlier (for example health grounds) or where the complaint raises safeguarding or health and safety issues.
- 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 issue being raised should be dealt with under any statutory review procedure including but not limited to decisions made under the terms of the Lettings Policy or our Tenancy Policy. More information about the review process for these policies is on our website. Where a resident makes a complaint that should be dealt with as a review, we will confirm with the resident the process that we will follow.

- Where the matters have previously been considered under both stages of this 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.
- Where a complaint has been pursued in a way that we determine is unreasonable.
- When a resident repeatedly makes serious allegations that employees or contractors have committed criminal, corrupt, or perverse conduct without any evidence.

If we decide not to accept a complaint, we will provide a detailed explanation to the resident within 5 working days setting out:

- The reasons why the complaint will not be dealt with under our Complaints policy.
- Any individual circumstances we considered in making our decision; and
- The resident's right to take that decision to the Ombudsman.

Each complaint is considered on an individual basis, we do not take a one size fits all approach when excluding complaints.

We record and report on any complaint that we have excluded from our complaint's procedure.

How we deal with complaints about high-rise buildings.

All complaints about high rise buildings will be dealt with in line with this policy.

Following the introduction of the Building Safety Act 2022, residents in high-rise buildings can complain to the accountable persons and the principal accountable person about the building risks for example:

- Their communications to residents.
- Responses to raised concerns.
- How they manage building safety risks.

Residents can also raise concerns about building safety risks, which are structural safety issues and spread of fire issues. For example:

- Flammable cladding on the outside of a building.
- Fire doors or smoke extraction which are not working or missing that may increase the risk of fire spread.
- Failure of the building's structure, such as parts of the building collapsing, cracks, or parts of the building falling off.

The Fire and Asbestos Compliance Manager will be made aware of any complaints that relate to high rise buildings and will investigate and respond to the resident at stage 1 of this procedure.

The accountable persons and principal person in the Building Safety Project Board will have oversight of all stage 1 complaints. Stage 2 complaints will be investigated by the accountable persons and principal person in the Building Safety Project Board. If the resident is not satisfied with our procedure, they can refer a complaint to the Building Safety Regulator.

How we handle complaints about a third party acting on our behalf.

Residents wanting to make a complaint about services delivered by a contractor can either make a complaint directly to the contractor or to us. The complaint will be dealt with in line with this policy and residents will not be expected to go through two complaints procedures (ours and the contractors). If the complaint is complex and/or involves different service areas, then we do not expect the contractor to lead on responding. We will respond on behalf of all parties. Where a contractor leads on responding they will do this in line with this policy and have received training to enable this to happen. Where contractors respond to a stage 1 complaint, they will make the resident aware of their right to escalate to stage 2 and that we (Berneslai Homes) will have responsibility for the final response. We also monitor the quality of contractor responses.

Irrespective of who responds to the complaint, we record, monitor and report on third party complaints as we do all other complaints.

Dissatisfaction with services made through a survey.

If residents express dissatisfaction with services when completing a satisfaction survey, we do not treat this as a complaint. All surveys will clearly outline how to make a complaint if the resident wishes to do so.

6. How to make a complaint

Ways to contact us.

We will always try to make it easy for residents to complain by providing different ways to contact us.

A complaint can be made in any of the following ways:

- By emailing us at customerservices@berneslaihomes.co.uk
- By visiting our website and completing an [online form](#)
- By telephone on 01226 787878.
- In writing to Customer Services, Berneslai Homes, PO BOX 627, Barnsley, S70 9FZ.
- In person to Berneslai Homes staff.

- By a third party or representative (e.g. family, friends, Local Authority Councillor, MP, Board Member, Mayor's office). (We deal with normal day to day enquiries from councillors through a separate procedure but we clarify with the resident and/or councillor whether the contact is an enquiry or a complaint).
- Via social media (to maintain the resident's privacy we will ask for details to be sent in private messages).

If we are contacted by a third party or representative including family members or friends, we will establish with them how the resident would like to progress. Once we have established the need for a service request or a formal complaint, we would obtain permission from the resident they are representing. We would not ask for permission if the representative was a Local Authority Councillor, MP or from the Mayor's office because they have the resident's contact information, summary of issues, and are acting in the capacity of their role. This shows they have implied consent. We would however still establish whether the contact from the Local Authority Councillor, MP or from the Mayor's office is an enquiry, service request or are they representing the resident to make a complaint.

Reasonable adjustments.

We will support the needs of our diverse residents by making reasonable adjustments to our complaint handling processes, which could be a physical change or change in work practices to avoid any disadvantage to a resident in accessing this policy. Examples of reasonable adjustments include:

- We will provide information in appropriate alternative formats (e.g. large print, coloured paper, Braille etc.).
- We will communicate through a representative.
- We will allow more time than we would usually for someone to provide information we need (where it is lawful to do so).
- We will provide additional support such as a sign language interpreter or translator.
- We will use plain language or Easy Read service.
- We will meet residents in person in a suitable location that meets their needs.
- We will support comfort breaks or rest breaks during meetings.
- Responding to complaints in a shorter timescale.

This policy is published on our website, and residents can do the following:

- Change colours, contrast levels and font size.
- Zoom in up to 300% without text spilling off the screen.
- Access the policy from a smart phone, tablet, laptop, or PC.

How we publicise details of the complaints policy.

We publicise this policy on our website in a format that can be downloaded, printed, or zoomed in.

A shorter, easy to read summary of the key parts of this complaint policy, including how to make a complaint and what to expect is also available on our website.

We have posters displayed on the notice boards within the communal areas of our buildings across the borough. We also provide all new tenants with a 'New Tenant Information Pack' at sign up. This pack gives details about how to make a complaint, our complaints policy and the Housing Ombudsman's contact details.

We promote residents to stay connected with us and provide us with their email address to receive communication from us which includes our monthly Ebulletin and annual report. In these publications we include information of the complaints policy and our complaints performance.

We use social media platforms to publicise the complaints policy, encouraging residents to let us know if somethings gone wrong and give us the opportunity to put things right. The key message we share with residents is that 'It's Okay to Complain'.

7. How we respond to complaints

Acknowledging the complaint

Once we have received a complaint, we will let the resident, or their representative know the following in writing within 5 working days. We will contact them within this time to discuss and clarify the points of their complaint and to ensure that we deal with complaints on their merits and give the resident a fair chance to set out their position.

We will use this information to assess the complexity of their complaint to decide if an extension to the standard timescale is needed. We also identify whether there is any conflict of interest we need to be aware of before allocating the investigation.

We do this at both stages.

Our acknowledgement letter will contain the following:

- The complaint stage.
- Our understanding and definition of the complaint.
- All aspects of the complaint we will investigate.
- Any points we are excluding and the reasons why.
- The outcome that the resident has told us that they are seeking.
- Any reasonable adjustments we have mutually agreed.

- The expected timescale in which we will respond.
- How to contact the Housing Ombudsman if we are aiming to respond after 10 working days.
- How we will keep the resident informed if we find that we are unlikely to respond in time.
- How to contact the investigating officer.
- The link to the complaints policy.

Stages of a complaint

We have two stages within our complaints policy.

Stage 1

We will investigate the issues the resident has raised by doing the following:

- We will consider whether we have complied with any legal duties.
- We will consider whether we have followed our own policies and procedures.
- We will talk to staff members who have been involved in the case.
- We will review evidence we have on record or supplied by the resident.
- We may need to request further information from the resident or other person involved.

We will post or email the response letter within 10 working days. There may be occasions when due to the complexity of the complaint, we need extra time to investigate. Should an extension to the standard timescale be needed we will inform the resident of this and the reasons. Where possible we aim to do this at least 2 working days before the deadline. Any extension must be no more than a further 10 working days without good reason. If the extension is not acceptable with the resident, the resident can always contact the Housing Ombudsman to discuss this further. We will provide the resident with the Housing Ombudsman contact details in all complaint correspondence letters.

The stage 1 response will contain:

- The complaint stage.
- The details of the complaint (complaint definition).
- The decision on the complaint.
- The reasons for the decision/s.
- The details of any actions we will take to put things right including timescales for this.
- Details of how to escalate the matter to stage 2 if the resident is not satisfied with the response.

We respond to a complaint when we know the answer to the complaint, not when we complete the actions required to address the issue.

Where residents raise additional complaints during the investigation, we incorporate these into the stage 1 response if they are related and the stage 1 response has not been issued.

Where we have issued the stage 1 response, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, we log the new issues as a new complaint.

Stage 2

If a resident is not satisfied with our response to their complaint at stage 1, they can request to escalate the complaint to stage 2.

We encourage residents to let us know as soon as possible, but no later than 4 weeks from the date of the stage 1 response. We may apply discretion where the resident was unable to escalate the complaint earlier (for example health grounds) or where the complaint raises safeguarding or health and safety issues. When a resident asks us to escalate to stage 2, we will contact them to discuss their complaint further and acknowledge the complaint in writing within 5 working days.

We ask residents to tell us why they are dissatisfied with our stage 1 response. Some examples are below:

- The resident does not think we responded to the issues they raised in their complaint.
- They do not agree with our decision at stage 1 of their complaint and the reasons for this.
- The resident has new or relevant information that may change the decision we made in our stage 1 response.

If we have tried to contact the resident to discuss the complaint further but have no response, or if the resident is unable to explain why they are not satisfied with the stage 1 response, we will investigate and review the complaint based on the information we have.

The person investigating the complaint at stage 2 will not be the same person that investigated the complaint at stage 1.

If we have accepted the complaint and responded at stage 1, we would only refuse to escalate the complaint to stage 2 for either of the following reasons:

- If the complaint should not be looked at further because it could compromise legal proceedings to do so.
- If it has now become clear that this complaint has previously fully exhausted the complaints process.

In most cases, it is the Customer Services Team who will lead the investigation on behalf of the Executive Management Team. An Executive Director or Head of Service is responsible for the final response at Stage 2.

We will investigate the issues raised and provide a written response by post or email within 20 working days from the date of our acknowledgement. There may be occasions when due to the complexity of the complaint, we need extra time to investigate. If we need an extension to the Stage 2 standard timescale, we will inform the resident of this and the reasons, where possible at least 2 working days before the response is due. Any extension must be no more than a further 20 working days without good reason. If the extension is not acceptable with the resident, the resident can always contact the Housing Ombudsman to discuss this further. We will provide the resident with the Housing Ombudsman contact details in all complaint correspondence letters.

The stage 2 response will contain:

- The complaint stage.
- The details of the complaint (complaint definition).
- The decision on the complaint.
- The reasons for any decisions we have made.
- The details of any actions we will take to put things right including timescales for this.
- Details of how the resident can escalate the matter to the Housing Ombudsman if they remain dissatisfied.

We respond to a complaint when we know the answer to the complaint, not when we complete the actions required to address the issue.

Our final response to the resident will be in writing and will be the end of our complaint's procedure. After a complaint has gone through both stages of our complaint's procedure, and if the resident remains dissatisfied, they can complain to the Housing Ombudsman. See section 10 of this policy.

Conflict of Interest

We are committed to the fair treatment of all our employees and residents that work with or access this policy. Maintaining integrity, exercising good judgement, and demonstrating good governance and risk management during the complaint process is vital. To protect the integrity of the person investigating a complaint and the decision-making process, we will take measures to address any actual or perceived conflict of interest.

A conflict of interest occurs when an employee's personal interests, such as family, friendships, close work colleague, financial or social factors could compromise the employee's judgement, decisions, or actions. Where employees have a conflict of interest with a complainant who has raised a complaint that is allocated to them, they should inform their line manager immediately, who will reallocate the case to a different person to investigate.

Employees should behave in accordance with the Code of Conduct policy and declare any conflict of interests.

Where something has gone wrong, we will acknowledge this within the response letter and set out the actions we have taken or intend to take to put things right.

These can one or more of include the following remedies:

- Apologising.
- Acknowledging where things have gone wrong.
- Providing an explanation, assistance or reasons.
- Taking action if there has been a delay.
- Reconsidering or changing a decision.
- Amending a record or adding a correction or addendum.
- Providing a financial remedy.
- Changing policies, procedures, or practices.

Any remedy we offer will reflect the impact the failing has had on the resident.

In our response we will set out what will happen and by when and we will, where appropriate, agree this with the resident.

Where we are offering financial remedy, we will follow our Compensation Policy which we have developed in accordance with the Housing Ombudsman remedies guidance.

9. Continuous learning

Service improvements.

We promote a positive complaint handling culture. We encourage staff to use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

At the closure of each complaint the investigating officer is responsible for reviewing the complaint, looking beyond the circumstances of the individual complaint to identify any learning.

The investigating officer will complete a 'Service Improvement Review Form' to record any learning and actions.

The Customer Services Team will record all learning on the Service Improvement log, and they are responsible for monitoring service improvements through to implementation.

We report on continuous learning and actions to address learning from complaints in following ways:

- Residents through regular updates on our website, social media and in our annual reports.

- Involved residents through our Service Improvement Panel Group which meets every 3 months and our Tenant Voice Panel on an annual basis.
- Staff through regular team brief updates and training.
- Executive Management Team, Board, Customer Service Committee and the Council through sharing our quarterly performance reports which includes key performance indicators and learning. The response from Customer Services Committee is published on our website.
- The Council through quarterly update reports at Service Agreement Core Group Meetings. This is a meeting of senior executives of Berneslai Homes and BMBC. The purpose of this meeting is to ensure Berneslai Homes is delivering services in line with the requirements of our contract.
- The Council and involved tenants at the ALMO Strategic Liaison meeting. This meeting is attended by BMBC and the Cabinet Spokesperson for Regeneration and Culture (Member Responsible for Complaints) and considers Berneslai Homes performance against our strategic objectives. It enables tenants to have a direct dialogue with their landlord on key issues including complaint handling performance and learning from complaints.
- The Council through specific complaint handling and learning reports to Cabinet. The response from MRC is published on our website.

10. The Housing Ombudsman

The Housing Ombudsman is set up by law to look at complaints from registered providers of social housing. Its vision is to improve residents' lives and landlords' services through housing complaints. All local authorities and registered social housing providers are required to be members of the Housing Ombudsman Scheme. Barnsley Council is a member of the scheme and we (Berneslai Homes) have delegated responsibility to investigate complaints in compliance with this policy and the Housing Ombudsman Complaint Handling Code.

The role of the Ombudsman is to resolve complaints between landlords and residents. This includes investigating the complaint independently to decide if the landlord or the managing agent has acted appropriately, along with making decisions around compensation or other remedies if needed. The Ombudsman support effective landlord and resident dispute resolution.

The Housing Ombudsman have published a Complaint Handling Code which is statutory from 1st April 2024, meaning we are obliged by law to follow its requirements. The Code aims to achieve best practice in complaint handling and ultimately to provide a better service to residents. This policy is developed to meet the requirements published in the Code.

The Housing Ombudsman promote learning from across the sector and do this by sharing their knowledge and insights to maximise their impact and improve services. They periodically produce spotlight reports that look at thematic issues. We review these spotlight reports, complete self-assessments, and develop an action plan with

learning relevant to us. These reports, along with any plans developed are shared with the Customer Service Committee.

Residents can contact them regarding enquiries and advice at any point before or during the complaint process. Their contact details are below:

Complaint form: Fill in the online complaint form <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Email: info@housing-ombudsman.org.uk

Phone: 0300 111 3000

Phonelines are open Monday to Friday 9am to 5pm.

Lines will be closed for staff training every Thursday from 3.30pm to 5pm.

Calls are recorded for training and monitoring purposes.

Write to:

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

Fax: 020 7831 1942

Local Government and Social Care Ombudsman (LGSCO)

The Local Government and Social Care Ombudsman deals with housing allocation complaints under Part 6 of the Housing Act 1996, which includes the following:

- The treatment of applications, whether dealt with by the local authority or any other organisation acting on its behalf.
- The assessment of applications, the award of points, banding or a decision that the application does not qualify for reasonable preference.
- The operation of choice-based lettings schemes.
- The suitability of accommodation offered.

A collaborative approach may be used when dealing with some other complaints depending on their nature. In most complaints, the resident will contact the Housing Ombudsman.

If a referral to the Local Government and Social Care Ombudsman is needed, we will let the resident know.

11. Self-Assessment, Performance Management, Governance and Compliance

This section of the policy sets out how we assess compliance with our policy and the Complaint Handling Code. It outlines our performance management arrangements and how we gather resident feedback.

The Social Housing (Regulation) Act 2023 places a legal duty on the Housing Ombudsman to monitor landlord compliance with the statutory Complaint Handling Code.

The Housing Ombudsman will monitor our compliance by checking we have done the following:

- Scrutinised and challenged our compliance with the Code by completing the self-assessment.
- Provided complaints handling performance data and data relating to learning from complaints to our governing body and published the outcome on our website. As an ALMO, this is our Board (through the Customer Service Committee) and BMBC.
- Complied with the Code in policy, and that any deviations are explained and are reasonable.
- Complied with the Code in practice by investigating complaints that residents have brought to the Housing Ombudsman after we have responded.

Self-Assessment against the Complaint Handling Code

We will complete and submit our self-assessment annually to the Ombudsman to ensure that our Complaints Policy and performance remains in line with the requirements of the code. We will also conduct a review of the self-assessment following a significant restructure, merger and/or change in our procedures.

We will publish our self-assessment on our website by 30th June each year and we will also include a response to our self-assessment from our Board and BMBC.

Monitoring complaint handling

The Customer Services Team monitor complaint performance on a routine basis as follows:

- Daily monitoring of complaints nearing their expected completion dates.
- Monthly review of a proportion of closed complaints to assess quality and ensure learning has been identified.
- Monthly assessment of performance reports including resident satisfaction and tracking that we have fulfilled complaint resolutions.

Reporting, publishing and governance of complaint handling performance

The Customer Services Team produce complaint performance reports every three months and the last report in the financial year is an annual complaints performance and service improvement report.

A summary of these reports are published on our website.

The quarterly reports are reported to our Senior and Executive Management Teams, Customer Service Committee and BMBC via the Services Agreement Core Group and the ALMO Strategic Liaison Meeting (see section 9 for more information about these meetings). This ensures oversight and scrutiny from our governing body, landlord BMBC and residents who are part of our formal engagement process.

The annual complaints performance and service improvement report is reported to our Senior Management Team, Executive Management Team, our Board and to the BMBC Member Responsible for Complaints (MRC). BMBC Cabinet also receive an annual complaint report or more frequent if required.

We publish this report in the complaints section of our website, along with a response from our Board and BMBC.

These reports will contain:

- A qualitative and quantitative analysis of our complaint handling performance including trends in complaints. This will also include a summary of the types of complaints we have refused to accept.
- Analysis of resident satisfaction with our complaint handling service.
- Information about service improvements identified and made as a result of learning from complaints.
- Any annual report about our performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.

Resident feedback

Gathering feedback from residents who have made a complaint is important to us and helps us understand how satisfied residents are with how we have handled their complaint. We do this in 3 different ways.

- **Transactional Surveys** -We use the feedback to assess our progress, learn from residents as well as identify and make improvements with our complaint handling and as evidence in our annual complaint handling self-assessment.

We survey residents who have accessed our complaints procedure. We aim to survey 50% of residents that have made a Stage 1 complaint and 100% of residents that escalated their complaint to stage 2.

- **Perception Survey** – We gather the Tenant Satisfaction Measures (TSM) relating to complaint handling through our perception survey. The methodology for how we gather and publish TSMs is on our website.
- **Service Improvement Panel** - We meet with a panel of tenants and our Board Complaint Handling champion four times a year to review a selection of complaints to assess compliance and quality.

What we do if we are unable to comply with the Code due to exceptional circumstances

If we are unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Ombudsman, provide information to individual residents who may be affected, and publish this on our website. We will also provide a timescale for returning to compliance with the Code.

12. Unacceptable Behaviour and Unreasonably Persistent Complaints

We believe that residents have a right to be heard, understood, and respected. We work hard to be open and accessible to everyone. Occasionally, the behaviour or actions of individuals using our service make it very difficult for us to deal with their complaint. In a small number of cases the actions of individuals become unacceptable because they involve abuse of our staff or our process.

We understand that residents may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a resident approaching us to make a complaint. However, we will not tolerate the following behaviour or actions:

- Verbal abuse, aggression, or violence – unacceptable language that is offensive, derogatory, patronising, discriminatory, racist, sexist, homophobic or transphobic comments.
- Serious allegations that other residents or staff have committed criminal, corrupt, or perverse conduct without any evidence.
- Unreasonable demands (e.g. requesting large volumes of information, asking for responses within a short space of time, refusing to speak to an individual or insisting on speaking with another).
- Unreasonable persistence (refusing to accept the answer that has been provided, continuing to raise the same subject matter without providing any new evidence, continuously adding to, or changing the subject matter of the complaint).

When this happens, we will take action to protect the health and wellbeing of our staff who have a right to do their jobs without fear of being abused or harassed. We also consider the impact of the behaviour on our ability to do our work and provide a service to others. In such cases we will follow our Customer Warning Indicator Policy which may result in restricted contact measures; however, we will make every effort to resolve a resident's complaint.

We will only limit a resident's contact with us in exceptional circumstances and after careful consideration.

13. Training

Mandatory Complaint Handling training is available as eLearning and provides a basic overview of the complaint policy and procedure. This training forms part of the Corporate Induction for all new members of staff and we expect existing staff to complete refresher training at regular intervals. This ensures that all staff can recognise a complaint, making sure that if they are not responsible for handling the complaint that they support the resident by referring the complaint to the appropriate person quickly and explaining the next steps to the resident.

The Customer Services Team delivers in-depth Complaint Handling training to managers, investigating officers and contractor 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;

- Deal with complaints on their merits, act independently and have an open mind.
- Give the resident a fair chance to set out their position.
- Take measures to address any actual or perceived conflict of interest.
- Consider all relevant information and evidence carefully.

We ensure that the training clearly promotes our standard objectives in relation to complaint handling for all relevant employees or third parties and reflects the following needs:

- To have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- To take collective responsibility for any shortfalls identified through complaints, rather than blaming others.
- To act within the professional standards for engaging with complaints as set by any relevant professional body.

We will communicate any changes to this policy or procedures to ensure staff are up to date with current policy and their responsibilities.

14. Equality, Diversity, and Inclusion

We will ensure equal and fair access to our services; we will do this by taking into consideration the individual needs of our tenants, their family or other persons living with them. We will ensure that individual needs are considered throughout the complaint process and make reasonable adjustments where necessary. We will treat people fairly and with dignity and respect.

We monitor complaints to ensure we have complied with our Equality, Diversity, and Inclusion Strategy 2022-25.

All staff are trained in Equality, Diversity, and Inclusion to embed understanding about where we may need to adapt normal policies, procedures, and ways of working to accommodate resident's individual needs. This is mandatory training which is monitored by our Organisational Development Team.

Our Equality, Diversity and Inclusion Strategy meets our duties under the Equality Act 2010 (the Act) is about the following:

Equality - Of access to opportunities.

Diversity – Recognise and celebrate differences.

Inclusion – Belonging and acceptance, feeling valued for who you are.

15. Related documents

The following documents are to be used in conjunction with this policy:

- [Compensation Policy](#) (internal)
- [Customer Warning Indicators](#)
- [Service Improvement Framework \(not public\)](#)
- [The Housing Ombudsman Self-Assessment](#)
- [Customer Excellence Strategy](#)
- [Equality, Diversity, and Inclusion Strategy 2022-25](#)