

## Customer Complaint Policy

Date Reviewed	April 2024	Next Review Date	November 2026
Consultation	Customer Panel	Reviewed By	Ramesh Malhan
EIA	Completed	Responsible Officer	Head of Customer Voice
DPIA	Completed	Approval By	BCHG Board

### 1. PURPOSE

The purpose of this policy is to provide good quality services to all our customers, to recognise when things go wrong, to put things right, and value complaints as feedback to learn, improve and develop our services.

Black Country Housing Group (hereafter “BCHG”) recognises that handling complaints effectively is not just about processes and time limits. It is also about the culture within our organisation and the behaviour and attitudes we display.

This Policy is designed to understand what a service complaint is and deal with it fairly and promptly.

### 2. AIMS

The policy aims are to:

- Put the customer at the heart and health and safety at the centre of the process.
- Provide an outcome as soon as possible.
- Apologise when we have made a mistake, or when something has gone wrong, to make things right as soon as possible.
- Keep the customer informed and do what we say we will, when we say we will do it.
- Make sure we address all elements of the complaint and provide clear explanations for any decisions made or actions taken.
- Share our learning from complaints and positively use feedback to improve services.

All staff are encouraged and empowered to resolve customer issues using the Quick Fix process, putting the problem right straight away. Where they cannot do this, it will be recorded as a complaint, and we will learn and change our ways so we can quickly fix in the future. This is detailed in our Complaints Procedure.

### 3. SCOPE

This policy relates to all applicants and customers of the landlord services of BCHG.

### 4. RELATED POLICY AND PROCEDURES

4.1 BCHG will deliver a complaint policy that complies with the Housing Ombudsman Service Complaint Handling Code Statutory from 1 April 2024 and sets out good practices to respond to complaints effectively and fairly. Building a safer future and Social Housing Regulation Act 2023 that sets out a health and safety based responsive approach.

4.2 The key areas of Internal policies and government legislation for this policy are:

#### Internally

Strategies	Policies/Procedures
<ul style="list-style-type: none"><li>• Asset Strategy</li><li>• Customer Transparency Strategy</li><li>• Customer Success Strategy</li><li>• Equality, Diversity &amp; Inclusion Strategy</li></ul>	<ul style="list-style-type: none"><li>• Complaint Procedure</li><li>• Reasonable Adjustment Policy</li><li>• Repairs and Maintenance Policy</li><li>• Lettings Policy</li><li>• Anti-Social Behaviour Policy</li><li>• Tenancy Agreement obligations</li><li>• Resolution and Remedies Policy</li></ul>

#### Externally

Legislation and Regulation
<ul style="list-style-type: none"><li>• Registered Providers with the Regulator of Social Housing (RSH) have a duty to become members of an Ombudsman's Scheme approved by the Secretary of State as defined by the 1996 Housing Act and 2011 Localism Act.</li><li>• Social Housing Regulation Act 2023 – inspect landlords and consider systemic failures Complaint Handling Code 2024 is a statutory code requiring compliance.</li><li>• Equality Act 2010 not to discriminate or harass those that make a complaint.</li><li>• General Data Protection Act 2018 for the collection, storage, provision, and disclosure of data collated in relation to complaints.</li><li>• Fire Safety Act 2021 – to establish a complaint procedure to safety concerns.</li><li>• Building Safety Act 2022 – removal of designated person and provides a fast-track approach to safety issues.</li></ul>

### 5. DEFINITION

5.1 A complaint is 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 a resident or group of residents”.**

5.2 A complaint would cover but is not limited to:

- Failure to act within policy or practice
- Unprofessional staff behaviours
- Failure to provide a service
- Failure to achieve service standard
- Health and Safety concerns
- Enactment of Pre-Protocol court process

5.3 A complaint can be verbal, over the phone, and face to face, or in writing by letter, electronic, or social media. Or from a third party acting on the behalf of a customer. BCHG will call out a complaint where a customer might have difficulty articulating it.

## **6. WHAT IS NOT A COMPLAINT**

6.1 There are some things that we will not deal with through our complaint procedure. These include:

First time requests for service will not be registered as a complaint. Examples include:

- Reporting a repair or defect
- Requesting information
- Asking for an explanation on a point of policy
- First time reporting noise or antisocial behaviour

We will record these requests and monitor them. We recognise that service requests can become complaints if we fail to deal with the initial request appropriately or the customer is dissatisfied with the response.

6.2 There may be occasions where it is not appropriate to follow the Complaints Policy. In such instance, the customer will be advised and given a detailed explanation why and alternative procedures including the right to take the decision to Ombudsman. Support will be made available through their Customer Relation Manager. There are some things that we will not deal with through our complaint procedure. These include:

- The issue is, or has been, subject to legal proceedings.
- Liability issue that is subject to an insurance claim.
- The complaint is being pursued unreasonably.
- The amount of service charge or rent increase set in line with BCHG policy.
- The issue giving rise to the complaint occurred over twelve months ago, except for safeguarding or health and safety issues.

6.3 Where dissatisfaction is expressed through survey feedback this will not immediately be defined as a complaint, we will follow this up and be led by the customer if they wish to complain.

## 7. COMPLAINT HANDLING PRINCIPLES

7.1 BCHG will consider its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers, in a person-centred way. This is detailed in the Reasonable Adjustment Policy.

7.2 BCHG will look at complaints by risk and take a responsive approach to mitigate. Our complaints process is comprised of two stages. Stage one will be an investigation carried out by a case manager from the relevant service area, this could be a third party such as our Gas Contractor. If the complaint is escalated to stage two, an independent review will be carried out by a 2-person panel. Please refer to the Complaints Procedure for further details on how this process works.

### 7.3 Summary of approach:

Stage	Definition	Responsibility	Expectation
Internal Complaint Process			
<b>Risk Filter</b>			
<b>Screening</b>	"An event assessed by anyone in the Team or individual customer to be at a significant health and safety risk to building or person".	Appropriate Senior Manager/ Executive Team	Screen assessment with Customer. Agree allocated timeframe to assess risk, within 48hrs. Right to Ombudsman. BCHG will continue to try to resolve this.
<b>Stage 1</b>			
<b>General Complaints -</b>	Refer to sections 5.1 to 6.13 above.	Manager/ Team Leader	Acknowledge within 5 working days and respond within 10 working days. In exceptional circumstances, if this cannot be done within the time, we will explain the reason why and agree on an extension by no more than 10 working days.
<b>Stage 2</b>			
<b>Review</b>	"Review of how the original complaint was handled, and whether the outcome was fair, reasonable in line with Code, policy, legal, and statutory requirements".	Head of Service not involved in the complaint.	If a customer remains dissatisfied with a decision this can be reviewed by a 2-person panel – a Senior Manager with a Member of the Tenant Panel. The customer can be accompanied by a person of their choice. A customer must

			escalate within 7 working days, but each case is considered on its own merit. We will acknowledge a request within 5 working days and respond within 20 working days. In exceptional circumstances, we may need to agree with the customer for this to be extended by no more than 20 working days.
<b>Internal Process Ends</b>			
<b>Housing Ombudsman</b>	BCHG subscribes to the Housing Ombudsman Service. Customers have the right to access the service throughout the process.	Ombudsman	Code and Dispute Resolution Standards

## 8. APPROPRIATE REMEDY

8.1 If the evidence or the balance of probabilities supports the complaint, it is recorded as 'upheld'. If a complaint is made regarding more than one issue, and one of these issues is upheld but not all, the complaint is recorded as 'partially upheld'. When deciding it is more important that we are fair than defining a category.

8.2 When investigating a complaint, consideration will be given to a range of remedies that may be appropriate, we will:

- Apologise immediately when we have made a mistake or let people down and put things right.
- Where appropriate offer financial resolution.

This is detailed in the Resolution and Remedies Policy.

8.3 We will respond to a complaint when the answer is known, which includes what will happen and by when. Occasionally there may be a need to commission an external, independent investigator where there is a particularly complex issue or there is a need for an extra level of independence.

In such instances, we will continue to track actions and keep the customer regularly updated until completion.

## **9. COMPLIMENTS**

9.1 Compliments are important to us as they show where we are getting things right and recognise the hard work of people working to provide services. BCHG will record Compliments, give staff positive feedback, and publicise this.

## **10. CONTINUOUS LEARNING AND IMPROVEMENT**

10.1 BCHG aims to support a positive complaint handling culture by placing learning and improvement at the heart of this. This will include:

- A Member Responsible for Complaints on the Board to promote a positive complaint culture.
- Quarterly Customer Voice report to senior managers and the Board that consider the themes or trends to identify any systemic issues, performance, serious risks, or areas for improvement for appropriate action.
- Proactively use learning from complaints to revise policies and procedures, train staff and contractors and improve communication and record-keeping.
- Annual completion and submission of the Complaint Handling Code Self-Assessment. The self-assessment is also reviewed as part of any policy change or investigation.
- Resident Scrutiny Voice Panel will receive 2 reports a year on complaints to help identify areas for a deep dive service review and to make recommendations for future handling and management of complaints to Management.
- Sharing learning with the complainant and widely with customers.

## **11. INDICATORS OF SUCCESS:**

- Positive feedback from users of the Policy
- A continuing trend of learning and improvement
- Staff empowered to make decisions.

## **12. MANAGING UNREASONABLE COMPLAINANTS**

The inclusion of this section within the policy is to ensure those customers who unreasonably pursue complaints understand it is not acceptable and the right of staff to be protected.

BCHG will respond in a conciliatory way and offer appropriate support, including Mediation/Restorative Justice to resolve issues, each case will be looked at on its own merit. This is detailed in the Unreasonable Behaviour Policy.

## **13. DATA PROTECTION**

Confidentiality and data protection apply to the complaints process; we will not share personal or property information gathered as part of the complaint investigation with any third party who is not entitled to receive it, in line with data protection legislation.

## **14. CUSTOMER CONSULTATION**

BCHG consulted customers who had used the complaint service and feedback on their experience. An independent survey was undertaken to gauge customer satisfaction with the way complaints were handled. The general complaint handling principles were agreed upon with the Resident Scrutiny Voice Panel.

## **15. EQUALITY IMPLICATIONS**

Screening equality impact assessment has been reviewed to ensure that no groups or individuals will be negatively impacted because of this policy. There is no evidence this Policy will act adversely to any group. The monitoring log of complaints will help us understand this moving forward.

Where there is any potential impact on groups or an individual, we will consider what reasonable adjustments can be made, as detailed in our Reasonable Adjustment Policy.

We will publicise this policy, information about the Housing Ombudsman and the complaint handling code on our website. We promote this at onboarding and through tenancy sustainment visits. We will make it available responsively in recognition of the needs of our customers.

## **16. REVIEW OF POLICY**

Review of this Policy is every three years led by the Head of Customer Voice