

Title	Complaints Policy
Purpose	This policy sets out how Barnsbury Housing Association (BHA) aims to resolve any complaints about our service quickly and effectively and to the satisfaction of the person making the complaint and how BHA can learn from feedback on our service.
Last reviewed:	July 2023
Due for review:	July 2026
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Section	Title	Page
1	Introduction	2
2	Scope	2
3	Legislation, Regulation, Guidance & Best Practice	2
4	Roles and responsibilities	2
5	Principles	3
6	What is a complaint?	3
7	Making a complaint	4
8	The complaints process	5
9	Quick Resolution	5
10	Stage 1 Complaint	6
11	Stage 2 Complaint	7
12	Next Steps	8
13	Unreasonable behavior	8
14	Learning from feedback	9
15	Data Protection and GDPR	9
	Appendix I – Complaints Process Summary	

1. Introduction

- 1.1 BHA aims to provide quality service. If a resident feels that the service they have received from BHA, or someone acting on BHA's behalf, has fallen below an acceptable standard they may make a formal complaint.
- 1.2 This can also include where we did not do something we said we would, gave out wrong information, did not follow our own processes or procedures or communicated with someone in an inappropriate way.
- 1.3 Although we will always seek to follow this Policy when dealing with complaints, we reserve the right to use discretion when applying the Policy and may deal with a complaint differently where individual circumstances merit it. In these circumstances any discretion will be applied fairly and appropriately, and the resident will be informed at the earliest opportunity of any departure from this policy. We acknowledge that any complaint should be progressed as far as possible to maximise the opportunity to resolve a dispute. Some examples of when we would not use the complaints policy are anti-social behavior or noise nuisance these are dealt with under the relevant policies.
- 1.4 If we do not accept the complaints as detailed above, we would advise the resident in writing and provide the details of the Housing Ombudsmen service.

2. Scope

- 2.1 The policy applies to all BHA residents, including anyone who receives a service provided by BHA, and covers actions by all BHA employees including board members, contractors, sub- contractors, agents, and volunteers.
- 2.2 We will only consider complaints from applicants for property in relation to the way their application was managed.

3. Legislation, Regulation, Guidance and Best Practice

- 3.1 The Regulator of Social Housing requires providers to have an approach to complaints that is clear, simple, and accessible.
- 3.2 This Policy incorporates the key elements of the following statutory and regulatory requirements:
 - The Tenant Involvement and Empowerment Standard (Regulator of Social Housing)
 - Localism Act 2011
 - General Data Protection Regulation (GDPR) 2018
 - Equality Act 2010
 - Housing Ombudsman Service – Complaint Handling Code

4. Roles and responsibilities

- 4.1 Complaints can be made to any BHA staff member. All BHA staff have a duty to receive a complaint when made and will record it appropriately. Complaints about the CEO should be directed to the Chair or Chair of the Audit & Risk Committee.
- 4.2 The Housing and Communities Director is the designated 'Complaints Officer' according to the Housing Ombudsman's code. BHA's Business Support Officer will have responsibility internally to oversee the complaints process. They, and the rest of the team, will receive regular training in how to handle complaints effectively.
- 4.3 Complaints are reported to the board, who monitor BHA's performance.
- 4.4 BHA will report outcomes of complaints to BHA residents annually in the annual report along with information on how to make a complaint and any lessons BHA has learned because of a complaint.

5. Principles

- 5.1 This policy will be applied fairly and objectively and will not discriminate against any individual on the grounds of any protected characteristic.
- 5.2 During a complaints process, BHA aim to:
 - Apologise and accept responsibility where we have failed.
 - Act quickly to identify the problem and put it right.
 - Ensure a fair and consistent approach to the resolution of complaints.
 - Keep the resident informed throughout the complaints process, providing reasonable timeframes and properly manage their expectations throughout the process.
 - Listen to our resident, treat them with respect and get the right outcome for them.
- 5.3 BHA welcomes feedback about our service. BHA has a positive approach to complaints and record feedback and review complaints and compliments regularly at Leadership Team meetings so BHA can learn from what BHA are doing right, as well as where the service needs to improve.

6. What is a complaint?

- 6.1 BHA defines a complaint using the Housing Ombudsman's standard definition:

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

- 6.2 The resident does not need to use the word 'complaint' for us to treat the issue as a complaint. Some clarification may be sought with the resident on receipt of a complaint.

6.3 The policy covers instances:

- about dissatisfaction with any aspect of the service we have provided.
- about dissatisfaction with the standard of service provided by our staff or someone acting on our behalf. This includes professionalism and conduct.
- where we have failed to follow our policies and procedures.

6.4 BHA will **not accept** complaints in the following circumstances:

- If the complaint is made more than six months after the matter has come to the resident's attention unless there are exceptional circumstances to this delay, for example, if the complainant was incapacitated due to ill health, if the complaint was not recorded when it should have been, or in some circumstances where the complaints concern safeguarding or health and safety issues.
- Complaints about another BHA resident. BHA's Anti-Social Behaviour (ASB) policy will be used to investigate this instead. However, BHA will investigate a complaint about how an ASB case was handled by BHA.
- If the complaint has already been dealt with as a complaint – unless there is new evidence/information provided regarding a closed complaint.
- If a resident making the complaint refuses to engage with BHA in a reasonable manner.
- If the resident or BHA has initiated legal proceedings related to the complaint. If BHA receive legal instruction or correspondence during the handling of a complaint, BHA reserve the right to hand over the case to our legal representative and write to inform the resident the complaint is closed.
- A first request for a service, like a repair - this will be treated as a service request
- About one of our policies, unless it is about how our policies have been applied.
- A claim for damages which should be handled as an insurance claim.
- About the action of an individual or organisation we have no control over.

6.5 If BHA does not accept a complaint the resident will be made aware of this and receive written confirmation of this from BHA.

6.6 If the resident wishes to appeal this decision, they will be provided with information of how to make contact with the Housing Ombudsman service.

7. Making a complaint

7.1 Anyone who has received a service from BHA (or those acting on behalf of BHA) who is dissatisfied with that service can make a complaint.

7.2 Where a group wishes to make a collective complaint, or where a complaint made in the form of a petition, this should be done through a single representative. We will require written authorisation from all complainants that they agree to the complaint and to the representative complaining on their behalf.

7.3 A representative or advocate can make a complaint on behalf of a resident. They must provide signed authority from the resident. This could be a friend, relative or a representative of an external organisation such as the Citizens Advice Bureau or MIND. MPs and councillors can also act on behalf of a resident.

7.4 Residents can make a complaint through any means to contact BHA, including by phone call, email, letter or via our website. Complaints can also be made in person to a BHA member of staff.

Contact Details below

Email: info@barsbury.org

Phone : 020 7704 2324

Address : Barnsbury Housing Association,
4-6 Colebrooke Place,
London, NI 8HZ

7.5 If someone contacts us on our public social media pages, we will ask them to contact us directly to protect their privacy.

7.6 A complainant can contact the Housing Ombudsman service at point throughout their complaint for advice.

7.7 Where a resident requires help to make a complaint, BHA will provide support where possible (with permission from the resident), including encouraging the use of a representative or advocate where appropriate.

7.8 BHA will make any reasonable adjustments to the complaints policy and procedure to meet a resident's needs as covered in BHA's Reasonable Adjustments policy.

If the complaint has been made anonymously, BHA may still investigate the matter

7.9 The complaint handler must:

- Deal with complaints on merit
- Act independently and have an open mind
- Take measures to address any actual or perceived conflict of interest
- Consider all information and evidence carefully
- Keep the complaint confidential as far as possible

8. The Complaints Process

8.1 When a complaint is made to BHA member of staff, they will record the report and inform the relevant colleague and their manager of the complaint.

8.2 Any correspondence related to this complaint will be logged alongside the initial complaint for background information for BHA's investigation.

8.3 BHA's Business Support Officer will have responsibility to oversee the complaints process internally and they will be copied into any complaint.

8.4 Complaints will be handled in accordance with best practice as described by the Housing Ombudsman.

9. Quick Resolution (quick fix)

9.1 When a resident informs us that they are not happy about something, we will consider whether it is something we can put right quickly, without needing to go through our formal complaints procedure.

9.2 Examples can include:

- Resolving an issue about a repair or an appointment.
- Clarification of information previously been given.
- Clarification of how our policies or procedures are applied.
- Apologising for missing a repair appointment.
- Paying compensation

9.3 Issues that we might not consider suitable for a quick fix include:

- Where there are multiple issues to be resolved.
- Where the resolution requires the input of external agencies.
- Where a home visit or inspection is required.
- Unhappiness about the behaviour or attitude of a member of staff or contractor.

9.4 If the complainant would prefer us to deal with the issue as a formal complaint straight away, then we will log it as a Stage One complaint. Throughout the process we will ensure that residents know that they can approach the Housing Ombudsman at any stage.

10. Stage I Complaint

10.1 BHA will provide a written acknowledgment of a complaint within 5 working days of its receipt and begin the investigation into the complaint during this time.

10.2 BHA's acknowledgement will include a point of contact and a statement of the complaint BHA will investigate. If the resident disagrees with this statement or wishes to alter their complaint, they should make BHA aware within 2 working days of this.

10.3 We may contact the complainant to discuss the complaint, to better understand the issue and the outcome the complainant is looking for.

10.4 We will manage expectations from the outset, being clear where it desired outcome is unreasonable or unrealistic.

10.5 A full response to the complaint will be provided within 10 working days of the original complaint. If BHA are unable to provide a full response within 10 working days, the resident will be contacted to

let them know when to expect the full response.

- 10.6 If we require more time to complete our investigation, we will discuss this with the complainant and may extend our response time by a further 10 working days.
- 10.7 If BHA have carried out or identified any actions to be carried out to resolve this complaint, they will be detailed in BHA's response to the resident.
- 10.8 The resident will be advised if their complaint is not upheld, partially upheld or upheld.
- 10.9 If the resident is not satisfied with BHA's response the resident must inform BHA within 15 working days of receiving it. If the resident does not inform BHA of this within 15 working days BHA will consider the complaint resolved. BHA will extend this only in exceptional circumstances.

11. Stage 2 Complaint

- 11.1 If the resident is not satisfied with BHA's stage 1 response, the complaint will be escalated to a senior manager (Chief Executive, Housing & Communities Director or Asset Manager) to review as a Stage 2 Complaint.
- 11.2 BHA will provide an acknowledgment that the complaint has been escalated as a Stage 2 Complaint within 5 working days.
- 11.3 Where appropriate the senior manager may contact the resident to discuss the complaint further to understand why they feel BHA's initial response was unsatisfactory and what actions can be taken to resolve the complaint
- 11.4 The senior manager will inform the resident of the outcome of the Stage 2 Complaint within 20 working days of the initial request to escalate the complaint. If BHA are unable to provide a full response within this timescale will contact the resident to let the resident know when to expect the full response
- 11.5 If during the senior manager's investigation BHA has identified any additional actions to resolve the Stage 2 Complaint these will be carried out and the complaint will be closed. This would include giving the resident or the staff member a fair chance to set out their position and comment on any adverse findings before the final decision is made.
- 11.6 The manager will then send a full written response to the complainant detailing the outcome of the stage two complaint. Where the decision is that no further action is required, and that all reasonable and appropriate measures have been taken, the resident will be informed.
that they have reached the end of the complaints process and advised of the next available steps.
- 11.7 If the resident is not satisfied with BHA's Stage 2 Complaint response, they should be provided with the details for the Housing Ombudsman service as detailed in the next steps below.

12. Next steps

12.1 The complainant will be advised to refer their complaint direct to the Housing Ombudsman service. They will usually formally investigate a complaint once our internal complaints process has been exhausted. We will include these details in all correspondence.

Housing Ombudsman PO

Box 152

Liverpool

L 33 7 WQ

Tel: 0300 111 3000

info@housing-ombudsman.org.uk

www.housing-ombudsman.org.uk

12.2 BHA will make every effort to co-operate with any investigation into the complaint by the Housing Ombudsman service.

13. Unreasonable behaviour

13.6 There may be times where we feel that contact with us about the complaint is unreasonable. This is set out in our Unacceptable Behaviour Policy.

13.7 In summary, behaviour that we would consider unreasonable includes:

- Whether there is a likelihood that complaints are being made to intentionally cause harassment, divert resources or to disrupt the proper workings of the organisation.
- Whether there have been persistent or unreasonable demands made in the past.
- Evidence of abusive or threatening behaviour to staff or producing excessive correspondence.
- Whether the complainant or their representative displays unreasonable behaviour.
- Repeated complaints about issues that have already been considered through our complaints process where no new information is provided.
- Excessive contact to BHA staff whilst your complaint is being investigated.
- Intimidating, threatening, or using offensive or abusive language towards, or about, our staff or contractors.
- Contacting members of staff outside of work, including through their personal social media accounts

13.8 If contact is made with the Chief Executive or any other member of the Leadership Team directly to complain, the complaint will be passed to the relevant staff member, who will respond in accordance with this policy.

13.9 In these cases, while focusing on, and seeking to resolve the substance of any complaint, we will manage the behaviour in line with the following:

- Communicating through a third party.
- Limiting contact to a named member of staff or email address.
- Limiting contact to a specific communication form (e.g. via email).
- Limiting contact to specific dates and times.

13.10 Where unreasonable behaviour persists, we may stop all direct communication whilst we investigate the issues raised and reach our final decision.

13.11 We may also do this where unreasonable behaviour persists after we have made our final decision. If we stop direct communication, we will explain why in writing within five working days and advise of next steps.

14. Learning from Feedback

14.1 BHA's Complaints Policy is a key tool for our service to improve. BHA is committed to learning and improving from resident feedback. Compliments and complaints cases and KPI's are regularly reported to BHA's Board and BHA's Resident Panel.

14.2 Emerging themes and feedback and lessons learned is monitored by the Leadership Team on a regular basis.

14.3 BHA will regularly report the lessons learned following a complaint and actions BHA has taken to resolve a complaint. BHA will report this in our Annual Report.

14.4 BHA staff will regularly review complaints to identify any issues with BHA's service or matters which may require staff training.

14.5 We will send a survey once a complaint is closed to measure satisfaction with how the complaint was handled.

15. Data Protection and GDPR

15.1 BHA process and store personal information and data in line with the General Data Protection Regulation (GDPR) 2018. All complaints will be dealt with in line with BHA's GDPR-related policies.

15.2 Any third parties representing a resident during the complaints process will be asked to provide a letter of authorisation to act on their behalf. Where there is no evidence to prove that they have been authorised to represent them in this way, BHA will ask for any other evidence which proves the complainant is happy to be represented by the third party.

Related policies:

- Reasonable Adjustments
- Data Protection and GDPR

- Safeguarding
- Health and Safety
- Unacceptable Behaviour

16. Appendix I. Complaints Process Summary

Stage 1 Complaint

Action	Timescale
Complaint received from resident	Within 6 months of the issue first taking place
BHA write to acknowledge the complaint	Within 5 working days of the complaint
Full response to the complaint	Within 10 working days of the complaint

Stage 2 Complaint

Action	Timescale
Complaint escalated by the resident to a BHA Senior Manager	Within 10 working days of BHA's stage 1 Complaint response
BHA write to acknowledge the complaint's escalation to Stage 2	Within 5 working days of the complaint being escalated
Full response to the Stage 2 Complaint	Within 20 working days of escalating the complaint