Birmingham Civic Housing Association

COMPLAINT POLICY

1.Purpose

Birmingham Civic Housing Association (BCHA) is committed to providing a high-quality service to all its customers. We want to know when we get things wrong or when customers are unhappy with the service they have received.

This document sets out our approach to handling complaints including how we will listen, respond, and learn from problems and mistakes so that we can give better service in the future.

Our policy meets the Housing Ombudsman's complaint handling code.

Our policy will be published on our website and at least once a year we will provide our tenants with a summary of the policy and information how to make a complaint should they wish to do so.

2. 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 an individual resident or group of residents."***
>
> (Housing Ombudsman Complaint Handling Code- July 2020 updated February 2024)

A customer does not need to use the word complaint for it to be treated as such. Whenever a customer expresses dissatisfaction they will be given the choice to make a complaint.

A complaint is distinct from a **Service Request.**

> ***A service request is a request from a resident requiring action to be taken to put something right.***

Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

A complaint arises when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

The customer We will continue efforts to resolve a service request if the customer registers a complaint.

2.1 An expression of dissatisfaction made during a survey is not defined as a complaint, however, the person completing the survey will be made aware of how they can pursue a complaint if they wish to do so.

3 Exclusions

3.1 We will accept a complaint unless there is a valid reason not to do so.

Complaints shall not be accepted in the following circumstances:

- The issue giving rise to the complaint occurred more than 12 months ago and the customer became aware of the issue more than 12 months ago.
- The matter has previously been dealt with under this procedure.
- The matter is subject to formal court or tribunal action. Legal proceedings that have not progressed to formal stage, including matters at pre action protocol stage, can still be raised as a complaint.

3.2 If there is good reason to do so, we will use discretion to accept a complaint outside the 12- month timescale.

3.3 If a complaint is not accepted, we will provide an explanation setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Housing Ombudsman.

Customers can contact the Housing Ombudsman using one of the following options:

Online Complaint Form:
www.housing-ombudsman.org.ul/online-complaint-form/

Phone: 0300 111 3000

Write to:
Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET

4. Who can complain

4.1 We will accept complaints from:

- A tenant of Birmingham Civic
- A person applying for a home with us.
- Any other person or organisation affected by our services.
- A third party or representative of one of the above.

  Complaints submitted via a third party or representative will be handled in line with this policy.

5. How to complain

5.1 A complaint can be made in any way the person chooses, for example:

- In person at BCHA office
- To a member of staff during a home visit - if the complaint is not in writing the member of staff should record the details on the complaint form.
- By email to bcha@bcivic.co.uk
- By letter to BCHA offices at:
  230- 234 Wheelwright Road
  Erdington
  Birmingham
  B24 8EH
- By phone: **0121 382 5105**
- On-line via the BCHA website : www.bcivic.co.uk using the complaint form (Appendix 1)

5.2 We will consider our duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers who may need to access the complaints process.

5.3 Customers may appoint someone to deal with a complaint on their behalf and may be accompanied to any meetings to discuss the complaint. In these circumstances the customer should authorise the disclosure of relevant. personal data this is necessary to progress the complaint.

5.4 Support will be provided to enable all residents to access the complaint process, for example taking a complaint verbally or using an interpreting service.

5.5 The complaint policy available in a clear and accessible format for all residents where requested.

5.6 The customer does not have to use the word “complaint” for it to be. treated as such. In distinguishing complaints from service requests or survey feedback staff will have regard to the definition of a complaint set out in this.

policy.

5.7 The staff member taking the details of the complaint shall take responsibility for obtaining the relevant information and find out what the customer is unhappy about and what they would like to be done to resolve the matter. They will also consider whether the customer is vulnerable or at risk and bring this to the attention of the complaints officer so that an appropriate and timely response is provided.

6. Formal Complaints Procedure

6.1 The following principles must be applied in investigating and responding to complaints:

- Deal with each complaint on its merits.
- Take the complaint seriously and investigate it in an open manner
- Take time to understand the reason for the complaint and the remedy the customer is seeking.
- Give the customer a fair chance to set out their position.
- Consider all relevant information and evidence carefully.
- Take measures to address any actual or perceived conflict of interest.
- Establish if the customer is vulnerable or at risk and if so ensure that an appropriate and timely action is taken to respond.
- Establish if the customer requires any support or reasonable adjustments to ensure equality in the complaints process e.g. interpreting service.
- Keep the complaint confidential as far as possible with information only disclosed if it is necessary to investigate the matter.
- Acknowledge mistakes and apologise for any failures.
- Inform the customer of any action that will be taken to prevent the issue happening again.
- Explain the reasons for decisions made referencing relevant laws, policies where appropriate.
- Offer an appropriate remedy and explain the rationale for it.
- Keep the customer informed of progress of the complaint and ask their preferred method of communication.
- Inform the customer if they are entitled to compensation under the compensation policy.
- Inform the customer of their options if they are not satisfied with the outcome of the complaint.

6.2 **Stage 1**

6.2.1 Once a complaint is received this will be referred to the Housing Manager nominated as “complaints officer.” The complaints officer will record the complaint for monitoring and reporting purposes using the complaint log.

6.2.2 The complaints officer will acknowledge the complaint in writing (or by email) **within 5 working days** of the complaint being received. The acknowledgement will set out our understanding of the complaint (complaint definition), the outcomes the customer is seeking and which aspects we are or are not responsible for. The name of the person dealing with the complaint will be provided (complaints officer), this person will investigate the complaint and keep the customer up to date throughout the process.

6.2.3 The complaints officer will investigate the complaint, calling on other members of staff and contractors for information as necessary. The complaints officer has the authority to set deadlines for the provision of information to meet the required timescales.

6.2.4 The investigation will include contact with the customer to discuss the complaint, the impact of any service failure and the resolution they are seeking. When contacting the customer, the complaints officer will have regard to any reasonable adjustments required.

6.2.5 The complaints officer will respond **within 10 working days** of the complaint being acknowledged. The response should be confirmed in writing (by letter or email) even if the response was first given verbally in accordance with the customers wishes.

6.2.6 If this is not possible to respond within 10 working days because of the complexity of the issue, the availability of relevant information (or other good reason) further time may be taken to complete the investigation, but this should not exceed a **further 10 working days**.

6.2.7 Where a response to a complaint will fall outside the timescales set out in the Code, we will agree with the customer suitable intervals for keeping them informed about their complaint. In these circumstances, the customer will also be given the contact details for the Housing Ombudsman.

6.2.8 The response address all points raised in the complaint and provide clear reasons for any decisions referencing the relevant policy, law and good practice where appropriate. Where the customer raised additional complaints during the investigation these should be incorporated into the stage 1 response if they are related to the initial complaint and the stage 1 response has not been issued.

6.2.9 If additional issues are raised and the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

6.2.10 The response will be provided when the answer to the complaint is known. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the customer.

6.2.11 Any remedy offered shall reflect the extent of any service failures and the level of detriment caused to the customer; these shall include:

- acknowledging where things have gone wrong.
- providing an explanation.
- 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.

6.2.12 The stage 1 response must include the following:

- 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 an outstanding actions;
- details of how to escalate the matter to stage 2 if the customer remains dissatisfied after the stage 1 response;

  If the customer is dissatisfied with the outcome of their complaint they should request escalation to stage 2. The customer is not required to explain their reasons for requesting a stage 2 consideration. As part of the investigation at stage 2, reasonable efforts will be made to understand why they remain dissatisfied and what is that they are seeking to resolve the complaint.

6.3 **Stage 2**

6.3.1 Requests for Stage 2 will be acknowledged and logged **within 5 working. days** of the escalation request being received. The acknowledgement will set out our understanding of the complaint (complaint definition), the outcomes the customer is seeking and which aspects we are or are not responsible for

6.3.2 The stage 2 complaint will be passed to the Chief Executive who will review the complaint, the information gathered at stage 1, the decision. reached and the grounds for the appeal with a view to reaching a resolution to the complaint.

6.3.3 The Chief Executive will issue a response to the stage 2 complaint. **within 20 working days** of the complaint being acknowledged. Any extension to this timescale must be no more than 20 working days without good reason, and the reasons must be clearly explained to the customer. In these circumstances the customer will be given the contact details for the Housing Ombudsman.

6.3.4 The stage 2 response will include the following:

- 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 an outstanding actions;
- details of how to escalate the matter to the Housing Ombudsman if the customer remains dissatisfied.

6.3.5 Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the customer.

7. Self-Assessment, Reporting & Compliance

7.1 An annual complaints performance and service improvement report will be submitted to the Board of Management. This will include:

- an annual self-assessment against the Housing Ombudsman Complaint Handling Code.
- a qualitative and quantitative analysis of complaint handling performance, including a summary of complaints not accepted.
- any findings of non-compliance with the Complaint Handling Code.
- the service improvements made because of the learning from complaints.
- any annual report about performance from the Ombudsman.
- other relevant reports or publications produced by the Ombudsman.

7.2 The annual complaints performance and service improvement report and the Board of Management's response will be published on the website.

8. Scrutiny & Oversight

8.1 The Chief Executive is responsible for complaint handling. The Chief Executive will assess any themes or trends to identify potential systemic issues, serious risks and policies and procedures that require revision to improve service and avoid repeat of past mistakes. This analysis will be included in the annual report to the Board of Management.

8.2 Learning from complaints will be shared with staff, and customers.

8.3 The Board of Management will appoint a Member Responsible for Complaints (MRC). The MRC is responsible for ensuring the Board of Management receives regular information on complaints that provides insight into complaint handling performance, this includes:

- regular updates on the volume, categories and outcomes of complaints alongside complaint handling performance;
- regular review of issues and trends arising from complaint handling;
- regular updates on the outcomes of the Ombudsman's investigations and compliance with orders related to severe maladministration findings; and
- the annual complaints performance and service improvement report.

8.4 The MRC is responsible for responding to any complaint that is about the

Chief Executive.

8.5 The MRC will nominate a Board Member to deal with a stage 2 complaint if the Chief Executive was the decision maker at stage 1.

8.6 The Board of Management have adopted a standard objective in relation to complaint handling for all relevant employees and third parties that reflects the need to:

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

9. Unreasonable Behaviour and Persistent Complaints

9.1 We reserve the right not to deal with a complaint if it is being pursued in an unreasonable manner. Offensive or abusive language and aggression towards staff will not be tolerated.

9.2 Instances of unreasonable behaviour shall be referred to the Chief. Executive who will determine an appropriate course of action this may include the use of different communication methods, refusing to consider the complaint or terminating the investigation. The person making the complaint will be informed of the decision in writing and the reasons for it.

9.3 A review date will be set for any restrictions placed on a customer's contact due to unacceptable behaviour.

9.4 Any restrictions placed on a customer's contact will have regard to the provisions of the Equality Act 2010.

9.5 We reserve the right not to accept a complaint that has previously been. dealt with under this procedure.

10. Review

10.1 This policy will be reviewed every 3 years, unless changes in legislation or regulation require an earlier review.

12. Related Policies

Compensation Policy

Version: October 2026

Complaint Form

Name:

Address:

Telephone (home) **Mobile**

Email:

Please provide details of your complaint:

What outcome are you seeking to resolve your complaint?

Signature **Date**

Please return to:

Birmingham Civic Housing Association, 230-234 Wheelwright Road, Erdington
Birmingham B24 8EH
Email: bcha@bcivic.co.uk Tel: 0121 382 5105