



## Complaints Policy

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### 1. Policy Statement

- 1.1 Birnbeck is committed to providing a high quality service to our residents. However, we do recognise that there may be times when residents are dissatisfied about the service they have received and may wish to make a complaint.
- 1.2 Birnbeck will seek to resolve complaints in a fair and timely manner, wherever possible seeking to resolve complaints informally to achieve a satisfactory outcome for the resident.
- 1.3 We actively seek feedback whether it is via complaints, compliments or suggestions to help us improve the services that we deliver. We take complaints very seriously and will ensure that any lessons learnt from complaints are used to inform and improve services.
- 1.4 This policy aims to ensure that we comply with our regulatory and legal responsibilities.
- 1.5 We will adhere to the Housing Ombudsman's Complaint Handling Code 2024 and complete an annual self-assessment against the Ombudsman Code.

### 2. Scope of Policy

- 2.1 This policy applies to everyone who receives a service from us, including employees, committee members, residents, contractors and sub-contractors.
- 2.2 A complaint that is submitted via a third party or representative will be addressed in the same way as a complaint made directly from a resident

### 3. Definitions

- 3.1 The Housing Ombudsman define a complaint as '*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.*'
- 3.2 A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction we will give them the choice to make complaint.



- 3.3 We recognise that there is a difference between a service request and a complaint. A service request is '*a request from a resident that requires action to be taken to put something right.*' Service requests are not complaints, but will be recorded, monitored and reviewed regularly to inform and improve services.
- 3.4 A complaint will be raised when a resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. We will continue to address the service request irrespective of a resident wishing to make a complaint.

#### 4. Exclusions

- 4.1 There are circumstances in which a matter will not be considered a complaint, such as:
  - **Requesting a service for a first time** – a complaint cannot be made about a standard of service if it is the first time it is being reported to us, such as reporting a repair.
  - **Anti Social Behaviour** – reports of anti social behaviour are dealt with via our anti social behaviour policy and will only be dealt with as a complaint if we have failed to follow our policy or if it relates to how the anti social behaviour case was handled by a member of staff.
  - **Complaints regarding an incident that occurred over 12 months ago** – complaints should be made in a timely manner and will only be considered at discretion if over 12 months as a result of a long standing issue or delay.
  - **Policies** – complaints cannot be made about our policies, where they have been applied as set out in the policy.
  - **Vexatious Complainants** – if the complaint is of a vexatious nature or the complainant has been logged as a vexatious complainer (please see the unacceptable behaviour section of this policy).
  - **Complaints relating to Leaseholder Service Charges** - these should be referred to the First Tier Tribunal (Property Chamber).
  - **Legal proceedings have started** – where either we or the customer have started legal proceedings regarding the issue.
- 4.2 Where we do not consider something to be a complaint, we will provide an explanation, setting out the reasons why it does not meet a complaint as defined within our policy. A customer has the right to challenge this decision by taking their complaint to the Housing Ombudsman.

#### 5. How to Complain

- 5.1 We want to make sure that we make it as easy as possible for residents or customers to be able to complain without restriction. Complainants can express their complaint in any manner they choose, it does not have to be writing. Complaints can be made in the following ways:



Via Telephone	0208 201 8484 (Monday to Friday 8am – 4.30pm)
By Email	<a href="mailto:info@birnbeckhousingassociation.co.uk">info@birnbeckhousingassociation.co.uk</a>
In Writing	Birnbeck Court, 850 Finchley Road, London, NW11 6BB
Face to Face	Either through staff face to face contact or at one of our offices.
Through the Website	<a href="#">Contact Us – Birnbeck Housing Association</a>
Through a third party	E.G an advocate, staff member, support worker or Councillor

5.2 Complainants can seek help from Birnbeck Housing staff if they are having difficulties reporting their complaint who will assist with recording the complaint.

## 6. The Complaints Process

6.1 We will always try and resolve a complaint as quickly as possible and recognise that not all of our customers will want to follow a formal complaints process, they will just want the issue to be resolved.

6.2 We currently have a formal two stage complaints procedure.

### Stage 1

6.3 Where a complaint has not been resolved informally, it will be logged and an acknowledgement will be sent within 5 working days.

6.4 The complaint will be investigated and a full response to the stage 1 complaint will be issued within 10 working days of the complaint being acknowledged.

6.5 If for any reason this timescale cannot be met, an extension letter will be sent to the complainant, explaining the reason for the complaint extension. Any extension will not exceed an additional 10 working days. If an extension is required, the complainant will also be provided with the contact details for the Ombudsman.

6.6 All stage 1 complaints will be responded to by the Chief Executive Officer.

### Stage 2

6.7 Following stage 1, the complainant will have four weeks in which to escalate their complaint to stage 2 if all or part of the complaint is not resolved to their satisfaction at stage 1.

6.8 Requests to escalate a complaint to stage 2 will be logged and acknowledged at stage 2 of the complaints procedure within five working days of the escalation request being received.

6.9 A stage 2 investigation will normally focus on:



- Whether all elements of the stage 1 complaint were handled, investigated and considered fairly and appropriately.
- Is there further information or evidence available now that was not available during the stage 1 investigation.
- Were relevant policies and procedures followed.
- Was appropriate redress and apology given.

6.10 The complaint will be investigated and a full and final response to the stage 2 complaint will be issued within 20 working days of the complaint being acknowledged.

6.11 If for any reason this timescale cannot be met, an extension letter will be sent to the complainant, explaining the reason for the complaint extension. Any extension will not exceed an additional 20 working days. If an extension is required, the complainant will also be provided with the contact details for the Ombudsman.

6.12 All stage 2 complaints will be responded to by a member of the Birnbeck Housing Association Committee.

6.13 Following the formal stage 2 review, if the complainant remains dissatisfied with the complaint they can ask the Housing Ombudsman to review how we have dealt with their complaint.

## **7. The Housing Ombudsman Service**

7.1 The Housing Ombudsman Service offers advice and an independent review of a complaint should a complainant be dissatisfied with the handling of their complaint.

7.2 Complainants can contact the Housing Ombudsman at any stage of the complaint. Birnbeck staff and colleagues can also contact the Housing Ombudsman at any point during the complaint for advice.

7.3 The Housing Ombudsman can be contacted as follows:  
Phone: 0300 111 3000  
Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Online: [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)  
Post: Housing Ombudsman Service, PO Box 152, Liverpool, L3 7WQ

## **8. Unacceptable Behaviour**

8.1 Birnbeck retain the right to restrict access to this policy where we deem a complaint to be abusive, unreasonable or persistent. Examples of these behaviours include:

- Refusing to specify details of the complaint, despite Birnbeck offering to assist with this.
- Persistently changing the content of the complaint or continually raising new issues to prolong the complaint.
- Denying or changing statements made as part of the complaint.



- Continuing to pursue a complaint where Birnbeck's complaint policy has already been exhausted.
- Harassing, abusing staff or seeking to intimidate staff dealing with the complaint.
- Deliberately attempting to bypass the complaints policy.

## **9. Equality and Diversity**

9.1 We will assist all customers when making a complaint. If a customer is unable to make a complaint themselves, we are happy to receive a complaint from a third party representative on their behalf. This could include people such as a carer, support worker, family member, friend, an advocate, MP or Councillor.

## **10. Monitoring and Review**

10.1 We will keep a formal record of all complaints and lessons learnt exercises. All complaints received and action taken will be reported to Committee members at every Committee Meeting.

10.2 This policy will be reviewed every three years or in response to change in legislation or good practice, whichever is sooner. This policy will be reviewed by the Chief Executive.