



# COMPLIMENTS AND COMPLAINTS POLICY

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## **1. INTRODUCTION**

**1.1** Bushbury Hill EMB aims to provide services that meet tenant's needs, both in terms of appropriateness and quality. If something goes wrong, we want to be able to resolve complaints at the earliest available opportunity and learn lessons to help improve our services.

**1.2** We are committed to making the process of complaining as simple and straight forward as possible in line with our values.

**1.3** We want tenants to be able to raise a complaint so we can respond, put things right in a fair and timely manner and learn from their complaint.

**1.4** We do not view high volumes of complaints as a negative.

**1.5** This document, our Statement of Policy and Procedures includes a description of our complaints procedure, how we respond to a complaint and also describes how a complaint is defined, what we class as vexatious complaints and gives details on how we will respond to complaints which we receive.

**1.6** When our tenant's express dissatisfaction with any of the services we provide, we welcome and value the opportunity to address their concerns and aim to resolve their complaint with minimal formality. We recognise that effective resolution of complaints will help us to:

- Target resources better and improve service delivery.
- Maintain our credibility and image with our tenants and members
- Improve tenant satisfaction and confidence.
- Identify strengths and weaknesses in all areas of service delivery, provide opportunities for us to improve and help prevent problems.

**1.7** Bushbury Hill EMB also want to know when our tenants are particularly happy with a service they have received and any compliments we receive do get reported to Board and help them to improve the services they provide.

### **Compliments**

Bushbury Hill EMB values not only the complaints it receives from tenants but also any 'compliments' about service delivery. It is good to know when services are being provided well and when changes in service delivery have made a positive impact on tenants. Staff at Bushbury Hill EMB will be made aware of compliments made about service delivery and these will be reported to the Board. No formal process will be set up for compliments.

**1.8** We publicise this policy on our website and promote it in other regular communications.

## **2.0 Statutory/Regulatory Requirements**

**2.1** This policy is directly aligned with the Housing Ombudsman’s Complaint Handling Code.

**2.2** This policy is also in line with relevant legislation such as:

- [Equality Act 2010](#)
- [Transparency, Influence and Accountability Consumer Standard](#)

## **3.0 What is a complaint, what is not a complaint & what is a service request?**

**3.1** Bushbury Hill EMB use the Housing Ombudsman’s Complaints Handling Code 2024 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 tenant does not have to use the word ‘complaint’ for it to be treated as such. When a tenant expresses dissatisfaction, we will ask the tenant if they would like to raise a complaint.

### **3.2 What is not a complaint:**

The following are not considered complaints and would not be dealt with under this policy:

- A request for a service, such as a repair or alteration. (see service request)
- A report of anti-social behaviour – unless it is a complaint about how reports of anti-social behaviour have been handled.
- Any request for a service that is a retained responsibility of City of Wolverhampton Council or where Bushbury Hill EMB will try to assist but the underlying issue is not within our control or remit.
- Anonymous complaints where the complainant does not want to be associated with the complaint and we are unable to respond formally.
- A request for information. / explanation of our policies
- Complaints that are been pursued in an unreasonable manner.
- A matter that has been or is subject to a legal claim or an insurance claim.
- A complaint regarding an issue that arose more than 12 months previous to the complaint being made.

- A complaint that has been previously investigated and has been through our complaints process.

Requests or enquiries from Members of Parliament or Councillors are responded to directly within 5 working days. Where a failure in service is identified we will also contact the tenant and ask if they wish this to be considered as an official complaint.

### **3.3 Vexatious complaints:**

We treat all of our tenants with respect and fairness; however, we anticipate that there will be rare instances when our tenant's behaviour becomes unreasonable or they complain in an unreasonable and persistent manner. Our staff have the right to work in a safe environment free from verbal or physical abuse or threat, if a tenant displays any of the below behaviours, then any personal contact with the complainant will be stopped and the case will be dealt with in writing only:

- Using abusive language
- Leaving multiple voicemails
- Sending multiple unnecessary emails
- Threats of violence, either towards staff or their families

In cases where we encounter any of the following behaviours, we may consider classing the complaint as vexatious:

- Harassment of staff, threats of violence towards them or their families.
- Changing the basis of the complaint once the investigation has started.
- Asking a lot of questions not relevant and demanding responses to each one.
- Making unjustified complaints against staff involved in the complaint and requesting they are removed from the process.
- Making excessive demands on the time and the resources of staff either by repetitive phone calls, emails or in writing.
- Any behaviour which hinders the process of this policy and our ability to investigate it.
- Repeatedly missing our response deadlines but insisting the complaint continue to be investigated.
- Denying the presence of documented evidence, or not accepting them as factual.
- Refusing to specify the grounds of the complaint.
- Refusing to co-operate with the process laid out in this policy.
- Refusing to accept the decision given without new evidence to support them.

In an instance where we identify the claimant to be making a vexatious complaint, we will inform them in writing that their complaint falls under this section of the policy and will no longer be investigated by BHEMB.

### **3.4 Service Requests**

There may be times when we are unaware of an issue, and it is the first time a tenant has reported it to us. This is called a service request, which is defined as:

“a request from a tenant to the landlord, requiring action to be taken to put something right.”

This might be a first request for service, advice or a missed appointment. A service request is not a complaint, but we do record and monitor these.

If a tenant then expresses dissatisfaction with the response to their service request, this will then enter the complaints process.

### **4.0 Who can make a complaint?**

**4.1** The policy applies to anyone who receives or requests a service from Bushbury Hill EMB. This can include:

- current tenants
- leaseholders
- a former tenant
- an advocate on behalf of a tenant with their permission.
- A number of tenants (a group complaint)

**4.2** A complaint that is submitted through a third party or representative will be handled in line with the Bushbury Hill EMB’s complaints policy.

**4.3** A group complaint is a complaint that has been submitted by tenants / residents from more than one property. A lead complainant will need to be established by the group making the complaint. Names and addresses of all members of the group complaint will be needed to show that permission has been gained and they want to be part of the group making the complaint.

**4.4** We will only communicate with the lead complainant. The lead complainant will then be able to share information with other residents and individuals’ who are part of the group.

**4.5** If it appears that the individuals involved are raising different issues, or the circumstances vary although the issue may be similar, it may be more appropriate to deal with matters as separate complaints.

## **5.0 How to make a complaint.**

Complaints can be reported to Bushbury Hill EMB in person at our office on Kempthorne Avenue, by telephone 01902 552994, in writing, by email or online at [www.bushburyhill.co.uk/compliments-and-complaints/](http://www.bushburyhill.co.uk/compliments-and-complaints/).

If you raise a complaint on our social media platforms, we will contact you to ask for more information and will then enter the complaint into our complaints process.

Bushbury Hill EMB requires complaints to be submitted in one of the above ways to ensure complaints are recorded and reported clearly from a complainant's point of view. Bushbury Hill will comply with the equalities act 2010 and will adapt normal practices to accommodate individual needs according to our Reasonable Adjustments Policy. We will provide support and assistance to any tenant who requires help in completing a complaint form (including translation service, help to fill in forms due to literacy problems or disability). Complaints will be treated in the strictest confidence.

Where Bushbury EMB receives a complaint about a service provided by the Council, we will forward this to the Council's Complaints Manager within 2 working days.

When you make your complaint, we may ask you what the problem is and what action you think should be taken to resolve it, if you need any assistance making your complaint and your preferred way for us to contact you.

## **6.0 The Complaints Process**

### **6.1 STAGE ONE**

We aim to resolve all complaints at this stage. Most complaints can be resolved quickly with an explanation, apology or resolution provided to you.

A complaint will initially be logged and acknowledged by the Business Services Officer within 5 working days, who may call you to confirm the details of your complaint and to understand the resolution you are seeking. If the complaint can't be solved to your satisfaction, then the complaint will then be investigated by a member of the Management team. If the complaint is about a member of the Management Team it will be investigated by the Chief Officer or a delegated member of the Board.

You may be contacted by the investigating manager for further information and they will access all relevant information and speak to colleagues, other managers and contractors to allow a thorough investigation and provide a suitable resolution.

You will receive a response 10 working days after the complaint has been acknowledged.

The response will include:

- The Complaint Stage
- The Complaint definition
- The decision on the Complaint
- The reason for any decision made.
- The details of any remedy offered to put things right.
- Details and timescales for any outstanding actions
- Details of how to escalate the complaint to stage 2 if you are not satisfied with the response.
- Details of how to escalate the matter to the ombudsman service.

A complaint response is sent to the tenant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions are tracked and actioned promptly with appropriate updates provided to the tenant.

## **6.2 STAGE TWO – Complaint Appeal**

If the complainant still feels that their complaint has not been satisfactorily resolved or they remain unhappy they have the right to appeal to our complaints panel. They will not be asked to explain their reasons for requesting a Stage 2 consideration.

The stage two complaint must be made within 12 months of the issue occurring, or the tenant becoming aware of the issue. Discretion will be applied where there is good reason to consider a complaint out of this timescale.

All stage 2 complaints are considered by the complaints panel. You will be invited to meeting with the panel and will be given the opportunity to bring with you a friend, relative or representative for support.

The panel will consider your complaint and ask what we can do to rectify the situation. The panel will consist of a minimum of 3 people which will include at least one member of the Tenant Board and either The Chief Officer or a Senior Manager not involved with the Stage 1 investigation.

Our target is to arrange the panel within 15 working days. If for any reason it is likely to take longer, we will keep you updated in writing or if you need more time to arrange for an advocate to attend with you then this will, of course, be taken in consideration when agreeing the date.

The response to the complaint will be sent to you in writing within 5 working days of the panel meeting and will set out:

- Whether the complaint is upheld or not
- The reasons for the decision
- Any changes or compensation that will result from the complaint.

- Details of actions put forward by the complainant to rectify the situation.
- The procedure for appeal

### **6.3 What if I am not satisfied with the outcome of the Stage Two?**

Stage two is the final stage of Bushbury Hill EMB's Complaints procedure. If you are still not satisfied after you have completed the complaints process, you can refer your complaint to the Housing Ombudsman.

## **7. Ombudsman services**

**7.1** Tenants have the right to access the ombudsman services at any time during our complaints process. The Ombudsman can provide advice and guidance to support the early and local resolution of a case at any point in proceedings.

**7.2** We promote access to the housing ombudsman services at every stage of our complaints process. The ombudsman oversees different types of complaints so it's important to check which ombudsman is right for a complaint. Detailed information can be found on the website below or we have written a summary for each ombudsman.

### **The Housing Ombudsman**

**7.3** The Housing Ombudsman considers complaints about housing associations and local housing authorities. This can include leaseholder services, moving to a property, rent and service charges, occupancy rights, property conditions, tenant behaviour, estate management, complaint handling and compensation.

The contact details for the Housing Ombudsman service are:

- Online complaint form: [www.housing-ombudsman.org.uk/residents/make-a-complaint/](http://www.housing-ombudsman.org.uk/residents/make-a-complaint/)
- Phone: 0300 111 3000
- Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
- Postal address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

**7.4** The Housing Ombudsman service is set up by law to look at complaints about housing organisations. The service is free, independent, and impartial.

The Housing Ombudsman has the power to consider complaints and decide what is 'fair in all circumstances of the case'.

When things go wrong, they can make orders and recommendations to put things right or to improve service failure.

## Local Government and Social Care Ombudsman Service

**7.5** The Local Government and Social Care Ombudsman considers complaints about local authorities' wider activities, for example in discharging their statutory duties in homelessness. This includes housing allocations, homelessness, general housing advice, housing benefit, housing improvement grants and adult social care.

**7.6** If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Local Government and Social Care Ombudsman to review your complaint. The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway. This is usually up to 12 weeks.

When things go wrong, they can make orders and recommendations to put things right or to improve service failure. The service is free, independent, and impartial.

The contact details for the Local Government and Social Care Ombudsman are:

- Online complaint form: <https://complaints.lgo.org.uk/complaint-form/>
- Phone: 0300 061 0614
- Postal address: Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

***AT ANY TIME, the tenant can take their complaint to: Wolverhampton City Council Corporate Complaints Division in writing or by telephoning 01902 556556 and asking for corporate complaints. The Councils Complaint Division will contact BHEMB & inform them of the complaint and give BHEMB the opportunity to resolve the matter. In this instance a copy of the response would be sent to both our tenant and Corporate Complaints***

## **Further information on how Bushbury Hill EMB manage complaints.**

### **8. Equality and Diversity**

**8.1** We believe in treating everyone fairly and with respect. We value diversity and are committed to equal access of our services. Our two-stage complaints process is in line with statutory regulation to maximise fairness and opportunity to give us feedback and promote learning.

**8.2** This policy is aligned with the following Bushbury Hill EMB policies:

- Equality and Diversity Policy
- Reasonable Adjustment Policy

**8.3** We take account of the complexity of the complaint and whether the tenant is vulnerable or at risk when reviewing a complaint.

**8.4** As part of our process, we ask at stage one and stage two if a tenant has any support needs to help identify any reasonable adjustments that may be required in the handling of the complaint. All complaints are then handled based on their individual need. We keep a record of agreed reasonable adjustments and keep these under review during the complaints process.

### **9. Monitoring and reporting complaints**

**9.11** In order to monitor our complaints we keep the following information:

- we keep a full record of the complaint.
- the outcomes at each stage. This includes the original complaint and the date received.
- any extensions to timescales
- all correspondence with the individual
- correspondence with other parties
- any relevant supporting documentation such as reports or surveys.

**9.2** Any outstanding repairs or promised actions which are discussed with the tenant are monitored by the Business Services team and tenants are given regular updates.

**9.3** We will produce an annual complaints and service improvement report for our democratically elected tenant board and City of Wolverhampton Council, which includes:

**a)** the annual self-assessment against this Code to ensure our complaint handling policy remains in line with its requirements and publish the code on our website.

**b)** a qualitative and quantitative analysis of our complaint handling performance. This includes a summary of the types of complaints we have refused to accept.

- c) any findings of non- compliance with the Code
- d) the service improvements made as a result of the learning from complaints
- e) our performance in relation to Ombudsman's determinations
- f) any other relevant reports or publications from the Ombudsman's

This report and the annual self-assessment of the code will be published on our website.

## **10. Learning from complaints**

**10.1** Tenant satisfaction is very important to us, and we use tenant feedback, including leaning from complaints to shape improvements to our services.

**10.2** Our annual report includes details of our complaints performance and how we have improved services in-line with learning from complaints.

**10.3** As Bushbury Hill EMB is a relatively small organisation then trends in complaints are very difficult to identify, so we will work with our partners: City of Wolverhampton Council, The City Housing Influence Panel and Wolverhampton Homes to develop good practice and continually improve our complaints learnings and outcomes.