

## Appendix A: Self-assessment form

This self-assessment form should be completed by the complaints officer and it must be reviewed and approved by the landlord's governing body at least annually.

Once approved, landlords must publish the self-assessment as part of the annual complaints performance and service improvement report on their website. The governing body's response to the report must be published alongside this.

Landlords are required to complete the self-assessment in full and support all statements with evidence, with additional commentary as necessary.

We recognise that there may be a small number of circumstances where landlords are unable to meet the requirements, for example, if they do not have a website. In these circumstances, we expect landlords to deliver the intentions of the Code in an alternative way, for example by publishing information in a public area so that it is easily accessible.

## Section 1: Definition of a complaint

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
1.2	<p>A complaint must be defined as:</p> <p><i>‘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.’</i></p>	Yes	Definition contained within complaints policy.	
1.3	<p>A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction landlords must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the landlord’s complaints policy.</p>	Yes	Contained within complaints policy.	
1.4	<p>Landlords must recognise the difference between a service request and a complaint. This must be set out in their complaints policy. A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be</p>	Yes	Definitions contained within complaints policy.	

	recorded, monitored and reviewed regularly.			
1.5	A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. Landlords must not stop their efforts to address the service request if the resident complains.	Yes	Contained within complaints policy, and we adopt this approach.	
1.6	An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where landlords ask for wider feedback about their services, they also must provide details of how residents can complain.	Yes	Contained within complaints policy. Also covered in bi-annual resident surveys and annual reports, and on the website.	

## Section 2: Exclusions

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
2.1	Landlords must accept a complaint unless there is a valid reason not to do so. If landlords decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits	Yes	Contained within complaints policy.	
2.2	<p>A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago.</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> </ul>	Yes	Contained within complaints policy.	

	<ul style="list-style-type: none"> <li>Matters that have previously been considered under the complaints policy.</li> </ul>			
2.3	Landlords must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. Landlords must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.	Yes	Contained within complaints policy.	
2.4	If a landlord decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the landlord to take on the complaint.	Yes	Contained within complaints policy. We will comply with any ruling by the Ombudsman.	
2.5	Landlords must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.	Yes	Contained within complaints policy.	

### Section 3: Accessibility and Awareness

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
3.1	Landlords must make it easy for residents to complain by providing different channels through which they can make a complaint. Landlords must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.	Yes	Contained within complaints policy.	
3.2	Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the landlord.	Yes	Contained within complaints policy.	
3.3	High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.	Yes	Complaints policy states that we view complaints positively.	

3.4	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at each stage, and the timeframes for responding. The policy must also be published on the landlord's website.	Yes	Contained within complaints policy, which is available on our website.	
3.5	The policy must explain how the landlord will publicise details of the complaints policy, including information about the Ombudsman and this Code.	Yes	Contained within complaints policy.	
3.6	Landlords must give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord.	Yes	Contained within complaints policy.	
3.7	Landlords must provide residents with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.	Yes	Contained within complaints policy.	

## Section 4: Complaint Handling Staff

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
4.1	Landlords must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Code will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.	Yes	BBH does not have a dedicated complaints officer, but two Officers and the Head of Operations fulfil this role for the company. In addition, under an SLA with WBC, the Customer Care team co-ordinates complaint responses on our behalf. The Board receives complaints KPI data.	
4.2	The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.	Yes	Contained within complaints policy.	
4.3	Landlords are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively	Yes	Contained within complaints policy. Two Officers and the Head of Operations fulfil this role for the company. In addition, under an SLA with WBC, the Customer Care team co-ordinates complaint responses on our behalf.	



## Section 5: The Complaint Handling Process

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
5.1	Landlords must have a single policy in place for dealing with complaints covered by this Code. Residents must not be treated differently if they complain.	Yes	Contained within complaints policy.	
5.2	The early and local resolution of issues between landlords and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.	Yes	Contained within complaints policy.	
5.3	A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.	Yes	Two-stage process detailed in complaints policy.	
5.4	Where a landlord's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Code. Residents must not be expected to go through two complaints processes.	Yes	WBC's complaint policy adheres to the Ombudsman's Code.	

5.5	Landlords are responsible for ensuring that any third parties handle complaints in line with the Code.	Yes	WBC's complaint policy adheres to the Ombudsman's Code.	
5.6	When a complaint is logged at Stage 1 or escalated to Stage 2, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. The Code will refer to this as "the complaint definition". If any aspect of the complaint is unclear, the resident must be asked for clarification.	Yes	Contained within complaints policy.	
5.7	When a complaint is acknowledged at either stage, landlords must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.	Yes	Contained within complaints policy.	
5.8	At each stage of the complaints process, complaint handlers must: <ul style="list-style-type: none"> <li>a. deal with complaints on their merits, act independently, and have an open mind;</li> <li>b. give the resident a fair chance to set out their position;</li> <li>c. take measures to address any actual or perceived conflict of interest; and</li> </ul>	Yes	Contained within complaints policy.  This practice is applied.	

	d. consider all relevant information and evidence carefully.			
5.9	Where a response to a complaint will fall outside the timescales set out in this Code, the landlord must agree with the resident suitable intervals for keeping them informed about their complaint.	Yes	Contained within complaints policy.	
5.10	Landlords must make reasonable adjustments for residents where appropriate under the Equality Act 2010. Landlords must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.	Yes	Contained within complaints policy.	
5.11	Landlords must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. Landlords must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Code.	Yes	Contained within complaints policy.	
5.12	A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and	Yes	Complaint KPIs are recorded by WBC on behalf of BBH. These are presented to the Board on an annual basis and reviewed by the BBH team monthly.	

	any relevant supporting documentation such as reports or surveys.			
5.13	Landlords must have processes in place to ensure a complaint can be remedied at any stage of its complaints process. Landlords must ensure appropriate remedies can be provided at any stage of the complaints process without the need for escalation.	Yes	Contained within complaints policy.	
5.14	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. Landlords must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.	Yes	Contained within complaints policy.	
5.15	Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.	Yes	Contained within complaints policy.	

## Section 6: Complaints Stages

### Stage 1

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.1	Landlords must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. Landlords must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.	Yes	Contained within complaints policy. Officers will speak to the complainant to better understand the issue and determine whether early resolution is possible. They will also have access to staff at all levels to help resolve complaints as promptly as possible.	
6.2	Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure <b><u>within five working days of the complaint being received.</u></b>	Yes	Contained within complaints policy.	
6.3	Landlords must issue a full response to stage 1 complaints <b><u>within 10 working days</u></b> of the complaint being acknowledged.	Yes	Contained within complaints policy.	
6.4	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident	Yes	Contained within complaints policy.	

	of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.			
6.5	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Contained within complaints policy.	
6.6	A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.	Yes	This practice is applied.	
6.7	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	This practice is applied.	
6.8	Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being	Yes	Contained within complaints policy.	

	investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.			
6.9	Landlords must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language: <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> <li>g. details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.</li> </ul>	Yes	This practice is applied.	

### Stage 2

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
6.10	If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the landlord's procedure. Stage 2 is the landlord's final response.	Yes	Contained within complaints policy.	
6.11	Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure	Yes	Contained within complaints policy.	

	within five working days of the escalation request being received.			
6.12	Residents must not be required to explain their reasons for requesting a stage 2 consideration. Landlords are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.	Yes	Contained within complaints policy.	
6.13	The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.	Yes	Contained within complaints policy.	
6.14	Landlords must issue a final response to the stage 2 <b><u>within 20 working days</u></b> of the complaint being acknowledged.	Yes	Contained within complaints policy.	
6.15	Landlords must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.	Yes	Contained within complaints policy.	
6.16	When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.	Yes	Contained within complaints policy.	
6.17	A complaint response must be provided to the resident when the answer to the complaint is known, not when the	Yes	This practice is applied.	



	outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.			
6.18	Landlords must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	This practice is applied.	
6.19	Landlords must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language: <ul style="list-style-type: none"> <li>a. the complaint stage;</li> <li>b. the complaint definition;</li> <li>c. the decision on the complaint;</li> <li>d. the reasons for any decisions made;</li> <li>e. the details of any remedy offered to put things right;</li> <li>f. details of any outstanding actions; and</li> <li>g. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.</li> </ul>	Yes	This practice is applied.	
6.20	Stage 2 is the landlord's final response and must involve all suitable staff members needed to issue such a response.	Yes	This practice is applied.	

## Section 7: Putting things right

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
7.1	<p>Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:</p> <ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> <li>• Changing policies, procedures or practices.</li> </ul>	Yes	This practice is applied.	
7.2	Any remedy offered must reflect the impact on the resident as a result of any fault identified.	Yes	Our compensation policy takes this into account.	
7.3	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	This practice is applied, and our compensation policy takes this into account.	

7.4	Landlords must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.	Yes	This practice is applied.	
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## Section 8: Self-assessment, reporting and compliance

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
8.1	<p>Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ul style="list-style-type: none"> <li>a. the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.</li> <li>b. a qualitative and quantitative analysis of the landlord's complaint handling performance. This must also include a summary of the types of complaints the landlord has refused to accept;</li> <li>c. any findings of non-compliance with this Code by the Ombudsman;</li> <li>d. the service improvements made as a result of the learning from complaints;</li> <li>e. any annual report about the landlord's performance from the Ombudsman; and</li> <li>f. any other relevant reports or publications produced by the Ombudsman in relation to the work of the landlord.</li> </ul>	Yes	<p>Nominated Board MRC receives monthly updates on all complaints received, response issued and learning derived. This is then shared with the wider Board on a monthly basis. Initial deadline for submission missed but will be submitted in line with extended deadline published.</p> <p>Annual self-assessment has been completed, will be submitted in line with extended deadline.</p> <p>Annual analysis of performance and improvements made submitted to the Board every January.</p>	<p>Review format for provision of information presented to the Boards.</p>

8.2	The annual complaints performance and service improvement report must be reported to the landlord's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.	Yes	The outcome of the self-assessment will be passed to the Board and published on social media and website.	
8.3	Landlords must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.	N/A	No significant changes have occurred.	
8.4	Landlords may be asked to review and update the self-assessment following an Ombudsman investigation.	Yes	We will comply with the outcome of any such investigation.	
8.5	If a landlord is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website Landlords must provide a timescale for returning to compliance with the Code.	Yes	We will comply with this requirement, should circumstances dictate.	

## Section 9: Scrutiny & oversight: continuous learning and improvement

Code provision	Code requirement	Comply: Yes / No	Evidence	Commentary / explanation
9.1	Landlords must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.	Yes	Monthly review of KPIs are carried out by a senior manager to identify any learning opportunities.	
9.2	A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. Landlords must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.	Yes	Contained within complaints policy. Monthly review of KPIs are carried out by a senior manager to identify any learning opportunities.	
9.3	Accountability and transparency are also integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.	Yes	Learning from complaints is published in our bi-annual report to residents.	
9.4	Landlords must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.	Yes	Head of Operations reviews complaints to identify opportunities for improving practices, policies and procedures.	

9.5	In addition to this a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').	Yes	A Board member has been appointed as MRC.	
9.6	The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.	Yes	The MRC has access to all data relating to complaints, and to any member of staff involved in processing complaints.	
9.7	As a minimum, the MRC and the governing body (or equivalent) must receive: a. regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance; b. regular reviews of issues and trends arising from complaint handling; c. regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and	Yes	The MRC and Board receive monthly KPIs detailing the number of complaints received, the number closed, and the outcomes of these. An annual summary of complaints is also presented to the Board.	

	d. annual complaints performance and service improvement report.			
9.8	<p>Landlords must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:</p> <p>a. have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;</p> <p>b. take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and</p> <p>c. act within the professional standards for engaging with complaints as set by any relevant professional body.</p>	Yes	<p>The company values include objectives for all employees.</p> <p>This approach is adopted.</p>	



**Date: June 2024**

**Title: Berry Brook Homes annual complaints performance and service improvement report**

**Author: Amy Griffiths, Service and Compliance Officer**

**Purpose: for information**

**Foreword: - Nominated Board complaints champion**

The below report provides a fair representation of the complaints received by Berry Brook Homes during financial year 23/24. Berry Brook Homes takes all appropriate steps to manage, mitigate and learn from complaints. In addition to the below, the Berry Brook Homes Board are provided with an annual report of complaints received every January as well as bi-monthly reports to our nominated Board complaints champion. Bimonthly reports are also provided care of our Key Performance Indicators.

*Fred Wright*

### 1. Introduction

Berry Brook Homes monitors all formal complaints and their outcomes, and presents these, along with any lessons learned, to its Board on a bimonthly basis via the Complaints Champion board member.

### 2. Complaints

Over the past 12 months, three formal complaints have been received. An overview of the nature of the complaints and their outcomes are displayed below.

Stage of complaint	Complaint	Outcome	Lessons learned
Stage 1	Extended delays in the completion of repairs	Complaint upheld and compensation paid to tenant. Repairs closely monitored to ensure completion.	After investigation, it was found that the repair was repeatedly sent to the wrong contractor. Work was undertaken to ensure that repairs operatives are reading the repair report in full before allocating the job to ensure it is sent to the most appropriate contractor in the first instance.

Stage 1	Concern raised that a gas leak was not responded to promptly and appropriately. Additional concerns that, without prompting, Berry Brook Homes would not have acted on the wider issue of leaking condense pipes.	Not upheld – Berry Brook Homes response was fast, thorough and appropriate, with a well-coordinated plan constructed and implemented to tackle with wider issue within days of discovery.	None – Berry Brook Homes acted swiftly and without prompting.
Stage 1	Delays in responding to repairs.	Not upheld – multiple attempts were made through various channels to contact the tenant, none of which were responded to. Therefore, the complaint was closed.	None

### 3. Changes in the complaints process

To ensure that all complaints can be reviewed and responded to in an objective and unbiased manner, the complaints process has been updated to include that any member of staff involved prior to the complaint being made cannot also be the lead when writing the formal complaint response. The Stage 1 complaint response will be completed at officer level, which then allows for the senior manager to complete a Stage 2 response should it necessary.

Due to the small size of the organisation, there is not the capacity within the staff team to have the Stage 1 and 2 responses completed by two separate managers, hence the need for the Stage 1 response to be completed at an officer level.

### 4. Conclusion

Berry Brook Homes continually reviews its practices around the handling of complaints and actively seeks feedback from tenants regarding this process to understand avenues of improvement.

## Local Housing Companies' Complaints policy

<b>Reference:</b>  <b>Scope:</b>	Version 3  Loddon Homes Berry Brook Homes  <b>Author:</b> Tracy Garner <b>Approved by:</b> Head of Operations <b>Date of approval:</b> 18/04/2024 <b>Date of next review:</b> April 2027
<b>Legislation/Regulatory/ Governance:</b>          <b>Related policies:</b>	The Localism Act 2011 Housing Act 1996 (schedule 2) General Data Protection Act 2018 Equalities Act 2010 Housing Ombudsman Scheme Tenant and Involvement Empowerment Standards The Housing Ombudsman’s Complaint Handling Code 2024 The Housing Ombudsman’s Dispute Resolution Principles Housing Ombudsman Service: Principles of Dispute Resolution  Data Protection policy Compensation policy Unacceptable behaviour policy Equality and Diversity policy

### 1. Policy statement

This policy applies to Loddon Homes and Berry Brook Homes (the Local Housing Companies (the LHCs)). The LHCs have delegated responsibility to Wokingham Borough Council (WBC) for ensuring this policy is implemented and delivered, although we can and do deal with complaints made directly to ourselves when applicable.

The LHCs aim to provide good quality services and to treat all residents fairly. We recognise that sometimes things do go wrong and residents may be dissatisfied and wish to complain. We view complaints positively. Our aim is to resolve complaints as quickly as possible by being open, accountable and outcome focused, investigating and identifying what went wrong and taking action to put things right.

Throughout the complaints process, we will make reasonable adjustments to accommodate residents’ needs in line with the Equality Act 2010. This may include changes to the complaints policy, procedure or process.

This policy is available to view on our website, or by email or post on request.

### 2. Scope

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the LHC, our own staff, or those acting on our behalf, affecting a resident or group of residents.

A resident does not have to use the word ‘complaint’ for it to be treated as one. Whenever a resident

expresses dissatisfaction we will give them the choice to make a complaint. This also applies if the complaint relates to an ongoing service request; we will not stop our efforts to address the service request if the resident complains.

This policy does not cover:

- Services for which we are not responsible.
- Where the complainant is taking legal action against us on the same issue or we are taking legal action against the complainant on the same issue.
- Complaints submitted anonymously (we will however attempt investigation where possible).
- Complaints submitted 12 months or more after the issue occurred or after the resident became aware of it. Exceptions may be made at the discretion of the manager responsible for the service.
- Matters that have previously been considered under our complaints policy.
- Where the complainant is an employee of the LHC (unless they occupy one of our properties and the complaint relates to issues around their tenancy).
- Reporting repairs or anti-social behaviour – these are considered to be service requests.

Complaints from the following individuals or groups will be managed under this policy:

- Potential and current LHC residents.
- Shared owners.
- MPs and councillors making a complaint on behalf of a resident.
- Other advocates acting on behalf of a resident (see section 7). This does not include legal representatives who write to us with a view to taking legal action.
- Tenant associations, who will follow the procedure set out in their signed recognition agreement.

We will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint. If we refuse to accept a complaint, an explanation will be given setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

### **3. Roles and responsibilities**

A resident can raise a complaint with any member of staff at the LHC.

Stage 1 complaints will be investigated and responded to by an officer.

Stage 2 complaints will be investigated, reviewed and responded to by a senior manager. In exceptional circumstances, a stage 2 response may need to be responded to by the Managing Director.

Any requests for information made by the Housing Ombudsman, or other organisation investigating a complaint referred by one of our residents, will be managed by the relevant officer with support from a senior manager as necessary.

The relevant officer or manager will ensure that any determinations made by the Housing Ombudsman are shared and actioned as necessary, e.g. compensation paid.

#### 4. Definitions

For the purposes of this policy:

- a. A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the LHC, its own staff, or those acting on their behalf, affecting an individual resident or group of residents.
- b. A service request is a request from a resident requiring action to be taken to put something right, such as reporting a repair, a noisy neighbour or an abandoned vehicle.
- c. An upheld complaint is where the complaint was justified and there has been a failure to provide the service promised.
- d. A not upheld complaint is where we do not agree that the complaint is justified and there is no evidence of service failure.
- e. A partially upheld complaint is where we agree that the complaint is partly justified and there is evidence of partial service failure.
- f. An advocate is a person(s) acting on behalf of a complainant to help them manage their complaint.
- g. The Housing Ombudsman Service investigates complaints about registered providers of social housing like Loddon Homes, as well as voluntary members such as private landlords like Berry Brook Homes. Residents can contact the Ombudsman at any time during the complaints process for help and advice. For further information refer to [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)
- h. The Leasehold Advisory Service provides guidance and support for leaseholders relating to disputes with the landlord, including service charges. For further information refer to [www.lease-advice.org/advice](http://www.lease-advice.org/advice)

#### 5. Legislation and governance

We will take into account the following when dealing with complaints:

- The Localism Act 2011
- Housing Act 1996 (schedule 2)
- General Data Protection Act 2018
- Equalities Act 2010
- Housing Ombudsman Scheme
- Tenant and Involvement Empowerment Standards
- The Housing Ombudsman's Complaint Handling Code 2024
- The Housing Ombudsman's Dispute Resolution Principles

#### 6. Aims and objectives

##### Aims

In line with the Housing Ombudsman's Dispute Resolution Principles, we aim to:

- Be fair – treat people fairly and follow fair processes.
- Put things right - resolve complaints locally and as quickly as possible by being open, accountable

and outcome focused.

- Learn from outcomes - view all complaints positively, treating them as an opportunity to learn from mistakes, to put things right and to make improvements to services.

### Objectives

- To work together within the LHC, with partner organisations and other agencies where necessary to come to positive outcomes to complaints.
- To resolve complaints quickly and effectively.
- To record and analyse data from complaints, and use it to improve services and amend policies or processes where necessary.
- To manage all complaints in an open, fair, transparent and accountable way.

## **7. Procedure**

### How we manage complaints:

We will make it as easy as possible for residents to complain, and will take complaints in any way including by letter, email, social media, telephone or in person. A resident may make their complaint to any member of LHC staff. Should a resident choose to make a complaint via social media, we will respond outside the social media platform to ensure confidentiality and privacy.

An expression of dissatisfaction made through a survey is not defined as a complaint; however, we will make the resident completing the survey aware of how they can make a complaint if they wish to. At each stage of the complaints process we will:

- Deal with all complaints on their merits, act independently and have an open mind.
- Give the resident a fair chance to set out their position.
- Take measures to address any actual or perceived conflict of interest.
- Consider all relevant information and evidence carefully.

Team members dealing with complaints will have access to staff at all levels to help resolve complaints as promptly as possible. They will also have the authority and autonomy to act to resolve disputes promptly and fairly.

When a complaint is received, a team member will call the complainant to make sure we are clear what they are dissatisfied with and what they would like as an outcome.

The complaint will be dealt with in line with stage 1 of the LHCs' complaints process and will be acknowledged, defined and logged by us or our managing agent in writing within five working days. The responsible officer will respond to stage 1 complaints within 10 working days. Where this is not possible, we will give reasons and agree an extension with the complainant of no more than 10 working days without good reason.

Where residents raise additional complaints during the investigation, they will be incorporated into the stage 1 response if they are related and the stage 1 response has not yet been issued. Where the response has already been issued, the new issues are unrelated to the original complaint or investigating them would unreasonably delay the response, the new issues will be logged as a new complaint.

If the complainant is not satisfied with the outcome of stage 1, they can escalate their complaint to stage 2 and they do not need to give a reason for doing so. We will only accept stage 2 escalation requests on the same subject; the complainant may not add additional issues unless they are related to the original complaint. Stage 2 is our final response.

Stage 2 complaints will be acknowledged, defined and logged within five working days of the escalation

request being received and will be dealt with by a senior manager, who will carry out an independent investigation which will be signed off by the Managing Director. A formal response will be sent to the complainant within 20 working days. Where an extension to this timescale is needed, we will inform the resident of the expected time for response, which will be no more than 20 working days without good reason.

If we have to inform a resident about an extension to these timescales, we will provide details of the Ombudsman.

We will take into account the LHCs' Compensation policy where appropriate if a complaint is upheld.

We will support vulnerable residents through the complaints process and, where appropriate, refer them to alternative services that may be able to help. We will accept complaints made by advocates on behalf of a resident. To ensure compliance with data protection legislation, written consent will be required from the resident. If the resident is not able to give written consent for reasons of incapacity, We will ask for other evidence that the advocacy is legitimate (refer to the LHCs' Customer Vulnerabilities policy).

We will endeavour to provide alternative ways to seek support when the subject of the complaint is outside our control.

#### When a complaint may be refused or terminated

In exceptional circumstances we may refuse to deal with a complaint:

- Where a complaint is about an issue that has already been through the complaints process, with only a very minor difference. The complainant will be advised that the case is closed. The complainant has the right to seek advice from other parties (legal representative, Housing Ombudsman). See section 7.
- A complaint escalation may be refused at the Managing Director's discretion if the outcome the complainant wants is not in our control or the responsibility, or is excessive given the service failure. This will be explained fully in writing.
- Where a complaint is persistent, vexatious or unreasonable, or the complainant acts in an unreasonable, rude or aggressive manner, (see the LHCs' Unacceptable Behaviour policy).
- We will not meet excessive demands or respond to every point in an unreasonable communication. In such circumstances we may consider it appropriate to end a complaint.

We will not take a blanket approach to excluding complaints and will consider the individual circumstances of each complaint.

#### Withholding rent and/or service charges

Residents will always be advised not to withhold the payment of rent/service charges when they have a complaint. If they intend to withhold rent for any failings to undertake repair(s) then they must comply with the specific procedure in the Housing Act 2004. Any rent withheld by a complainant who has not followed this procedure will be managed as rent arrears.

#### Complaint closure

A complaint is considered closed when the matter has been investigated and responded to, and the complainant has not notified us that they wish to escalate the complaint to the next stage within 21 days.

If the complainant is still not satisfied with any aspect of their complaint, they may contact the Housing Ombudsman to investigate how we dealt with their complaint.

### Complaints resolution organisations

If we are unable to reach a satisfactory resolution with the complainant, they will be advised of their right to involve another party, such as an MP, Councillor or the Housing Ombudsman. Complainants can refer their complaint to the Housing Ombudsman at any point in the complaints procedure.

Complaints relating to services registered by the Care Quality Commission (CQC) or commissioned by Local or Health Authorities can be taken to these bodies directly at any stage.

Shared owners who are not satisfied with the outcome of stage 2 can refer their complaint to the First Tier Tribunal (Property Chamber) to access their dispute resolutions service. The Leasehold Advisory Service can also provide guidance.

These organisations (other than the Housing Ombudsman) will usually expect our internal complaints procedures to have been fully completed before getting involved, but in some cases will investigate before internal procedures are completed.

## **8. Self-assessment, reporting and compliance**

The LHCs must produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- Our annual self-assessment against the Ombudsman's Complaint Handling Code.
- A full analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept.
- Any findings of non-compliance with the Code by the Ombudsman.
- Service improvements made as a result of learning from complaints.
- Any annual report about our performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.

## **9. Equality & Diversity**

We recognise the needs of a diverse population and always act within the scope of their own Equality and Diversity policy, the Human Rights Act 1998, and Equalities Act 2010. We work closely with partners to ensure a clear understanding of their resident community with clear, regularly updated service user profiles. We record, analyse and monitor information on ethnicity, vulnerability and disability.

## **10. Confidentiality**

Under the General Data Protection Act 2018 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- Anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or Board member.
- Sensitive organisational information.

LHC employees will ensure they only involve other agencies and share information where there is a legal basis for processing the information.

## **11. Review**



This policy will be reviewed on a three-yearly basis, or more frequently in response to changes in legislation, regulatory guidance, good practice or changes in other relevant LHC policies.

**8. Performance**

Our performance in relation to the delivery of the services and activities set out in this policy will be monitored on an ongoing basis through established reporting mechanisms to the associated Boards.

APPROVED

**DOCUMENT CONTROL**

Issue date	Approval date	Planned review date	Actual review date
November 2019	November 2019	November 2022	December 2021
	December 2021	December 2024	April 2024
	April 2024	April 2027	