

1. Complaints and Compensation Policy

2. Reference Numbers 3.9.2

3. Statement of intent including cross-reference to BDHT's Directorate and corporate objectives

- 3.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by bdht, our own staff, or those acting on our behalf, affecting an individual resident or group of residents.
- 3.2 Complaints provide bdht with a valuable opportunity to turn negative customer views into positive experiences and to apply learning across the organisation so that all customers can benefit.
- 3.3 The aim of the policy is to resolve issues leading to dissatisfaction as quickly as possible by being open, accountable and outcome focused. Efficient and effective complaint handling is an essential component in delivering our corporate theme of customer excellence.
- 3.4 On occasions it is appropriate to pay compensation to customers who have made a complaint to bdht. bdht will develop a fair and transparent compensation scheme that is understood by staff and customers.
- 3.5 Decisions that are subject to legal proceedings or independent review via the bdht appeals procedure are excluded from consideration under the Complaints policy and procedure.

4. Legal and Regulatory Requirements

4.1 Legislation

4.1.1 Complaints

- 4.1.2 Legislation directly relating to complaint management is the:

Housing Act 1996 s.51 and Schedule 2

- 4.1.3 All Registered Providers must be members of the Independent Housing Ombudsman Scheme (which is the only scheme currently approved by the Secretary of State) in respect of all their housing activities. If a

housing association fails to join the Scheme, it will be considered to be in breach of the law.

- 4.1.4 If the Ombudsman finds maladministration (upholds a complaint) the housing association is expected to comply with his orders or recommendations. Any failure to comply will be reported to the Regulator of Social Housing. The Ombudsman can order a member to publish any failure to comply, in such a way as the Ombudsman sees fit and the Ombudsman may himself publish such failure in his annual report or elsewhere.
- 4.1.5 bdht will comply with the Complaint Handling Code published by the Housing Ombudsman (July 2020).

Localism Act 2011

- 4.1.6 From the 1st April 2013 tenants of registered providers will be able to request that their complaints be considered by a 'designated person' once they complete the internal procedure of their landlord. Such a person can be an MP, a local Councillor, or a recognised Tenant Panel. The designated person may help resolve the complaint directly, may refer the complaint to the Ombudsman, or may decline doing either. In the latter case the complainant may approach the Ombudsman for his consideration of the complaint. The complainant may also approach the Ombudsman directly if more than eight weeks have elapsed since the completion of the internal procedure of the landlord, without the need to involve a designated person first.

Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR) 2018

- 4.1.7 The GDPR forms part of the data protection regime in the UK, together with the DPA 2018. The main provisions of this apply, like the GDPR, from the 25.5.2018.

The Equality Act 2010

- 4.1.8 bdht shall comply with the Equality Act including making reasonable adjustments so that everyone has access to the complaints service and is treated fairly.
- 4.1.9 To ensure reasonable adjustments are identified and embedded in our approach to complaint handling an Equality Impact Assessment screening shall be undertaken.

Statutory Compensation

- 4.2.1 There are a number of circumstances where bdht tenants may qualify for compensation on a statutory basis or where tenancy conditions provide rights to compensation as if statute applied, these include:

- Right to Repair (rights granted by tenancy as if Section 96 of the Housing Act 1985 (as amended) applied);
- Home Loss Payments (Landlord Compensation Act 1973)
- Disturbance Payments (Landlord Compensation Act 1973)
- Qualifying improvements (Sections 99A (as amended by section 122 Leasehold Reform Housing and Urban Development Act 1993) and 99B of the Housing Act 1985 (as amended by paragraph 54 of Schedule 8 of the Family Law Act 1996).

4.2.2 Of these only compensation under the Right to Repair relates to service failure. There is, therefore, no direct legislative requirement for bdht to pay compensation to customers. It is however, good practice and in line with government policy on customer rights to provide compensation when services fail to meet standards. Levels of compensation need to take account of the fact we are a social housing provider whose main source of income is from tenants rent payments.

4.3 Regulatory Requirements

Regulator of Social Housing (RSH) standards

Tenant involvement & empowerment standard – Customer service, choice & complaints

“ Registered providers shall:

- have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly.”

“1.2 Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints.”

“Providers shall accept complaints made by advocates authorised to act on a tenant’s/tenants’ behalf.”

BDHT Local Offer

“We aim to deliver excellent customer service, in a way that suits you. We will treat you fairly, with courtesy and respect. We will ensure that you are listened to, and give you opportunities to be involved.”

“We will respond quickly to complaints, and learn from our mistakes.”

5. Policy Statement

- 5.1 bdht aims to provide high quality customer services. However there will be occasions when, for a variety of reasons, this aim is not achieved. bdht's policy is to effectively resolve all complaints made against the organisation, its staff, contractors and consultants within published timescales.
- 5.2 bdht will seek to resolve all complaints whereby all parties are accepting of the outcome. Staff are empowered to deal with dissatisfied customers as effectively as possible. The aim is to deal with dissatisfaction as quickly as possible by being open, accountable and outcome focused.
- 5.3 Complaints can be made in person, by letter, by telephone, by fax, by text, by e-mail, via Twitter, Facebook and through the online customer portal "mybdht".

5.4 Confidentiality

- 5.4.1 bdht will process complaints in accordance with the Data Protection Act 2018. To ensure we do so complaints will be processed and data managed in accordance with the following bdht policies, procedures and guidance:

- Complaint Procedure
- Complaints Guidance for Staff
- Confidentiality & Access to Information Policy
- Access Control Policy
- Clear Desk Policy
- Data Breach Policy
- Data Retention Policy
- ICT Security Policy
- ICT Information Security Standard
- Subject Access Policy

- 5.4.2 Where complaints are raised via social media bdht shall not respond (other than to acknowledge the issue has been raised) through publicly accessible channels. Bdht shall advise any complainant that a complaint has been logged privately. All on-going communication with regard to the complaint will be communicated by bdht through private channels and in accordance with paragraph 5.4.1 above.

5.5 Complaint Definition

- 5.5.1 bdht defines a complaint as "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents." Any customer contact meeting this definition shall be recorded and managed as a complaint. A customer does not have to expressly state that they wish to make a complaint for a complaint to be recorded. A complaint will, however, be recorded and

investigated as such wherever a customer deems it so. This definition applies to complaints dealt with both formally and as “quick fixes”.

5.5.2 A “customer” is defined as a tenant, licensee, leaseholder or shared owner of property owned or managed by bdht, an applicant for a property owned or managed by bdht, an ex-occupier with a legal relationship with bdht at the time that the matter complained of arose, or a representative acting on behalf of any such person.

5.5.3 Other residents may in exceptional circumstances be categorised as a “customer” where they receive a direct service from bdht or are directly impacted by bdht.

5.6 Policy Exclusions

5.6.1 In the circumstances set out in this section any customer “expressions of dissatisfaction” will not be dealt with under this policy.

5.6.2 Where an exclusion is applied under this section the customer shall be notified in writing of the decision and the reasons for the decision being made and that

- the customer has the right to challenge any such decision by bringing their complaint to the Ombudsman;
- the contact details for the Housing Ombudsman.

Legal Action

5.6.3 Where legal proceedings have been started by the complainant against bdht the claim will be referred to bdht solicitors and addressed as part of the legal proceedings.

Bdht shall deem legal proceedings to have commenced where bdht

- is advised by the complainant, or their legal advisers, that papers have been lodged with the court to commence proceedings, or
- is served papers by the court confirming legal proceedings have been commenced.

Where bdht receives a Housing Disrepair Pre-Action Protocol letter or a Disrepair Counter Claim from a customer or Solicitor it will be forwarded immediately to bdht solicitors.

Insurance Claims

5.6.4 Where a complaint includes an allegation that a bdht service failure has resulted in:

- personal injury, or
- damage to a claimants property or possessions with a value of £1,000 or more,

the complaint will only be considered under the bdht Complaint Policy following a final determination made by bdht's insurers.

Persistent Complaints

- 5.6.5 Occasionally a customer may repeatedly complain about the same issue. Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the user continues to dispute the decision made by bdht – be it the determination of a complaint or the manner in which the case was handled.
- 5.6.6 Where a complainant is considered to be “unreasonably persistent” bdht will not open a “new” complaint or “re-open” a previous case unless significant new information relating to the issue is provided.

Historic Issues

- 5.6.7 bdht will not accept complaints about issues that occurred over six months prior to the complaint being received, unless the problem relates to a recurring issue.
- 5.6.8 In exceptional circumstances, such as landlord responsibilities to residents health and safety, bdht may accept complaints about issues arising more than 6 months ago, at the discretion of the Head of Business Improvement.

Appeals

- 5.6.9 The table below sets out decisions taken by bdht which carry an explicit right of appeal by an officer independent of the original decision making process. Any expression of dissatisfaction received against such a decision will be considered in accordance with the appeal procedure rather than through the Complaints policy and procedure.

Decision	Service Teams Involved
Choice Based Lettings Banding Decisions (bdht Transfer Cases)	Housing Needs
To terminate or extend an introductory tenancy	Community First
To seek possession under Ground 8 of Schedule 2 of the Housing Act 1988	Money Advice Team
To seek possession under Section 21 of the Housing Act 1998	Community First, Money Advice Team
The duration of any fixed term tenancy granted by bdht.	Allocations & Lettings Team
The type of tenancy granted by bdht	Allocations & Lettings Team
Not to grant an extension at the end of a fixed term tenancy	Community First, Allocations & lettings, Housing Needs
The size and suitability of accommodation to be offered to an applicant from the bdht Transfer Register	Allocations & Lettings
To refuse an application to mutually exchange tenancy	Allocations and lettings

To refuse an application for assignment	Allocations and lettings
To refuse an application for succession	Allocations and lettings
The size and suitability of any alternative accommodation offered under the succession procedure	Allocations and lettings
To refuse an application for floating support or to terminate floating support without agreement of client	Supported Service (Homeless & Bliss)
To skip bids on shortlists	Allocations and lettings
Any decision to remove a service customer without their agreement.	Sunrise

5.6.10 Where a customer is dissatisfied with the outcome of any appeal in the circumstances set out above there shall be no recourse to the Complaints process.

Alleged Failure to Comply with the General Data Protection Regulations (GDPR)

5.6.11 Where a complainant alleges a failure to comply with the provisions of the GDPR and refers their complaint to the Information Commissioners Office the complaint (in regard to the alleged breach) will be dealt with through the ICO and will be removed from the bdht complaint process.

5.7 Categories of Complaint

5.7.1 Where a customer makes a complaint as defined in paragraph 5.5.1 the customer will be given a choice for the matter to be resolved formally or informally.

Informal complaints – A “Quick Fix”

5.7.2 An "informal" complaint is classed by bdht as a "complaint" and treated no less seriously.

5.7.3 An informal complaint will normally be logged where a customer is seeking a speedy resolution, a "quick fix", without the need for a detailed investigation letter to accompany the actual resolution.

5.7.4 Informal complaints will be investigated and resolved within timescales set out in published service standards.

5.7.5 Where an informal complaint cannot be resolved it will be escalated to a "formal" complaint at the request of the customer making the complaint.

Formal Complaints

5.7.6 The Business Improvement Team shall be assigned responsibility under this policy for managing formal complaints. The Business Improvement Team shall in dealing with complaints;

- be able to act sensitively and fairly;
- be trained to receive complaints and deal with distressed and upset residents;
- have access to staff at all levels within the organisation to facilitate quick resolution of complaints;
- service managers delegated to investigate complaints shall have the authority and autonomy to act to resolve disputes quickly and fairly.

5.7.7 The bdht formal complaints process shall comprise 2 internal stages. The complaint process shall be explained in full in an accompanying service standard, which shall be issued on acknowledgement of receipt of a complaint, published via the bdht website and shall be available in reception and upon request. If the complainant is not satisfied once bdht's internal complaints procedure has been exhausted they can (subject to the provisions of the Localism Act 2011 – see paragraph 5.7.8 below) contact the Independent Housing Ombudsman to investigate their complaint.

5.7.8 bdht customers are able to contact a 'designated person' once they complete the internal bdht complaint procedure. The designated person may help resolve the complaint directly, may refer the complaint to the Ombudsman, or may decline doing either. In the latter case the complainant may approach the Ombudsman for his consideration of the complaint. The complainant may also approach the Ombudsman directly if more than eight weeks have elapsed since the completion of the internal procedure of the landlord, without the need to involve a designated person first.

5.8 Complaint Investigations

5.8.1 Officers assigned to investigate complaints at Stage 1 (or Stage 2 if directly escalated) will always:

- Offer to meet the customer making the complaint in person,
- Listen to the complainant in order to fully understand the reason for the complaint and the outcome sought by the customer

5.8.2 Any member of staff who is the subject of the complaint must be given fair chance to set out their position.

5.8.3 Prior to a final decision being made the complainant shall be given fair opportunity to comment on any adverse findings.

5.8.4 Any staff member who is the subject of the complaint, must also be given a fair chance to comment on any adverse findings before a final decision is made.

5.8.5 The investigating officer will communicate in writing to the customer the outcome of their investigations and any actions to be taken to resolve the complaint. Where the complaint is categorised as "formal" communication shall be in writing. Responses will be given within published timescales (10 working days at both Stage 1 and 2) , except where the investigation

has been unavoidably delayed due to the complexity of the case or at the customer's request. The customer shall be informed of any delay and any delay shall not exceed a further 10 working days without good reason.

5.8.6 In most instances redress will take the form of an apology (on behalf of the organisation and not individual members of staff or contractors) and a commitment to put things right. Where this is insufficient because of the seriousness of the service failure and the level of inconvenience to the customer, a compensation payment may be offered.

5.8.7 Customers should not need to make a claim for compensation. Compensation should be paid automatically based on clear guidelines of fixed amounts.

5.8.8 bdht procedures and literature will set out clearly how:

- Customers can close or escalate their complaint through the internal complaint process, and ultimately to the Housing Ombudsman, and
- The circumstances in which bdht may close a complaint prior to closure by the customer or determination by the Housing Ombudsman (see section 5.9 below).

5.8.9 Where a complaint involves a breach of data, either confirmed or suspected, to ensure investigations comply with the GDPR, these will be reported to the GDPR Committee (as set out in the Data Breach Policy and Procedure).

5.9 Early Complaint Closure

5.9.1 Bdht retains the right to close complaints prior to closure by the customer or determination by the Housing Ombudsman where:

- The Investigation is complete (at the end of Stage 2) and a response is sent
- After sending a response and attempting to make contact to discuss it, there is no further contact from the complainant after 14 days
- When a resolution is agreed and bdht's commitment to deliver the action has been confirmed in writing to the customer.

5.10 Use of discretion

5.10.1 Bdht reserves the right to use discretion (as determined by the Head of Business Improvement) when applying the policy and may deal with a complaint differently where individual circumstances merit it. Any discretion shall be applied fairly and appropriately and that complaints shall be progressed as far as possible to maximise the opportunity to resolve a dispute.

5.10.2 Where bdht provides services on behalf of other organisations, or other organisations provide services accessed via bdht (but not delivered on

behalf of bdht), bdht retain the discretion to refer complaints for investigation by the primary agency.

5.11 Representation and Support Agencies

5.11.1 Bdht shall signpost customers to other organisations such as Citizens Advice, Leasehold Advisory Service and Shelter to aid the resolution of disputes

6.0 Designated Person

6.1 A Member of Parliament or local Councillor (District/County) is automatically recognised under the Localism Act 2011 as a designated person.

6.2 bdht will publish criteria for the recognition of any tenant group wishing to act as a Tenant Panel under the Localism Act 2011.

6.3 bdht will offer administrative support and training for members of recognised Tenant Panels.

6.4 bdht will develop a Designated Person Protocol setting out how bdht will work with designated persons, including recognised Panels.

7.0 Housing Ombudsman

7.1 bdht shall inform individual customers of their right to access the Ombudsman service on acknowledgement of the complaint being received and at the conclusion of the internal complaint process.

7.2 bdht shall promote awareness amongst all customers of the Housing Ombudsman service as part of overall complaint awareness promotions, including service leaflets, posters, social media postings and service standards.

8.0 Payment of Compensation.

8.1 Compensation will be payable in the following circumstances;

- Statutory compensation
- Service Failure

8.1.1 Compensation will be paid directly to the customer except where the customer has an outstanding debt with bdht in which case the compensation will be used to clear the debt with any remaining compensation paid to the claimant.

8.2 Statutory Compensation

- 8.2.1 There are a number of instances when bdht is required by statute to pay compensation. None of these circumstances relate to service failure. Statutory compensation is payable in respect of:
- Home Loss Payments
 - Disturbance Payments
 - Qualifying improvements (Sections 99A (as amended by section 122 Leasehold Reform Housing and Urban Development Act 1993) and 99B of the Housing Act 1985 (as amended by paragraph 54 of Schedule 8 of the Family Law Act 1996).
- 8.2.3 In addition bdht tenancy agreements give rights to repair as if Section 96 of the Housing Act 1985 (as amended) applied. Compensation under the right to repair does result from service failure and must always be considered in conjunction with awards that may be made under this policy (see section 7.3 below).
- 8.2.4 Guidance will be published to accompany this Policy.
- 8.2.5 Statutory compensation will be awarded by the duly authorised Director or Head of Service dependent on the level of award to be made and authorisation limits set out within the bdht Financial Regulations.

8.3 Compensation for Service Failure

8.3.1 In certain circumstances, where bdht fails to deliver services in accordance with policies, procedures and service standards, bdht will consider paying compensation. Compensation will be considered in the following circumstances:

- Missed repair appointments
- Loss of facilities due to delays in repairs being completed within timescales
- Service failures
- Consequential losses as a result of service failure, including, damage to goods or belongings, inconvenience and or distress.

This is not an exhaustive list and bdht will consider other exceptional circumstances relevant to each individual claim.

8.3.2 Claims for compensation for service failure will be assessed in accordance with detailed guidance issued under this policy. Guidance issued under this policy will ensure that the following factors will be taken into account in the determination of the amount of compensation to be paid:-

- Length of time it has taken bdht to resolve a problem;
- Difficulties a resident has endured pursuing his/her complaint;
- Impact on the claimant of any service failure by bdht;
- Disruption to the household;
- Length of time it has taken bdht to respond;
- Any consequential loss or damage caused;

This is not an exhaustive list and bdht will consider all factors relevant to each individual claim.

8.3.3 Compensation will not be paid in certain circumstances. The following list is an example and is not exhaustive:

- Where bdht and its partners are not liable;
- Where the mistake or failure has caused little or no problem to the people affected; or
- Where the fault is caused by a third party over whom bdht has no direct control; or
- Where service failure results from circumstances beyond the control of bdht, such as adverse weather, or
- Where the incident was caused as a result of negligence by the customer or their failure to comply with the terms of their tenancy.

8.3.4 Any compensation offered may not always be financial. bdht will also consider making an inconvenience payment in such instances as (but not limited to):-

- Where a misunderstanding or minor service failure has caused offence, upset or minor inconvenience;

8.3.5 Inconvenience payments (formally Goodwill gestures) can be made up to the sum of £15 and can be in the form of:-

- A card;
- A payment
- Gift vouchers
- Flowers.

8.3.6 All bdht officers have the discretion to award a goodwill gesture.

8.3.7 Compensation for service failure can be made by any Complaint Investigating Officer up to a maximum of £1,000 with the approval of the Head of Business Improvement or Senior Business Improvement Officer and in accordance with guidance provided under this policy. Compensation over £1,000 can only be awarded with EMT approval.

8.3.8 Detailed guidance will be published to ensure consistency and transparency in the award of compensation for service failure.

9.0 Summary of Service Standards

9.1 These will be published in leaflet form to give easy-to-read info to customers.

10.0 Priorities

10.1 All aspects of this policy are given equal priority and weighting

11.0 Policy Implementation

11.1 Responsibility of all officers

11.1.1 All officers, must attend training sessions and familiarise themselves with bdht's complaints policy and operation of the complaints process in the bdht Housing Management System. Team managers will ensure that all staff within their section are aware of how to deal with customer complaints.

11.2 Board member's responsibility

11.2.1 All Board members must ensure that the policy is implemented thoroughly. bdht shall provide board members with reports twice each year monitoring data on customer complaints and quarterly summaries of complaints escalating to Stage 2 and the Ombudsman. The Resident Scrutiny Panel shall receive a quarterly monitoring report and escalate any emerging issues to Board at least 6 monthly.

11.3 Third party responsibility

11.3.1 All contractors, including sub-contractors of bdht do have as part of their contract an agreement to meet service standards set by bdht.

11.4 Promotion

11.4.1 bdht will encourage customers to report service failures through the complaint process including through, but not limited to:

- A summary of complaints received and learning applied within the Annual Report to Residents
- Regular updates on Social Media based on "You said, We did."

11.5 Procedure

11.5.1 bdht procedures ensure that staff are able to investigate and resolve complaints in accordance with this policy and to the standard required.

11.6 Training

11.6.1 bdht will train staff in dealing with customer complaints so they can provide a sensitive, responsive and effective service to customers. Bdht will ensure that staff are aware of the implications of all relevant legislation and regulatory guidance when dealing with customers. Bdht will also support frontline staff to ensure that they have the resources to deal with complaints to the standard required.

11.7 Customer satisfaction

11.7.1 In order to improve our service to our customers we will develop quality assurance methods to assess the satisfaction of customers with our service.

11.8 Monitoring of the policy

11.8.1 bdht will establish a system to monitor complaint handling so as to identify compliance with policy and procedure, the need for change and development in both the policy and procedure and to make an informed decision when allocating resources. A system will also be established for the auditing of complaint management.

12.0 Links to associated external Documents

- RSH Standards
- Housing Ombudsman Scheme
- Independent Housing Ombudsman Complaint Handling Code

13.0 Link to associated internal Documents

- Repairs Handbook
- Customer Excellence Standard
- Mission Statement & Core Values
- Complaints procedure
- Complaints, Compliments & Comments Form
- BDHT Local offer
- Compensation Guide for Staff
- Complaints Guide for Staff

14.0 Consultation arrangements

14.1 Before adopting this policy bdht has consulted with Residents Scrutiny Panel and stakeholders over the policy and its effectiveness.

15.0 Board Approval

15.1 This policy was approved by the Board on the 16th November 2020

16.0 Review Date

16.1 All policies are subject to review on a three year rolling programme. This policy was reviewed in November 2020 and shall next be reviewed in 2023. A policy may be reviewed earlier in the event of changes to the Business Plan, customer feedback, legislation, regulatory guidance, internal and external audit, risk assessment and current best practice.

17.0 Responsibility for implementing the policy

17.1 Overall responsibility for the Complaints and Compensation Policy lies with the Chief Executive.

17.2 Development, review and implementation of this policy are the responsibility of the Head of Business Improvement.

18.0 Date November 2020

VERSION CONTROL

Date Reviewed	Reviewed By	Approved By
September 2020	T Young/D Paul	Board

Date	Changed By	Details of Changes	Version Number	Approved By