



Blackpool Coastal  
Housing

# BCH Complaints Policy and Procedure

2021

INSPIRING PEOPLE TO BUILD BETTER COMMUNITIES

End users using hard copies of this document are responsible for ensuring that their copy is up to date.

## Contents

1	BCH Complaint Policy	4
2	Definition of a complaint	4
3	Types of complaint	4
4	What is not a complaint	5-6
5	Who can make a complaint	6
6	How to make a complaint	6-7
7	Accessibility	7
8	Confidentiality	7
9	Protecting the vulnerable	8
10	Compliance	8-9
11	Monitoring	9
12	Resolving complaints	10
13	Early Resolution	10
14	Escalating your complaint - Complaint requiring further investigation	10
15	Extension reasons	10
16	Final stage for internal resolution - Appeal Panel	11
17	Next steps	11
18	Housing Ombudsman & the Designated Person	12
19	The Local Government and Social Care Ombudsman (LGSCO)	12-13
20	Closing a complaint	13

## BCH Complaint Policy

Blackpool Coastal Housing views complaints as an opportunity to learn from the issues raised by our residents and to take steps to improve the services we provide. We accept there will be occasions when this is not always achieved. We understand that things can go wrong, and customers may become dissatisfied and wish to complain. When this happens, we want to know so that we can try to put things right.

The purpose of this Policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint and is resident focused
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at Blackpool Coastal Housing knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way with clear timeframes set out for responses
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do, creating a positive complaint handling culture through continuous learning and improvement
- As members of the Housing Ombudsman Scheme, we commit to follow the Housing Ombudsman Dispute Resolution principles of being fair, putting things right and learning from outcomes. We will at all times co-operate with the Housing Ombudsman or other regulatory body with responsibilities for oversight of complaints handling

## Definition of a complaint

A complaint is defined 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.'*

## Types of complaint

The types of complaint we can consider may include:

- Failed to provide a service when we should
- Provided a poor standard of service
- Made a mistake in the way we have provided the service
- Failed to meet our existing service standards or complied with our policies
- Where applicable, a complaint can also be raised as formal appeal to actions or decisions, for example a lettings offer we have chosen not to proceed, or a rechargeable repair.

## What is not a complaint?

BCH does not class any of the following as a complaint or service failure:

- Making a request for service or information
- Reports of anti-social behaviour
- Complaints concerning the level of rent or service charge or the amount of the rent or service charge increase (we will accept complaints about the quality or frequency of work paid for via service charges)
- Complaints about the actions of an organisation that is not working for, or supported by, BCH
- Personnel matters including issues about staff employment or former employment including applications for employment
- Where you are telling us about a problem for the very first time (we try to resolve first expressions of dissatisfaction quickly as informal complaints outside of this Policy, except where the complaint concerns the behaviour of a member of staff)
- Where we have special arrangements in place with a customer, in line with our **Unreasonable Behaviour Policy**
- Where legal proceedings have been started
- Where a separate appeals process has been instigated
- Insurance claims, these will be handed to relevant services within both BCH and the Council
- Where you wish to complain about a company policy; we can investigate whether a policy has been followed, but we will not accept a complaint about the policy itself
- Things that happened more than 12 months ago which have not been raised since (it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues.)
- When a complaint relates to an aspect of general law that we have correctly applied
- If a complaint is received, with only minor differences to one that has been raised before and exhausted the complaints process, subject to the exercise of discretion, we will advise that the matter is closed.
- Anonymous complaints

Although we do not treat these issues as a complaint under this procedure, we will deal with them in an appropriate manner.

There are also occasions when it may not be appropriate to use this Complaints procedure, for example:

- When matters are raised that are already being considered by the Courts
- If a criminal police investigation is invoked
- Where a complaint relates to a Right to Buy or Right to Acquire process

If we decide not to accept a complaint, a detailed explanation will be provided to the customer setting out the reasons why the matter is not suitable for the complaints process within 10 working days of a request being made.

All customers however have the right to challenge this decision by bringing their complaint to the Ombudsman.

### Who can make a complaint?

A complaint can be raised by any person or group of people affected by an activity or service provided by Blackpool Coastal Housing including:

- Current tenants/licensees and members of their households
- Former tenants/licensees
- Housing applicants
- Leaseholders
- MPs and Councillors
- Advocates of the complainant such as friends, relatives or other representatives (prior written consent from the complainant is required)
- A group of residents/those who have been affected by our activities and services in the locality
- Clients/customers for some contracted services (some contracted services are not covered by this policy)

### How to make a complaint

We offer a range of ways for our customers to make a complaint.

In writing:

Complaints, c/o Involvement and Communications Team, Blackpool Coastal Housing, Coastal House, 17-19 Abingdon Street, Blackpool, FY1 1DG.

Email:

E: [customerinvolvement@bch.co.uk](mailto:customerinvolvement@bch.co.uk)

Making a complaint via our online complaint form:

Customers can make a complaint by completing the online complaint form on our website.

Website: <https://www.bch.co.uk/About-Us/Customer-Feedback-Complaints.aspx>

Speaking to a member of our complaints service by phone:

T: 01253 477911

Making a complaint by private message on social media:

For customers wishing to lodge a complaint by social media we request that this is done by private message on the following channels:

Twitter and Facebook search for @bchblackpool

Instagram search for blackpool\_coastalhousing

Making a complaint in person:

We are able to accept complaints in person, however customers will need to book an appointment in advance. A member of the Involvement and Communications team will agree a convenient venue with the customer (customer's home, a community centre or office site).

### Accessibility

We are committed to making our complaints process accessible to all and can offer help and support to ensure any concerns from customers are listened to and understood. On making a complaint, our complaint handlers will provide 1-1 assistance throughout the process. However complainants can seek assistance through external agencies, for example Citizens Advice.

Our **Reasonable Adjustments Policy** sets out our commitment to equality of opportunity for all and what types of support we may be able to provide to support customers to make a complaint.

Customers may prefer to have a representative deal their complaint on their behalf, and to be represented and/or accompanied at any meeting with the landlord. This may be by an advocate, carer, family member, elected member, agency, or professional body. Where this is the case we must receive or hold a signed authority from the customer which authorises us to communicate with the customer's appointed advocate or representative.

A customer may contact the Ombudsman at any time throughout the course of their complaint for advice and support.

### Confidentiality

All complaint information will be handled sensitively and in accordance with relevant data protection requirements.

Where a customer posts on Facebook or social media pages, we will ensure privacy at all times by directing the complaint to private message to ensure privacy and confidentiality. If a customer posts personal details on a public post that this will be removed to protect their privacy and confidentiality.

More details about this process can be found in the **Social Media Policy** which provides further information about privacy relating to Facebook posts.

## Protecting the vulnerable

Some complaints received by Blackpool Coastal Housing may have “safeguarding” issues. This could be where someone’s life is at risk or a serious crime has been committed. When complaints of this nature are received, Blackpool Coastal Housing staff will be required to make a safeguarding referral in line with Blackpool Coastal Housing Safeguarding Policy and Procedure.

Whilst the details of the complaint will be considered, the safety of the service user is paramount and takes precedent over any other procedures.

## Compliance

As a member of the Housing Ombudsman Scheme, Blackpool Coastal Housing agree to comply with the following terms:

- We agree to be bound by the terms of the Housing Ombudsman Scheme
- We will establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman and as part of our procedure, we will inform residents of their right to bring complaints to the Ombudsman under the Scheme
- We will publish our complaints procedure and make information easily accessible to those entitled to complain on our website and in correspondence with our residents
- We will manage complaints from residents in accordance with our published procedure or, where this is not possible, within a reasonable timescale.
- We will respond promptly to information requests made by the Housing Ombudsman Service as part of the ongoing investigation into complaints from our residents.
- We will carry out regular self-assessment against the Code and take appropriate action to ensure their complaint handling is in line with the Code.

Failure to comply with the conditions of membership may result in an Ombudsman’s determination of complaint handling failure and an order to rectify within a given timescale (paragraphs 13 and 73 of the Housing Ombudsman Scheme).

Failures under the Scheme and Code may result in a complaint handling failure order including, but not limited to:

- non-compliance with the Complaint Handling Code 15
- failure to accept a formal complaint in a timely manner or to exclude a
- complaint from the complaints process without good reason
- inaccessible complaints process and procedure or unreasonable restrictions as to how a complaint can be made
- not managing complaints from residents in accordance with the complaints policy
- failure to progress a complaint through the complaints procedure
- failure to respond to a complaint within the set timescales without good reason



End users using hard copies of this document are responsible for ensuring that their copy is up to date.

- failure to keep the resident informed and updated
- failure to notify the resident of the right to refer the complaint to the Ombudsman
- failure to provide evidence to support investigation by the Ombudsman.

The Ombudsman Complaint Handling Code can be viewed in full here:

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/07/Complaint-Handling-Code.pdf>

### Monitoring

We will record and monitor all complaints made as well as using customer satisfaction survey data, to allow us to review the service we provide and help us identify whether there are any wider steps that we can take to improve our services.

## RESOLVING COMPLAINTS

### Early resolution

Due to the nature of our services, our residents may present a wide range of problems or queries to staff members on a daily basis.

In many cases, issues raised by our customers are best resolved by the person responsible for the problem arising as they may be able to resolve it swiftly and should do so if possible and appropriate.

Such issues should be dealt with immediately wherever possible or within 5 working days. If a response fails to be provided in the absence of a good reason, or the customer remains dissatisfied, the customer can request for their complaint to be escalated to the next stage for an investigation to be carried out into the issues raised.

### Escalating your complaint - Complaint requiring further investigation

If a customer has made a complaint and they are unhappy with the way we have dealt with it, or the service is still poor despite our efforts to resolve the issue, the BCH Involvement and Communications Team, will take responsibility of the complaint handling.

The complaint handlers within the team will be able to:

- Act sensitively and fairly
- Access staff at all levels to facilitate quick resolution of complaints
- Have the authority and autonomy to resolve disputes quickly and fairly

The complaint will be logged and acknowledged in writing within 2 working days of receipt. A written response will be sent within 10 working days of receipt.

There may be exceptional circumstances where we cannot meet the above timescales. If it is anticipated that there will be a delay in providing a written response, the customer will be contacted by their complaint handler and notified of the delay.

### Extension reasons

The following include reasons as to why we may need to extend our complaint written response timescales:

- Where more information is required from the customer
- Where the customer is not available to discuss the complaint or for a site visit to inspect the problem being complained about
- Where a staff member involved in the complaint is not available
- Where an external third party or contractor is not available
- Where we require further information from a customer, if this information is not provided within a reasonable timescale, we will assume that the matter is resolved and use our discretion to close the complaint, advising the customer that this is the case.

## Final stage for internal resolution - Appeal Panel

Where the customer is dissatisfied with the investigation response, the customer will have 1 month from the date of issue of the response to request that the complaint is escalated to the Appeal Panel. The Appeal Panel consists of the Director responsible for the service area and a customer who has been trained to deal with complaints.

In requesting an escalation to the Appeal Panel, the customer needs to provide details as to why they feel the investigation response does not answer their complaint and what they would like BCH to do to resolve the issue.

The complaint escalation request will be acknowledged within 2 working days of receipt and the panel hearing must take place within 15 days of the customer lodging their wish to appeal.

All customers will be extended an invite to attend the Appeal Panel meeting or will be offered the opportunity to provide evidence to the panel again in a way that suits their needs, i.e. the customer can ask that the panel is held virtually, or at a venue other than BCH's Head Office, for example at a Community Centre or request to speak to the panel over the phone.

The panel will communicate their response to the customer to explain their decision within 10 working days following the date of the Appeal Panel meeting

There may be exceptional circumstances where we cannot meet this deadline. If it is anticipated that there will be a delay in providing a response, the customer will be notified by the complaint handler.

The Appeal Panel decision marks the end of Blackpool Coastal Housing's complaints process.

## Next Steps

Once an Appeal Panel decision has been provided, our complaints process is complete. If a complainant remains dissatisfied with the outcome, they will be advised that they can take their case to either:

- a. the Housing Ombudsman if the issue relates to a landlord function and they are tenants
- b. to the Local Government and Social Care Ombudsman if their complaint relates to care services.

## Housing Ombudsman and the Designated Person

A customer can complain to the Housing Ombudsman Service at any time but the complaint will usually be referred back to BCH if it has not been through the full internal complaints process.

Alternatively, if you wish to contact the Ombudsman without approaching a designated person, you will need to wait **eight weeks after you have exhausted our internal complaint process** to do so. The Ombudsman will also only consider the matter if you have contacted them **within 12 months of your original complaint**.

A customer can refer their complaint to the Local Government Housing Ombudsman by:

Visiting <http://www.housing-ombudsman.org.uk>

Calling the LGO Advice Team on 0300 111 3000

(Mon – Fri 9.15am – 5:15 pm)

Texting 'call back' to 0762 481 1595

Emailing: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Writing to:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Alternatively, complainants can seek the assistance of a designated person. Their role is to help resolve disputes between tenants and their landlords which they can do in whatever way they think is most likely to work. If the designated person cannot help, they can refer a complaint to the Housing Ombudsman on their behalf.

## The Local Government and Social Care Ombudsman (LGSCO)

The Local Government and Social Care Ombudsman (LGSCO) look at individual complaints about councils, all adult social care providers (including care homes and home care agencies). Therefore, if the complaint relates to the provision of care, either in the home or a care home setting, complainants may take their complaint to the LGSCO.

Customers who are not tenants but who receive care from us either in their own home or in a care home setting can make a complaint to us.

- a) If the customer self-funds the payment of care services and they remain dissatisfied with our final response to their complaint, they can take their complaint to the Local Government and Social Care Ombudsman.
- b) If the care services are funded by the Local Authority, the customer can complain to the Local Authority before taking their complaint to the Local Government and Social Care Ombudsman.

The Care Quality Commission (CQC) is the independent regulator of health and adult social care in England. Whilst it cannot deal with formal complaints which have to be progressed with the service provider and/or the LGSCO, it encourages receivers of care to provide feedback on the care they receive in order to help it protect others.

### Closing a complaint

A complaint will be considered closed under the following circumstances

- After requesting further information to investigate the complaint and not receiving a response or the customer refusing to engage in the process.
- After sending a response and there is no further contact from the customer after 1 month from the issue of the response.
- When a resolution is agreed and BCH has delivered the agreed action.
- When an investigation is complete, and the final response has been sent and any agreed resolution action has been delivered.

Once a complaint is closed, BCH will not re-open it unless in the reasonable opinion of the Involvement and Communications Manager or their nominated representative sufficient new evidence is presented.

BCH has the discretion to close a complaint early if it believes that it is better dealt with through another channel and it is in the complainant's interest to do so or where it is suspected that the complaint is based on fraudulent information and/or activity.