



Policy: Unreasonable Complaints Policy

Approved by: BHA Board

Date Approved: March 2023

Frequency of review: Every 3 years

POLICY STATEMENT:

In a minority of cases, customers pursue their complaints in a way that is unreasonable. They may be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have a significant impact on our resources. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

We define unreasonable complaints as those which because of the nature or frequency of contact with us, hinder the organisation's consideration of their, or other people's, complaints.

This policy has been developed to ensure Broadland Housing Association (BHA) complies with current legislation, regulatory expectations, and good practice, and will be subject to ongoing review.

SCOPE:

- To ensure Broadland complies with legislative requirements related to complaint handling.
- To ensure this policy treats all customers fairly, honestly, consistently, and appropriately.
- This policy applies to all customers, members of their household and any persons supporting customers with their complaint.
- To recognise that all customers have a right to be heard, understood, and respected and that we also have a duty of care to staff as an employer.

BHA Unreasonable Complaints Procedure gives a detailed account of how this Policy will be implemented.

KEY STAFF RESPONSIBILITIES:**Board**

The Board is responsible for ensuring the continued development of BHA including receiving reports on complaint handling which will include monitoring the use of this policy.

Senior Management

The Senior Management Team are responsible for ensuring that policies and procedures are followed by staff.

Staff

Employees are responsible for ensuring they are fully aware and adhere to the terms set out in the policy.

DEFINITIONS:

BHA – Broadland Housing Association

Complainant - The person or person's raising a complaint.

Complaint - is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by BHA or those acting on our behalf, affecting an individual resident or group of residents.

RELVANT KEY LEGISLATION AND RELATED DOCUMENTS: (not limited to)

Legislation	Documents
Housing Ombudsman's Complaint Handling Code Regulator of Social Housing -Regulatory Standards	BHA Complaints Procedure BHA Compensation Policy Tenancy Agreement

EIA – EQUALITY IMPACT ASSESSMENT:

This policy requires a full EIA, it is suggested that this is undertaken alongside developing a reasonable adjustments policy as the two are linked.

DATA PROTECTION:

This policy (and associated procedures) is covered by the Privacy Impact Assessment (PIA) relating to Complaints policy and procedure and so a further PIA has not been undertaken.

Please refer to the Tenant and Employee Privacy Notices, and the Data Protection Policy and Procedures, for details on Broadland's use, security, sharing and retention of personal data.

IMPORTANT PRINCIPLES:

- BHA will recognise that behaviour is not unacceptable just because a person is assertive, determined, or upset.
- BHA will communicate the policy to customers to ensure they know which types of complaints could lead to us using the policy and what actions may be put in place.
- BHA will always make reasonable and proportionate attempts to agree an informal arrangement with a customer about their contact or complaint before using this policy. This is to ensure a customer knows what needs to change and gives them a chance to do so.
- BHA will encourage customers to use an advocate prior to us using this policy to assist in improving the communication between us and the customer.
- BHA recognises the significance of placing restrictions on customer contact and any requests to do so are subject to a robust approval process by the Assistant Housing Director, subject to ratification of a member of the Executive team including consultation by Broadlands complaint lead.
- All customers who have restrictions placed on their contact under this policy will have the right to appeal the decision.
- For any restricted contact where it is the first time it has been put in place, a review will be carried out after 3 months. For any repeat restrictions, they will be reviewed every 6 months. If a customer has been under restricted contact for more than two occasions and a third restriction is required, this will be reviewed annually, unless the customer requests a review as per the next point.
- We may review a decision sooner if a customer requests it and feels there has been a significant change to their circumstances which was impacting on their contact and communication.
- We will ensure that customers are always aware of their rights to access the Housing Ombudsman Service.
- We will be clear in our communication about the difference between this policy and BHA's unreasonable behaviour and breach of tenancy agreement and the situations when each policy applies.
- We recognise that we have to balance the needs of our customers with the welfare of our staff and the policy needs to be used in a timely manner where staff are being significantly affected and its impacting on their ability to carry out their role.

Broadland Housing Group will only share personal data in accordance with the requirements of the GDPR/ Data Protection Act 2018. We will abide by the laws and regulations in relation to the right to confidentiality, data sharing and disclosure rules in the Act and in relation to any Civil and/or Criminal disclosure legal requirements.

Broadland Housing Group will inform individuals of the identity of other parties to whom we may disclose, or to whom we may be required to provide, personal data; the circumstances in which this may happen, and when any exceptions to this rule may apply.

Please refer to the Data Protection Policy. This will inform you about BHG's approach to securing your data, the appropriate use of data, how long we store and retain your data, and your rights regarding your data.