

Policy Title: **BCOP Policy for Handling Complaints, Comments and Compliments**

Policy File: **General Principles**

Policy Number **1.9**

Date Reviewed: **31.01.2025**

Aim: The arrangements for making, recording and investigating complaints are fair and transparent.

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1.

Introduction

- 1.1** This policy sets out how BCOP manages complaints, comments and compliments. We are committed to providing a high-quality service for our residents, licensees, Shared Owners, customers and contractors, and to working in an open and accountable way that builds trust and respect. We strive to deliver excellent services but know that sometimes things go wrong or are not quite to the standard that we would want.
- 1.2** We welcome all feedback as an opportunity to inform learning and improvement. We will always listen to what has happened and aim to respond promptly, fairly and positively. We will apologise for our mistakes, put things right when they have gone wrong and ensure we learn from these situations to improve our services. Likewise, when we receive compliments, we want to replicate what has gone well and ensure that staff receive positive feedback.
- 1.3** We will use a collaborative and co-operative approach towards resolving complaints, working with colleagues across BCOP as well as external contractors where appropriate. We will take responsibility for any shortfalls identified through complaints, rather than blaming others.
- 1.4** We will deliver our complaints policy and act within the professional standards for engaging with complaints as set by the Housing Ombudsman. We will manage all complaints in line with this policy regardless of the type of service that has generated the complaint, although non-housing complaints (e.g. from our care services) do not have the right to escalate a complaint to the Housing Ombudsman. In these instances, any dissatisfaction with the outcome of a complaint should be escalated to the Local Government and Social Care Ombudsman or the Care Quality Commission (CQC) as appropriate.

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Registered charity: 1074954 Housing Corporation: L42182

2. Scope and Exclusions

- 2.1** We have adopted the Housing Ombudsman's definition of a complaint:
***'A complaint shall be 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 customer or group of residents.'* (Code 1.2)**
- 2.2** Customers do not have to use the word 'complaint' for us to treat it as such. If an expression of dissatisfaction is made, the customer will be given the choice to make a complaint.
- 2.3** A complaint that is submitted via a third party or representative will still be handled in line with our Complaints Policy. Anonymous complaints will be considered but our ability to respond will be impaired and we strongly encourage customers to feel they can make complaints in strict confidence and without fear of repercussions.
- 2.4** While we are happy to receive feedback through any channel, we would strongly recommend that you use a direct channel rather than social media for your own protection and confidentiality. Our social media platforms are not monitored daily and we therefore do not recommend these are used to raise awareness of any potential problem as we would not be able to guarantee that appropriate response times are met.
If we are contacted via social media, we will respond in a private environment rather than any public forum, in the interests of confidentiality.
- 2.5 Service Requests**
- 2.5.1** We will adopt the Housing Ombudsman's definition of a service request – ***'a request from a customer to the landlord requiring action to be taken to put something right (for example, a request to carry out a repair)'***.
- 2.5.2** The complaints process should not be used for, nor will a complaint be escalated through all stages, when the customer is making a first request for a service or initial contact to report a fault. Service requests will be recorded, monitored and reviewed regularly.
- 2.5.3** A complaint will be raised if the customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. We will not stop their efforts to address the service request if the customer complains.
- 2.6 Exclusions**
- 2.6.1** Each complaint shall be judged on its merits. We will not take a blanket approach to excluding complaints and we will accept complaints unless there is a valid reason not to do so. If we decide not to accept a complaint, we will provide a detailed explanation to the customer setting out the reasons why the matter is not suitable for the complaints process. We will inform the customer of their right to take that decision to the Ombudsman.
- 2.6.2** Examples of where we may not accept a complaint include where a customer is:

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- Requesting information about, or a clearer explanation of, our services, policies, or procedures
- Reporting neighbours or anti-social behaviour (ASB) – a separate policy exists for this. N.B. A complaint about the way in which we responded to an ASB issue will be dealt with as a complaint
- Making contact about decisions taken or services provided by other organisations, over which we have no control.

2.6.3 Additionally, where:

- The issue giving rise to the complaint occurred over twelve months ago. N.B. We may not rely on this exclusion where a complaint concerns safeguarding or health and safety
- 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). We will however take steps to ensure that tenants are not left without a response for lengthy periods of time, for example, where a letter before action has been received or issued but no court proceedings are started or settlement agreement reached
- Matters have previously been considered under the complaints policy and a final response issued
- The issue giving rise to the complaint is not within BCOP's estate or was wrongly directed to BCOP
- Complaints being pursued in an unreasonable manner, including persistent, repetitive and vexatious complaints (see Paragraph 13. below). In exceptional circumstances we may take legal action against the customer where this would be an appropriate and proportionate response.

3.

Principles

Our complaints policy is based on the following principles.

3.1 Housing Ombudsman

3.1.1 We will cooperate and comply with the Housing Ombudsman, the Ombudsman's Complaint Handling Code and any Ombudsman's Orders.

3.2 Customer Focussed

3.2.1 We will adopt a customer-focused process that makes it easy to complain. We will promote our policy and procedures in leaflets, posters and on our website. We want customers to feel confident that all feedback is welcomed as an opportunity for us to learn and improve.

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- 3.2.2 We will include information on how to make a complaint in any surveys and feedback requests from customers.
- 3.2.3 We will accept a complaint in any format the customer prefers, including verbal (via any staff member), written and online.
- 3.2.4 We will accept complaints from individual customers or groups of customers where they all have the same complaint.
- 3.2.5 Customers can ask a friend or advocate to represent them in their complaint and be present at any interview or meeting.

3.3 Fairness and transparency

- 3.3.1 We will deal with complaints promptly, courteously, systematically and fairly. All complaints will be treated seriously and in a sensitive and confidential manner (except where there are valid safeguarding concerns which may necessitate the appropriate sharing of information).
- 3.3.2 Customers will not be treated differently or less favourably because they have complained.
- 3.3.3 All complaints will be recorded and acknowledged and our progress in dealing with them will be monitored.
- 3.3.4 We will keep customers informed of progress in resolving their complaint and the outcome of our investigation.
- 3.3.5 During our investigation of a complaint, we will continue to communicate appropriately with the customer to ensure they have a fair chance to set out their position, and that we fully understand the situation and any information pertaining to it before coming to a decision.
- 3.3.6 We will use records and evidence to make decisions rather than speculation.
- 3.3.7 We will identify any actual or perceived conflicts of interest and act accordingly. If a member of staff is named in a complaint, that person will not be involved in the complaint process other than being interviewed as part of the investigation.
- 3.3.8 We will signpost customers to other organisations for support where needed.

4.

Remedies

- 4.1 We will ensure complaints can be resolved in a number of ways and at any stage of the process. Where any complaint is upheld, we will apologise and seek to put the customer in the position they should have been in, if the reason for the complaint had

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not occurred, as much as is reasonably practicable. We will ensure any remedy offered reflects the extent of any and all service failures, and the level of detriment caused to the customer as a result, including, as appropriate:

- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- providing a financial remedy where appropriate (see compensation policy for guidance)
- changing policies, procedures or practice

4.2 We will monitor remedies to ensure that they are followed through to completion.

4.3 If awarding compensation, BCOP shall consider:

- whether any statutory payments are due
- if any quantifiable losses have been incurred
- any time and trouble a resident has been put to
- any distress and inconvenience caused.

5. Performance & Learning

5.1 The CEO will be the Lead Officer for complaint handling and will consider any service improvements needed as a result of complaints. In addition, we will appoint a member of the Board to have lead responsibility for complaints (the Member Responsible for Complaints or MRC) to support a positive complaint handling culture. We will provide the MRC and wider Board with regular reports monitoring data on customer complaints at Stage 1, Stage 2 and the Ombudsman and all Board members will ensure that the complaint policy is implemented thoroughly.

5.2 We will produce an annual complaints performance and service improvement report which will be presented to the Board. We will publish this on our website alongside their response to the report.

5.3 We will use complaints received and the action we take to put things right, to learn from any mistakes and make changes for the better. We will share learning amongst our staff with regular performance updates to our Senior Management Team to identify ways to improve our systems and services.

5.4 We will publish information on our website about the Ombudsman, the Complaint Handling Code, our performance and our self-assessment against this code.

5.5 All staff likely to be involved in complaint handling will receive appropriate regular training in customer service and complaints handling.

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- 5.6** We will report back on wider learning and improvements to our customers, via residents' meetings and other opportunities.

6. Accessibility

- 6.1** We will ensure that no individual or group of individuals will be treated less favourably than any other on account of a protected characteristic.
- 6.2** We will also ensure customers have fair access to our complaints service to suit their individual needs, that they have the opportunity to request any reasonable adjustments and to use their preferred method of communication when managing their complaint. This may include, for example, providing translations in alternative languages, or additional support for individuals who have difficulty reading and writing. Any reasonable adjustments will be kept under active review.
- 6.3** We will keep a record of any disability disclosed by a customer and details of any reasonable adjustments made as part of the complaint record.

7. Complaints Process

- 7.1** We operate a two-stage complaints process.
- 7.2** We will respond to complaints as early as possible, especially where we identify that the complainant is vulnerable or at risk. A complaint response will be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.
- 7.3** Any outstanding actions will be tracked and actioned promptly with updates provided to the customer.
- 7.4** At each Stage, we will clearly signpost the customer to the next stage, including to the Housing Ombudsman or the Local Government and Social Care Ombudsman, should they not be satisfied with the outcome.

7.5 Stage 1

- 7.5.1** When a complaint is received at Stage 1, a letter or email of acknowledgement will be sent to the customer within five working days of receipt of the complaint, outlining when a full response will be received and naming who is dealing with the complaint (Complaints Officer).
- 7.5.2** The nature of the complaint and any outcomes the customer is seeking will be set out within the letter. If clarification of the complaint is required, the Complaint Handler will request this.

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7.5.3 The letter will clearly communicate which aspects of the complaint BOCF is and is not responsible for.

7.5.4 Unless an extension period has been agreed, all investigations will be completed and the customer will receive a full written response within 10 working days of the complaint acknowledgment.

The response will include:

- Details of the complaint (complaint definition)
- The complaint stage
- The findings of the Complaint Handler
- The outcome of the complaint, including whether the complaint has been upheld or not
- The reasons for the decision made, referencing relevant policies, laws and good practice where appropriate
- Details of any remedy offered to put things right
- Details of any outstanding actions and timescales for any remedies offered
- Details of any learning from the complaint
- Details of the escalation process and timeline to Stage 2 if the customer feels their complaint has not been satisfactorily resolved at Stage 1
- The right to challenge a final decision through the Housing Ombudsman or the Local Government and Social Care Ombudsman along with their contact details.

7.5.5 If the customer raises additional complaints during the investigation, these will 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 or it would unreasonably delay the response, the new issues will be logged as a new complaint.

7.5.6 Stage One Timescales:

- Stage 1 response - 5 working days for logging and acknowledgment of complaint
- Stage 1 decision - 10 working days from complaints acknowledgement.

7.5.7 If unavoidable circumstances mean we cannot keep to these timescales, we will contact the customer as soon as possible within the timescale to agree an extension with the customer. The extension will be in accordance with the Complaints Handling Code:

- Stage One - any extension will be no more than 10 working days without good reason, and the reason(s) will be clearly explained to the customer.

When communicating with the customer about an extension, we will provide contact details for the Housing Ombudsman or the Local Government and Social Care Ombudsman so the customer can, if they wish, challenge our plan for responding and/or the proposed timeliness of our response.

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7.6 Stage 2

- 7.6.1** Complaints that are not resolved to the customer's satisfaction at Stage 1 will be progressed to Stage 2. We will not require a customer to explain their reasons for requesting a Stage 2 consideration
- 7.6.2** A Senior Manager not previously involved with the case will consider the complaint. The Senior Manager will make personal contact with the customer and will seek to understand why the customer remains unhappy.
- 7.6.3** A letter or email of acknowledgement will be sent to the customer within five working days of receipt of the complaint escalation, outlining when a full response will be received and naming who is dealing with the Stage 2 complaint.
- 7.6.4** The nature of the complaint and any outcomes the customer is seeking will be set out within the letter. If clarification of the complaint is required, the Senior Manager will request this.
- 7.6.5** The letter will clearly communicate which aspects of the complaint BOCOP is and is not responsible for.
- 7.6.6** Unless an extension period has been agreed, all investigations will be completed to ensure the customer can receive a full and final response within 20 working days of the complaint acknowledgment. The response will include:
- Details of the complaint (complaint definition)
 - The complaint stage
 - The findings of the Senior Manager
 - The outcome of the complaint, including whether the customer has been upheld or not
 - The reasons for the decision made, referencing relevant policies, laws and good practice where appropriate
 - Details of any remedy offered to put things right
 - Details of any outstanding actions
 - Details of any learning from the complaint
 - The right to challenge a final decision through the Housing Ombudsman or the Local Government and Social Care Ombudsman along with their contact details
- 7.6.7 Stage Two Timescales**
- Stage 2 response - Logging and acknowledgment of escalation within 5 working days of receipt
 - Stage 2 decision - 20 working days from acknowledgment of escalation
- 7.6.8** If unavoidable circumstances mean we cannot keep to these timescales we will contact the customer as soon as possible within the timescale to agree an extension with the customer. The extension for both stages will be in accordance with the Complaints Handling Code:

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- Stage Two - any extension will be no more than 20 working days without good reason, and the reason(s) will be clearly explained to the customer.

When communicating with the customer about an extension, we will provide contact details for the Housing Ombudsman or the Local Government and Social Care Ombudsman so the customer can, if they wish, challenge our plan for responding and/or the proposed timeliness of our response.

- 7.6.9** If a hearing is convened in consultation with the customer, we will inform the customer of the date and time of the hearing. Hearings will be held at a location agreed with the customer and the customer will have the right to be accompanied to the hearing by a representative, friend or relative to provide them with support or to help them present their case. The customer will receive a full written or emailed response within ten working days of the hearing.

8. Record Keeping

- 8.1** A full record (including relevant supporting documentation) of the complaint, including outcomes and remedies, will be kept on the customer's file. If a complaint is accepted from a non-resident, all details will be kept in the complaints database.

9. Housing Ombudsman

- 9.1** The Housing Ombudsman is a service which was set up to look at complaints about housing organisations and is free, independent, and impartial. The Ombudsman aims to resolve disputes involving tenants and leaseholders of social landlords (housing associations and local authorities).

Individuals can contact the Ombudsman **at any time** for support in helping to resolve a dispute. Their contact details are as follows:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Tel: 0300 111 3000 (lines are open Monday to Friday from 9.15am to 5.15pm)

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk (where there is more information and residents can complete the online form to ask the Ombudsman to investigate their complaint).

- 9.2** The Ombudsman requires every social landlord within its scheme to be compliant with its Complaints Handling Code:

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Housing Corporation: L421810

<https://www.housing-ombudsman.org.uk/app/uploads/2024/09/03.Complaint-Handling-Code-24.pdf>

The Code acts as a guide for individuals setting out what they can and should expect from their landlord when they make a complaint.

The requirements in the Code also provide individuals with information about how to make a complaint and how to progress it through their landlord's internal complaints procedure.

Further information is available at:

[Social housing complaints – How to complain about your social housing](#)

- 9.3** BCOP carries out an annual self-assessment of compliance against the Code. The self-assessment is reviewed by the Board and published on our website. This will be updated in line with the requirements of the Ombudsman and at their request if applicable.
- 9.4** If BCOP is unable to remain compliant with the code due to exceptional circumstances, we will inform the Ombudsman and provide information to any customers who may be affected, providing a timescale for returning to compliance.

10.

Local Government and Social Care Ombudsman

- 10.** If BCOP has provided a full and final response about a complaint relating to care services and the individual is not satisfied with the outcome they may take the complaint to the Local Government and Social Care Ombudsman. This is a free, independent service and can be contacted as below:

Local Government and Social Care Ombudsman
 PO Box 4771
 Coventry
 CV4 0EH
 Telephone: 0300 061 0614
 Email: advice@lgo.org.uk
 Website: www.lgo.org.uk

The LGO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters. Additionally, if the care is funded by the local authority (Council) you should take your complaint to them first before escalating to the LGO if you are still not satisfied.

11.

Care Quality Commission (CQC)

- 11.1** Our Nursing Home services are registered with and regulated by the Care Quality Commission (CQC). The CQC cannot get involved in individual complaints about providers, but is happy to receive information about our services at any time. You can

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contact the CQC at:

Care Quality Commission (CQC)
National Correspondence
Citygate,
Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161

12.

Third Party Complaints

- 12.1** When a complaint response is handled by a third party, e.g. a contractor, it will form part of our complaint process. We will not expect our customers to go through two complaints processes.

13.

Habitual or vexatious complaints

- 13.1** We define an unreasonable and persistent complainant as:
'Complainants who, because of the frequency or nature of their contacts with BCOP, hinder our consideration of their or other people's complaints.'
- 13.2** Although unreasonable or persistent, the customer may have justified complaints which they are pursuing in inappropriate ways, therefore before excluding a complaint BCOP must be satisfied that:
- Their complaint is being or has been investigated in line with our procedure
 - The decision reached at the end of this process was the right one
 - All communication with the customer has been adequate and reasonable
 - The customer is not providing any significant new information that may affect BCOP's decision.
- 13.3** If the above conditions have been satisfied, the decision must be taken by the Chief Executive as to whether to treat this complainant as unreasonable, persistent or vexatious. If we decide to proceed, the following steps may be taken:
- In the first instance, a warning letter will be sent explaining why their behaviour is causing concern and what actions BCOP may take if the behaviour continues
 - If the behaviour does continue, a decision must be taken by the Chief Executive as to the action to be taken and a letter sent to the customer to inform them. The following options are available:
 - Limit the customer to one form of contact (i.e. telephone only)

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- Limit the customer's access to staff (i.e. provide them with one named contact only who should deal with all communication in the first instance)
- Refuse to register and process any further complaints from this person on the same subject and notify them that all future correspondence will go unanswered
- In serious cases and where the complainant is a tenant, steps could be taken to end their tenancy
- In serious cases, and where the complainant is a contractor or other customer type, all communication may cease (i.e. end the contract, remove from the waiting list etc.).

13.4 Any restrictions imposed will be proportionate and demonstrate regard for the provisions of the Equality Act 2010. Any restrictions imposed on existing residents will be reviewed every 6 months and a decision taken as to whether to continue or lift the restrictions. All decisions must be communicated to the customer in writing (including via email where appropriate).

13.5 The following criteria are designed to be a check list against which all potentially unreasonable, persistent or vexatious complaints are assessed (this is not an exhaustive list):

- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- Refusing to accept that issues are not within the power of BCOP to investigate, change or influence
- Making groundless complaints about staff members investigating their complaint and seeking to have the complaint investigated by someone else
- Changing the basis of the complaint during the course of the investigation or denying statements they have previously made
- Introducing trivial or irrelevant information
- Making unnecessary and excessive demands on the time and resources of BCOP (i.e. numerous calls, letters etc.)
- Submitting repeat complaints about issues already resolved/investigated and refusing to accept the decision
- Making accusations against BCOP or staff members that are unfounded or found to be untrue.

13.6 Any complaint from a persistent or vexatious complainant will be reviewed to ensure that BCOP comply with legal obligations.

13.7 If a complaint is forwarded to the Housing Ombudsman or the Local Government and Social Care Ombudsman for consideration, BCOP will co-operate fully and comply with all findings or recommendations.

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14**Compliments**

- 14.1** We aim to provide the best possible service. We are happy to receive and record compliments so that we can understand the quality of service our customers want.
- 14.2** Knowing about a service that is well-received and has been offered by one team or one member of staff can help us to improve across the whole of our business.
- 14.3** A compliment could be a simple “thank you” or an expression of delight. It might be made in writing, by email, verbally or by any other means.
- 14.4** We will record compliments on a central register. The person receiving the compliment at the time it is made will record it and ensure it is passed to the appropriate team manager.
- 14.5** Compliments will be discussed as a standard agenda item at team meetings, to identify opportunities for improvement generally.
- 14.6** Our Senior Management Team and Board will receive periodic reports on compliments received, the nature of them and their outcomes. This information will be used to improve services and as a learning tool for the organisation.
- 14.7** A summary of compliments and changes made as a result will be published each year in our annual report to customers.
- 14.8** Compliments may also be featured from time to time on notice boards, at meetings with residents and in newsletters. The name of the customer making the compliment will only be published with their consent.

15.**Data Protection and Equality Impact**

In developing this policy we have carried out assessments to ensure that we have considered:

- Equality, Diversity and Inclusion
- Privacy and Data Protection

To request a copy of these full assessments, please contact BCOP Head Office on General@BCOP.org.uk

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16.

Legislative and Regulatory Framework

The following legislation, regulatory standards and documents can be relied upon to inform this policy:

Legal Framework	Regulatory Standard	Other documents
The Social Housing (Regulation) Act 2023	Transparency, Influence and Accountability	Housing Ombudsman Service Complaint Handling Code April 2024
		Compensation Policy

Document History Log

<u>Date of Review</u>	<u>Reviewed by</u>	<u>Notes</u>
22.08.2023	Helen Gore	
31.1.2025	Helen Gore	

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