



Key Criteria

Birchgrove is committed to providing the highest standards of service to all residents and stakeholders. This policy outlines how complaints will be managed fairly, impartially, and transparently, in accordance with regulatory obligations and resident needs.

1. Definitions

Service Request

A request from a resident that requires action to put something right (e.g., maintenance). Service requests are distinct from complaints and are logged, monitored, and reviewed. However, should a resident express dissatisfaction with the handling of a service request, it will be treated as a complaint.

Complaint

An expression of dissatisfaction, however made, regarding the standard of service, safety concerns, actions, or lack of action by Birchgrove, its staff, or those acting on its behalf, affecting a resident or group of residents. Complaints must be submitted within 12 months of the issue arising or the complainant becoming aware of the issue.

For complaints related to high-rise residential buildings and more specifically structural failure, fire and Birchgrove's performance as Principal Accountable Person please refer to Appendix A.

Exclusions from Complaints

A complaint will not be accepted under the following circumstances:

- The issue occurred more than 12 months ago unless exceptional circumstances apply.
- Legal proceedings have commenced.
- The matter has been previously investigated and closed.

If a complaint is rejected, we will provide the resident with a clear explanation and details on how to appeal this decision with the Housing Ombudsman.

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2. Raising Complaints

Residents can raise a complaint through any of the following channels:

- **Email:** Complaints can be emailed directly to the property's General Manager or sent using the resident's management systems (Lifeloop or Cubigo) communication tools.
- **In-person or by phone:** Residents can contact the General Manager for assistance. The General Manager or staff member will assist in documenting the complaint.
- **Representative:** Residents may appoint a representative to submit a complaint on their behalf and, to be represented or accompanied at any meeting with Birchgrove.

Birchgrove will ensure that residents have accessible options for submitting complaints, including reasonable adjustments for individuals with disabilities, as required under the Equality Act 2010. Staff will be trained to recognize complaints and escalate them appropriately.

To facilitate a more effective resolution and ensure a timely response, it is recommended that the complainant provide as much information as possible. The following details would be particularly useful if applicable:

- a. Date and Time: The date and time of the incident should be provided. If the issue is ongoing, a chronological account is encouraged.
- b. Location: The location where the issue occurred should be specified.
- c. Description: A detailed description of the issue is advised.
- d. Individuals Involved: The names and roles of all individuals involved should be included.
- e. Supporting Evidence: Any supporting evidence, such as photos or documents, should be attached.
- f. Impact: The impact the issue is having should be explained.
- g. Desired Outcome and Contact Information: The desired outcome should be stated, along with contact information.

3. Complaints Acknowledgement and Logging

Acknowledgment

Complaints will be acknowledged in writing within **24 working hours** of receipt by a senior member of the property (General Manager or Assistant Manager) or by a member of the Operations Leadership Team, depending on the nature of the complaint and taking into consideration any conflicts of interest or aspects that may hinder the objectivity of the response.

Logging

At the time of acknowledgment, the complaint will be defined in consultation with the resident. If any part of the complaint is unclear, we will seek clarification.

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Record-keeping

A full record of the complaint, including all correspondence and supporting documentation, will be maintained.

4. Stages of the Complaint Process

Birchgrove operates a **2-stage complaints process** to ensure timely and effective resolution. The objective in all cases is to address complaints and offer remedies, when appropriate, as efficiently and satisfactorily as possible, without needing to exhaust all the stages and/or timeframes listed below:

Stage 1: Initial Investigation

- Complaints will be investigated, and a formal written response provided within **7 working days** of the acknowledgment.
- The response will address all issues raised and, where necessary, provide an explanation, apology, or remedy. Remedies may include taking corrective action, reviewing policies, or providing compensation if deemed appropriate.
- The response will also include:
 - the complaint definition and stage
 - the decision on the complaint and reasoning behind it
 - details of any outstanding actions and how to escalate the matter to stage 2 if the individual is not satisfied with the response.
- If the complaint is complex and requires additional time, Birchgrove will inform the resident, explaining the reasons for the delay and providing an updated timeline (extension not exceeding 10 additional working days).

Stage 2: Review and Final Response

- If a resident is not satisfied with the outcome at Stage 1, they may request escalation to Stage 2 without having to justify such request. This request must be acknowledged within **5 working days**.
- Stage 2 will involve a manager *different* from the reviewer in Stage 1, conducting a review of the complaint. A final written response will be issued **within 14 working days**. This response will follow the same format in content as the stage 1 response.
- Should an extension beyond 20 working days be required given the complexity of the matter or the time necessary to fully investigate it, the resident will be informed, and the reasons for the delay will be provided.

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5. Escalation Beyond Birchgrove

Whenever the predetermined timescales will not be complied with or if the resident remains dissatisfied after Stage 2, the matter may be referred to the **Housing Ombudsman or Building Safety Regulator (only applicable to high rise buildings)**.

- **Housing Ombudsman:**
 - **Website:** www.housing-ombudsman.org.uk
 - **Phone:** 0300 111 3000
- **Building Safety Regulator:**
 - **Phone:** 0300 790 6787 (Call charges apply)
 - **Hours:** Monday to Friday, 8:30am to 5pm (closed on public holidays)

We will provide the necessary information to contact these bodies at the conclusion of Stage 2, along with any further instructions required by the complainant.

6. Handling Unacceptable Behaviour

Birchgrove is committed to handling all complaints respectfully. However, we reserve the right to manage unacceptable behaviour from residents or their representatives. If restrictions on communication are required due to such behaviour, these will be proportionate, regularly reviewed, and consistent with the Equality Act 2010.

7. Commitment to Continuous Improvement

To ensure robust oversight and continuous improvement in complaint handling, Birchgrove has a clear accountability at senior leadership levels:

Senior Lead for Complaint Handling

The **Area Manager** is the designated senior lead responsible for complaint handling. This role includes:

- Assessing recurring themes and trends in complaints to identify potential systemic issues or serious risks.
- Reviewing policies and procedures where necessary to ensure they remain fit for purpose and reflect lessons learned from complaints.

Member Responsible for Complaints (MRC)

The CEO of Birchgrove is the Member Responsible for Complaints (MRC). The CEO holds lead responsibility for supporting a positive complaint-handling culture across the organisation. Their key responsibilities include:

- Ensuring the governing body receives regular and comprehensive updates on complaint-handling performance.
- Overseeing the analysis of complaint trends to provide insight into systemic issues and service improvement opportunities.

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Reporting and Governance

To promote accountability and transparency, the MRC and the governing body will receive the following as a minimum:

- Regular updates on the volume, categories, and outcomes of complaints, as well as performance metrics for complaint handling. Unless they exceed five complaints in any given quarter, these updates will have an annual periodicity.
- Reviews of recurring issues and trends arising from complaints.
- Updates on the outcomes of Ombudsman investigations, including compliance with any orders related to severe maladministration findings.
- An **Annual Complaints Performance and Service Improvement Report**, summarising key learning points and actions taken to enhance service delivery.

Both the Area Manager and the CEO have access to the necessary resources, staff, and information to fulfil their respective responsibilities effectively. Together, they will ensure that Birchgrove maintains a transparent, accountable, and improvement-focused approach to complaint handling.

Birchgrove recognises that high volumes of complaints can indicate an accessible and well-publicised process. Birchgrove is therefore, committed to creating a culture of learning from complaints and will ensure that outcomes are used to improve services and resident satisfaction.

Furthermore, in a spirit of openness and responsibility, Birchgrove will ensure regular updates on key lessons and improvements gained from complaints are shared with important and relevant stakeholders, such as residents, staff members, and other parties, promoting transparency and collective accountability. The means, timings and extent of these communications will be determined on a case-by-case basis by the pertinent manager or management team.

8. Equality and Accessibility

Birchgrove will ensure that all residents have equal access to the complaints process. Reasonable adjustments will be made for those with disabilities, and information will be provided in accessible formats upon request. All staff will receive training on handling complaints in accordance with the Equality Act 2010.

9. Complaint Handling Officer

A designated **Complaints Handling Officer** will oversee complaint management, liaise with the Ombudsman, and report on complaints to Birchgrove's governing body. This role may be fulfilled by a senior member of each property team (such as the General Manager or Assistant Manager), the Area Manager, or another member of the Operations Leadership Team. The Complaints Handling Officer will have the authority to act independently to resolve disputes promptly and fairly, ensuring transparency and accountability throughout the process.

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Upon acknowledging the complaint, the complainant will be informed of the Birchgrove staff member or team responsible for managing the matter. The assignment will be determined based on the nature of the complaint, staff availability, and other pertinent factors related to the situation. Should a complaint involve a leadership team member, the CEO will be the most senior member of staff assuming oversight of the entire process to guarantee thorough and unbiased handling of the matter.

10. Exceptional Circumstances and Non-Compliance

In the event that Birchgrove is unable to comply with this procedure due to exceptional circumstances, such as a cyber incident, natural disasters or other unforeseen disruptions affecting our capacity to properly deal with the complaint, we will take the following actions:

1. **Inform the Ombudsman:** Birchgrove will promptly notify the Housing Ombudsman of the non-compliance and the reasons for it.
2. **Resident Notification:** All affected residents/complainants will be informed of the nature of the incident and any potential impacts on the handling of their complaint.
3. **Compliance Timescale:** Birchgrove will provide a clear timeline for returning to compliance, outlining any interim measures to manage the complaint and or provide remedies until full compliance is restored.

11. Satisfaction Surveys Vs. Complaints

Each year, Birchgrove conducts a detailed satisfaction survey to gather direct feedback from residents on various aspects of our service offerings. As part of our internal process, we thoroughly analyse the results and engage with individuals who have provided comments. If, during this follow-up stage, a resident feels that their feedback or suggestions have not been adequately addressed, they are reminded of the option to file a formal complaint.

12. Data Protection

All personal data collected and processed as part of this complaints procedure will be handled in accordance with the Data Protection Act 2018, which incorporates the General Data Protection Regulation (GDPR). This means that data will be used fairly, lawfully, and transparently, and only for specified and explicit purposes related to the management and resolution of complaints. Data collected will be adequate, relevant, and limited to what is necessary, ensuring accuracy and timely updates where applicable. Personal data will be securely stored and protected against unauthorised access, loss, or damage and retained only for as long as necessary, in line with the retention period specified for complaints records. Additionally, stronger safeguards will apply to sensitive personal data, and individuals will retain their rights under the Act, including access to their data, rectification of inaccuracies, and the ability to request erasure or restriction of processing where appropriate.

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Appendix A: High-Rise Building Complaints Procedure

Key Criteria

As a high-rise residential building, Birchgrove Ayrton House has established this specific complaints system which allows residents and other users of the building to raise relevant complaints related to building safety.

This complaints system applies to complaints related to:

- Structural failure and spread of fire (building safety risks)
- The performance of Birchgrove as Ayrton House's Principal Accountable Person (PAP)

For complaints not connected to the above points, such as general services or maintenance issues, please refer to Birchgrove's standard complaints procedure.

1. Relevant Complaints

Residents and other users of the building can raise complaints regarding Birchgrove's performance as PAP and safety risks associated with structural issues or inadequate management of fire risks. This includes concerns about the implementation of fire prevention measures, maintenance of fire safety equipment, adherence to fire safety regulations, and the overall effectiveness of the fire safety strategy in place.

Some examples of relevant complaints are:

- Structural Failure
 - **Foundation Issues:** Cracks or settling in the building's foundation that can compromise the stability of the entire structure.
 - **Load-Bearing Wall Failures:** Cracking, bowing, or collapse of load-bearing walls which can endanger the structural integrity of the building.
 - **Roof Collapse:** Sagging or collapse of the roof due to poor construction, inadequate support, or excessive load (e.g., snow accumulation).
 - **Balcony Collapse:** Failure of balconies due to structural weaknesses or lack of proper maintenance.
 - **Beam and Column Failures:** Cracking, bending, or breaking of structural beams or columns that support the building.
 - **Concrete Spalling:** Chunks of concrete falling off from the structure, exposing and potentially weakening the steel reinforcements within.
- Spread of Fire
 - **Faulty Electrical Wiring:** Electrical fires caused by outdated, faulty, or improperly installed wiring systems.
 - **Combustible Building Materials:** Use of highly flammable materials in construction or insulation that can accelerate the spread of fire.
 - **Blocked Fire Escapes:** Obstacles or locked exits that prevent residents from safely evacuating during a fire.
 - **Lack of Fire Stops:** Absence of fire stops (e.g., barriers within walls or floors) that prevent fire from spreading quickly through different parts of the building.

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- **Malfunctioning Fire Alarms and Sprinklers:** Inoperative or non-existent fire alarms and sprinkler systems that fail to alert residents or control the fire in its early stages.
- **Improper Storage of Flammable Materials:** Storage of flammable substances (e.g., cleaning chemicals, paint, solvents) in common areas or locations that can exacerbate the spread of fire.
- **Open Staircases:** Staircases without proper fire doors or containment measures that can act as a chimney, allowing fire and smoke to spread rapidly between floors.

2. Raising Complaints

Complaints must be submitted via email to BSR@birchgrove.life with the subject line: “*Ayrton House Complaint*”. Residents or users who are unable to email directly due to impediments should contact the General Manager for assistance. The General Manager or an assigned staff member will help in taking notes and submitting the complaint. Alternatively, the complainant can appoint a representative to raise an issue on their behalf.

When submitting a complaint, the complainant must clearly describe the issue to the best of their abilities, considering the following points:

- h. Date and Time: Provide the date and time of the incident. If the issue is ongoing, include a chronological account.
- i. Location: Specify the location where the issue occurred.
- j. Description: Describe the issue in detail.
- k. Individuals Involved: List the names and roles of all individuals involved.
- l. Supporting Evidence: Attach any supporting evidence, such as photos or documents.
- m. Impact: Explain the impact the issue is having.
- n. Desired Outcome and Contact Information: State your desired outcome and provide your contact information.

3. Complaints Acknowledgement

Upon receiving a complaint, we will **acknowledge receipt within 5 working days**. Following this, a **full response will be provided within 20 working days**. However, if the investigation or response requires more time, we will inform the complainant of the reasons for the delay and provide an updated timeline for resolution. In all cases, we strive to keep the complainant informed and ensure transparency throughout the process.

4. Complaints Response

After thoroughly evaluating the complaint, we will provide a comprehensive response that either accepts or rejects the complaint. If the complaint is accepted, our response will address all issues raised, provide clear reasons for any decisions made, and detail the actions that have been carried out or are planned, including specific time frames.

Should a complaint be rejected, we will explain the criteria for rejection. This may include the complaint not meeting the definition of a relevant complaint, the issues having already been investigated, or the complaint merely providing additional information to a previously raised issue.

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7. Escalation and Disputes

Should a complainant challenge our response or decision, we will review it thoroughly and address any additional concerns raised. The Principal Accountable Person (PAP) will work collaboratively with the complainant to achieve a mutually satisfactory resolution and determine an appropriate closure for the matter, ensuring all efforts are made to resolve the issue effectively. If agreement cannot be reached, or the complainant is dissatisfied with the final response, **the matter may be referred to the Building Safety Regulator (BSR) with the complainant's consent.**

8. Record-Keeping, Review & Data Protection

In addition to the data protection measures outlined in Birchgrove's standard complaints procedure, complaints and resolutions related to building safety in high-rise buildings will be retained for **7 years**. If multiple complaints about the same issue arise within this period, we will document the nature, subject, and dates of these recurring complaints. This monitoring helps us identify trends, improve processes, and ensure compliance with building safety standards.

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