

Sir E.D. Walker Trust

Registered Trust number: 230359

Complaints Policy and Procedures

1 Introduction

1.1 The Sir E.D. Walker Trust (“the Trust”) aims to provide the best possible service to its residents but also understands that from time to time there may be issues which arise and, therefore, aims to provide a complaints process that is flexible and responsive to the needs of individual complainants.

1.2 The Trust complies with the Complaint Handling Code issued by the Housing Ombudsman Service. All complaints dealt with under this policy will be dealt with in a manner consistent with the Code and the Trust will maintain all records as required by the Code.

1.3 In dealing with complaints the Trust will ensure that:

- (a) individuals who complain are listened to and treated with courtesy and empathy;
- (b) residents will never be disadvantaged as a result of making a complaint;
- (c) complaints will be investigated promptly, thoroughly, honestly and openly; and
- (d) in dealing with complaints the Trust will comply with confidentiality and data protection policies.

1.4 A **complaint** is defined as:

“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Trust, its trustees, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.”

The word “complaint” does not need to be used expressly for the matter to be considered a complaint.

1.5 A request from a resident to act to put something right (e.g., to carry out routine maintenance) is considered to be a “service request” and not a complaint. Service requests should be dealt with in accordance with the Residents’ Handbook and should be referred to the Manager when they arise. Where appropriate, individuals should raise service requests, in the first instance, with the Manager either in person or by phone, as this can lead to better understanding and very often to a quick resolution of

the issue. Generally service requests will be attended to straight away where possible and otherwise as soon as practicable.

- 1.6 The Trust will keep a record of service requests.
- 1.7 Failure by the Trust to deal appropriately with a service request can still lead to a formal complaint being made if the resident is dissatisfied with the Trust's response to their service request
- 1.8 Complaints made by residents may be made by the resident's carer, family members or a representative of a resident as well as by the resident themselves.
- 1.9 Complaints made by individuals affected by the Trust, who are not residents, must be made by the individual themselves or a legal representative.
- 1.10 The Manager is the designated person responsible for the Trust's Complaints Handling Procedure.
- 1.11 The Chairman is the person with lead responsibility who is defined by the Code as "the Member Responsible for Complaints ('the MRC')"

2 Exclusions

- 2.1 The Trust will not be able to deal with an issue through the complaints process if:
 - (a) a complaint relates to a matter where legal proceedings have been issued;
 - (b) the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint;
 - (c) the issue giving rise to the complaint occurred over 12 months ago; or
 - (d) the matter has already been considered under the complaints policy and a decision issued.
- 2.2 If the complaint is not accepted a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman (see details below). If the Ombudsman directs the Trust to take on the complaint this policy will then apply.

3 Accessibility

- 3.1 Complaints will be dealt with in a manner that is consistent with the Trust's Equality and Diversity Policy.
- 3.2 If any individual making a complaint wishes the Trust to make reasonable adjustments to accommodate an individual's particular needs, they, or their representative, should, contact the Chairman by phone, by letter, by email or in person to discuss what adjustments may be possible.

4 Stage One of the Complaints Process

- 4.1 Complaints should be made either by letter or by email to the Chairman. Where this is not possible for any reason, they can be raised with any member of staff who will pass written details agreed with the Complainant to the Chairman.
- 4.2 The initial complaint should include sufficient details, and where appropriate supporting documentation, to enable the Trust to investigate the matter.
- 4.3 The Chairman will acknowledge the complaint within five working days. The acknowledgement will:
 - (a) summarise the Trust's understanding of the complaint;
 - (b) summarise the Trust's understanding of what the Complainant is seeking as an outcome;
 - (c) raise any questions that require clarification from the Complainant; and
 - (d) set out the next course of action and anticipated timescale.
- 4.4 In most cases the Trust will aim to resolve complaints within 10 working days from the complaint being acknowledged. In exceptional cases, if the Chairman anticipates that the particular complaint will take longer to resolve, this will be explained and a clear time frame set out for the resolution of the complaint which will not exceed a further 10 working days, without good reason.
- 4.5 If the Chairman believes that the complaint will take longer than 20 working days to resolve then the Chairman will seek to agree the timeframe with the Complainant. If no agreement can be reached with the Complainant, the Complainant should be advised to raise the matter with the Housing Ombudsman (see details below).
- 4.6 The Chairman, or such trustee or trustees as he may delegate the management and investigation of the complaint to, will investigate the complaint in an impartial manner permitting all relevant parties to provide information. The Complainant and any third parties involved in the complaint will be given the opportunity to set out their position before any final decision is made.
- 4.7 If the Chairman is conflicted, or the complaint relates to the Chairman, the complaint should be directed to the Vice-Chairman.
- 4.8 The trustee(s) involved in the management and investigation of the complaint will:
 - (a) deal with the complaints on its merits;
 - (b) act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about;
 - (c) give the complainant a fair chance to set out their position;
 - (d) take appropriate measures to address any actual or perceived conflict of interest (which may include asking another trustee or trustees to investigate the complaint);

- (e) consider all information and evidence carefully; and
 - (f) keep the details of the complaint confidential as far as possible, with information only being disclosed if necessary to properly investigate the matter.
- 4.9 If the complaint involves questions relating to the Trust or the Complainant's legal obligations, the trustee(s) will set out clearly their understanding of the respective legal obligations and may seek legal advice before doing so.
- 4.10 The trustee(s) will provide the Complainant with a written response to the complaint at the earliest opportunity, and which will confirm in clear, plain language:
- (a) The complaint stage;
 - (b) The complaint definition;
 - (c) The decision on the complaint;
 - (d) The reasons for any decisions made;
 - (e) The details of any remedy offered to put things right;
 - (f) Details of any outstanding actions; and
 - (g) Details of how to escalate the complaint to a Review Meeting if the Complainant is not satisfied with the response.
- 4.11 If further actions are required to address the complaint these may be carried out after the response has been given and should not delay the Complainant receiving a response to the complaint.
- 4.12 If new issues are raised by the Complainant during the stage one process, these should be dealt with as part of the process if they are relevant. However, if the issues relate to a different issue and/or are raised after the response has already been issued, the issues will be dealt with as a separate complaint.

5 Stage Two

- 5.1 If the Complainant is not satisfied with the outcome, then within 10 working days a formal request, by letter or by email to the Chairman, for a Review Meeting can be made
- 5.2 The Chairman will acknowledge the request within 5 working days of its receipt.
- (a) The acknowledgment may include requests for clarification of matters that relate to the review. summarise the Trust's understanding of the complaint;
 - (b) summarise the Trust's understanding of what the Complainant is seeking as an outcome;

- (c) raise any questions that require clarification from the Complainant; and
 - (d) set out the next course of action and anticipated timescale.
- 5.3 The Review Meeting will be conducted by three trustees who have not previously been involved in investigating the complaint and will be arranged to take place within 15 working days from acknowledgment of the request for a review. The Complainant will be invited to attend and can be accompanied at the Review Meeting by a friend or professional adviser, if they wish. All relevant staff members should be involved too.
- 5.4 Sections 4.8 and 4.9 of this policy will also apply in Stage Two. The trustees conducting the Review Meeting will respond in writing to the complainant within 20 working days from the acknowledgment of the request for a Review Meeting, informing them of the outcome of the review and the decision of the trustees attending the Review Meeting.
- 5.5 If the trustees involved in the review believe that the review will take longer than 20 working days to resolve then they should inform the Complainant of the extension and clearly explain the reasons for it. The extension should be for no more than a further 20 days without good reason. The Complainant should be given the contact details for the Housing Ombudsman (see details below) at the same time as being informed about any extension to the timescale which should be agreed with the Complainant if possible.
- 5.6 In responding to the appeal, the trustees involved will confirm the following in clear, plain language:
- (a) The complaint stage;
 - (b) The complaint definition;
 - (c) The decision on the complaint;
 - (d) The reasons for any decisions made;
 - (e) The details of any remedy offered to put things right;
 - (f) Details of any outstanding actions; and
 - (g) Details of how to escalate the matter to the Housing Ombudsman if the Complainant is not satisfied with the response.
- 5.7 If the Complainant is not satisfied with the response received then the Complainant should progress the matter through the Housing Ombudsman Service

6 Circumstances in which a complaint may be closed

- 6.1 If a complaint is pursued unreasonably or where a Complainant's actions or behaviours are deemed to be unreasonable, the Trust reserves the right to close the complaint.

- 6.2 If a Complainant displays threatening or abusive behaviour or language (whether verbal or written), that causes staff or trustees to feel threatened, abused and/or continues to contact the Trust with unreasonable demands during/following a complaint investigation a complaint may be closed and, if the Complainant is a resident, this may be grounds for their appointment to be set aside.
- 6.3 In cases where a decision is made to bring the complaint to an end in accordance with this section of the policy, the trustees will inform the Complainant of their reasons.

7 Housing Ombudsman Service

The contact details for the Housing Ombudsman Service are:

Telephone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

Address: Housing Ombudsman Service,
PO Box 1484, Unit D, Preston, PR2 0ET

8 Annual Review

- 8.1 This policy will be reviewed on an annual basis.
- 8.2 The Trust will produce and publish an annual complaints performance and service improvement report for scrutiny and challenge, which must include:
- (a) an annual self-assessment against the Code to ensure that the Trust's Complaints Handling Policy remains in line with the Code's requirements;
 - (b) a qualitative and quantitative analysis of the Trust's complaint handling performance;
 - (c) any findings of non-compliance with this code by the Housing Ombudsman;
 - (d) the service improvements made as a result of learning from a complaint;
 - (e) any annual report about the Trust's performance from the Housing Ombudsman; and
 - (f) any other relevant reports or publications produced by the Housing Ombudsman in relation to the work of the Trust.

9 Publication

This policy document (which includes contact details for the Housing Ombudsman and references to the Housing Ombudsman Service's Complaint Handling Code) and any amendments to it will be circulated to all residents following its approval by the trustees

and will be included with the information provided to all new residents. A copy will also be placed on the Notice Board in the Hall and on the Trust's website.

This policy has been approved for issue by the board of trustees

Signature:

Name:

Date: