

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. It, therefore, aims to provide a complaints process that is flexible and responsive to the needs of individual complainants to enable residents to be heard and understood.
- 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) it 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. Whenever a resident expresses dissatisfaction the Trust must give them the option to make a complaint.
- 1.5 A request from a resident to act to put something right (e.g., to carry out routine maintenance) is 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, and they will be recorded, tracked and monitored to completion.
- 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 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request even if the handling of the service request remains ongoing. The Trust must not stop its efforts to address the service request if the resident raises a complaint.
- 1.9 Complaints should be raised as soon as possible after the incident giving rise to the complaint and may be made by the resident's carer, family members or a representative of a resident as well as by the resident themselves.
- 1.10 The Trust must accept a complaint unless there is a valid reason not to do so and will ensure it considers the individual circumstances of each complaint.
- 1.11 Unless excluded on other grounds, the Trust must accept complaints referred to it within 12 months of either the issue occurring or the resident becoming aware of the issue. Where there are good reasons to do so, the Trust must also consider whether to apply discretion to accept complaints made outside the time limit.
- 1.12 The Manager is the designated person responsible for implementing the Trust's Complaints Handling Procedure.
- 1.13 The trustee with responsibility for "Staff Matters," Mrs Aileen Little, 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 at Court;
 - (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;
 - (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.

- 2.3 An expression of dissatisfaction with services made through a resident's survey is not defined as a complaint, though, wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Trust has asked for wider feedback about their services, it will provide details of how residents can raise a complaint.

3 Unreasonable Behaviour

- 3.1 The Trust understands that complainants can get upset and frustrated when things have gone wrong. If, however, the Trust feels that a complaint is pursued unreasonably, including any actions or behaviours of the resident/representative, these complaints will be reviewed in line with the Trust's Anti-Social Behaviour Policy.
- 3.2 All complaints will be reviewed on an individual basis.
- 3.3 If any restrictions are put in place, they will be proportionate and demonstrate regard for the provisions of the Equality Act 2010.
- 3.4 The Trust will ensure any restrictions will be recorded, monitored and reviewed regularly and the complainant updated following the review.
- 3.5 Any restrictions in place will not prevent the Trust from ensuring the complaint can be taken through the full complaints' process.

4 Accessibility and Awareness

- 4.1 Complaints will be dealt with in a manner that is consistent with the Trust's Equality and Diversity Policy and the Trust's duties under the Equalities Act 2010.
- 4.2 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, in the first instance, contact the Chairman by phone, by letter, by email or in person to discuss what adjustments may be possible. The Chairman's contact details are in the Residents' Handbook or can be obtained from the Manager.
- 4.3 Residents will have the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting. The Trust will always follow data protection measures when disclosing any information to a third party.
- 4.4 The Trust acknowledges that a high volume of complaints must not be seen as negative, as this can be indicative of a well-publicised and accessible complaints procedure. Low complaint volumes are potentially a sign that residents are unable to complain.

- 4.5 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.

5 Complaint handling staff

- 5.1 Complaints will be investigated by the Chairman or such trustee or trustees as they may delegate the management and investigation of the complaint to at Stage One (referred to in section 7 as the Complaints Officer(s)).
- 5.2 Reviews will be investigated by the Vice Chairman or such trustee or trustees as they may delegate the management and investigation of the complaint at Stage Two (referred to in Section 8 as the Reviewing Officer(s)). The Reviewing Officer(s) will not previously have been involved in the processing of the complaint.
- 5.3 If the Chairman and/or the Vice Chairman are conflicted, or the complaint relates to the Chairman and/or the Vice Chairman, the complaint should be directed to the Manager whose details are in the Residents' Handbook.
- 5.4 Staff will be suitably trained in the importance of complaint handling.

6 Complaints Process

- 6.1 At each stage of the complaints process the trustee(s) involved in the management and investigation of the complaint will:
- a) deal with the complaint 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.

7 Stage One of the Complaints Process

- 7.1 Complaints should be made to the Chairman by letter, email, telephone or face to face. 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 Complaints Officer(s).
- 7.2 The initial complaint should include sufficient details, and where appropriate supporting documentation, to enable the Trust to investigate the matter.
- 7.3 The Complaints Officer(s) will acknowledge the complaint within 5 working days. The acknowledgement will:
- a) summarise the Trust's understanding of the complaint;
 - b) make clear which aspects of the complaint the Trust is, and is not, responsible for and clarify any areas where this is not clear;
 - c) summarise the Trust's understanding of what the Complainant is seeking as an outcome;
 - d) raise any questions that require clarification from the Complainant; and
 - e) set out the next course of action and anticipated timescale.
- 7.4 In most cases the Trust will aim to resolve complaints within 10 working days from the complaint being acknowledged. In exceptional cases, if the Complaints Officer(s) anticipates that the particular complaint will take longer to resolve, this will be explained and a clear timeframe set out for the resolution of the complaint which will not exceed a further 10 working days, without good reason.
- 7.5 If the Complaints Officer(s) believes that the complaint will take longer than 20 working days to resolve then the Complaints Officer(s) 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).
- 7.6 The Complaints Officer(s) 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.
- 7.7 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.
- 7.8 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 stage two if the Complainant is not satisfied with the response.
- 7.9 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the Complainant.
- 7.10 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.

8 Stage Two

- 8.1 If the Complainant is not satisfied with the outcome, then within 20 working days they can escalate the complaint to Stage Two, by letter, email, telephone or in person to the Vice-Chairman. Complainants are not required to explain their reasons for requesting an escalation of their complaint. The Trust will ensure that any request received after 20 working days will be assessed and a decision made as to whether to accept it on an individual basis within 10 working days.
- 8.2 The Reviewing Officer(s) will acknowledge the request within 5 working days of its receipt. The acknowledgement will:
- a) summarise the Trust's understanding of the complaint;
 - b) make clear which aspects of the complaint the Trust is, and is not, responsible for and clarify any areas where this is not clear;
 - c) summarise the Trust's understanding of what the Complainant is seeking as an outcome;
 - d) raise any questions that require clarification from the Complainant;
 - e) set out the next course of action and anticipated timescale.
- 8.3 The review will include a meeting within 15 working days from acknowledgement of the request for a review. The Complainant will be invited to attend and can be accompanied at the meeting by a friend or professional adviser. All relevant staff members should be involved too.

- 8.4 The Reviewing Officer(s) will respond in writing to the complainant within 20 working days from the acknowledgement of the request to escalate the complaint, informing them of the outcome of the review and the decision made.
- 8.5 If the Reviewing Officer(s) believes that the escalation of the complaint will take longer than 20 working days to resolve then they should inform the Complainant of this and provide a time frame for an 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.
- 8.6 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.
- 8.7 In responding to the review, 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.
- 8.8 If the Complainant is not satisfied with the response received then the Complainant should progress the matter through the Housing Ombudsman Service.

9 Putting things right where something has gone wrong

- 9.1 Where something has gone wrong the Trust must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:
- a) Apologising;
 - b) Acknowledging where things have gone wrong;
 - c) Providing an explanation, assistance or reasons;
 - d) Taking action if there has been delay;

- e) Reconsidering or changing a decision;
 - f) Amending a record or adding a correction or addendum;
 - g) Providing a financial remedy;
 - h) Changing policies, procedures, or practices.
- 9.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.
- 9.3 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 9.4 The Trust must take account of the guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

10 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

11 Annual Review

- 11.1 This policy will be reviewed on an annual basis.
- 11.2 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.

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

Signature:

Name:

Date: