



Sheltered Housing Complaints Policy & Procedure

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This policy is subject to review at any time to reflect current local and national policy or legislation.

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1. PURPOSE OF POLICY

- 1.1 This Policy sets out the Trust's approach to resolving tenant complaints effectively. We will always do our best to put things right. If this is not possible, we will try to find an acceptable and fair solution.
- 1.2 Our aim is to:
 - Be fair, treat people equitably and follow a transparent process
 - Put things right
 - Learn from our mistakes
- 1.3 This policy ensures that the Trust complies with legal requirements, regulations and best practice guidance (including the Housing Ombudsman Complaint Handling Code).
- 1.4 This policy will ensure all complaints are promptly addressed, resolved and shared within the agreed timescales.
- 1.5 This policy will ensure lessons are learned and that the learning process improves service quality and delivery as part of our continuous improvement cycle.

2. INTRODUCTION

- 2.1 The Trust aims to provide excellent customer service to all tenants. However, we recognise that we do not always get things right and may fail to meet tenants' expectations. When this happens, tenant feedback is so important, and we positively welcome tenants' complaints as they are crucial in helping us learn and continuously improve our services.
- 2.2 The Trust takes complaints seriously and aims to put things right that have gone wrong. The Trust recognises the importance of learning from what went wrong so that the same issues and complaints do not occur again.
- 2.3 The Trust wants every tenant to feel comfortable raising concerns or complaints. It commits to actively listening to understand what has gone wrong and what is needed to fix it.
- 2.4 The Trust will ensure that the complaints process is fair, transparent, and does not discriminate directly or indirectly.
- 2.5 Complaints can be made directly by the tenant or on a tenant's behalf with their permission, which aligns with data protection policies and legislation. We will only divulge information to a third party if it is directly relevant to the complaint for which the tenant has given their permission.
- 2.6 The Complainant will feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion throughout the process.

- 2.7 The Trust is keen to ensure the complaints process is accessible to all tenants, and if requested, the complaints policy can be made available in alternative formats. Where a tenant requires help to make a complaint, the Trust will ensure that appropriate assistance is provided. Where reasonable adjustments are made to ensure that a tenant can access the complaints process, a record of any disabilities the tenant has disclosed and reasonable adjustments agreed must be kept.
- 2.8 This policy applies to all services provided by Balkerne Gardens Trust, whether carried out directly by the Trust or on behalf of the Trust.
- 2.9 This policy (which includes reference to the Housing Ombudsman Complaint Handling Code and contact details for the Ombudsman) is given to all new tenants, displayed on noticeboards in the Sheltered Housing premises and published on the Trust's website.

3. SCOPE

- 3.1 This policy is aimed at Balkerne Gardens Trust Sheltered Housing tenants.
- 3.2 This policy is not for members of staff or volunteers as the Trust has a Grievance policy they may use if they have a concern about their working/volunteering.

4. ROLES AND RESPONSIBILITIES

4.1 Directors

Directors are responsible for providing the framework for the Sheltered Housing Complaints Policy and Procedure and creating and maintaining an environment where complaints are treated seriously and resolved promptly. They will assess themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision. They are also responsible for liaising with the Ombudsman where necessary and ensuring complaints are reported to the Trustees.

The Director of Operations or CEO will manage the complaint if the complaint concerns the manager.

4.2 Manager

The Manager is accountable for ensuring this Policy and Procedure are implemented fairly and consistently for all tenants and for effectively implementing this Policy when managing any complaints received.

The Manager is generally the main point of contact for the receipt, investigation and management of a complaint. However, this may be delegated to a senior staff member where appropriate.

4.3 Employees

All staff working in the Trust must be able to receive and manage a complaint sensitively, structured, and timely. They must also ensure the swift escalation of the complaint to management.

5. DEFINITIONS

- 5.1 The Housing Ombudsman defines a service request as a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints but must be recorded, monitored and reviewed regularly.
- 5.2 The “complaint definition” in the Housing Ombudsman Complaint Handling Code is a statement of the Landlord’s understanding of the complaint and the outcomes the resident seeks.
- 5.3 A complaint is defined by the Housing Ombudsman as “an expression of dissatisfaction, however, made, about the standard of service, actions or lack of action by the organisation, its staff, or those acting on its behalf, affecting an individual resident or group of residents.”

If you are letting us know about a service you have or have not received and it requires further investigation because you are not happy with the response, we will deal with this as a complaint. A complaint can relate to, but is not limited to:

- Failure to follow the agreed policy or procedure.
- Harassment, bias, or discrimination.
- Services not provided within an acceptable timescale or to a satisfactory standard or have been reported but not dealt with to your satisfaction.
- Failure to carefully consider relevant matters when reaching a decision.
- The behaviour of a member of staff, board member or contractor.

The following are NOT considered complaints and are not covered by this policy:

- Matters, where legal proceedings have been commenced or indicated and dealing with the complaint, could interfere with the legal aspects of the case; however, issues included in the original complaint that are separate from any legal proceedings can be dealt with under this policy.
- Cases regarding services not provided by or on behalf of Balcerne Gardens Trust.
- Matters previously considered under the complaints policy unless new information has been provided.
- Expressions of dissatisfaction received through a survey.

6. PROCEDURE

6.1 How to make a complaint

- 6.1.1 Any contact with the Trust can be considered a complaint, whether or not it is a request for an official complaint. Anyone accessing, using, or benefiting from our services can complain, and the Trust must accept the complaint unless there are valid reasons not to do so. Every complaint will be considered on its own merits, and if it is not accepted, the reasoning behind this must be evidenced, and an explanation must be given to the tenant (together with information on their right to appeal to the Ombudsman).

- 6.1.2 The Housing Ombudsman requires landlords to distinguish between complaints and service requests. Service requests must be recorded in the maintenance book and actioned within an appropriate timescale. The maintenance book must be monitored and reviewed regularly to ensure this happens.
- 6.1.3 The Housing Ombudsman Service encourages the early and local resolution of disputes between landlords and tenants. We recognise that many tenants may not wish to follow a formal process and want an issue resolved informally. If this does not resolve the problem, it does not affect a tenant's right to raise a formal complaint. We will agree with the tenant if the complaint has been addressed informally.
- 6.1.4 You can make a complaint by speaking to any member of staff or in the following ways:
- Email us: admin@bgtrust.org
 - Call us: 01206 543517(Monday-Friday, 9am-5pm)
 - Write to us: Balcerne Gardens Trust, Parsley House, Colchester, CO1 1PR

6.2 Time limits

- 6.2.1 There is usually a twelve-month time limit from the event giving rise to the complaint to the date the complaint is registered. This is not intended to affect the tenant's statutory rights but recognises that a considerable time lapse makes robust and meaningful investigation difficult. However, we will always endeavour to be reasonable, and more extended time limits may be applied, mainly where there is a safeguarding or health and safety issue.

6.3 On receipt of a complaint

- 6.3.1 The complaints procedure listed below has two stages. At all stages, consideration will be given to the individual needs of the tenant (including whether they are vulnerable or at risk) and the best way to facilitate their complaint.

6.4 Stage 1 – Investigation

- 6.4.1 Staff must record all complaints, both formal and informal. We aim to acknowledge complaints within five working days of receipt, providing details of the complaint, what will be investigated, and by whom. We will be clear about which aspects of the complaint the Trust is and is not responsible for and clarify any areas where this is unclear. We will also ask for any additional information that may be required. The Sheltered Housing Manager or a Director will investigate Stage 1 complaints. If the complaint concerns the CEO, then a board trustee will conduct the investigation.
- 6.4.2 A full record must be made of the complaint, including the original complaint and the date received, definition, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys, action taken, and the outcome reached. Where no action is taken, the reasons for this should be recorded.

- 6.4.3 A Complaint form (see appendix 1) must also be completed with the following information recorded: date of the complaint, identification number of the complainant, the nature of the complaint, who has acknowledged the complaint, the date, the investigation that took place and how and when the complaint was resolved. The forms should not include any identifying personal information about the complainant or member of staff, so anonymised numbers rather than names should be used when completing the form.
- 6.4.4 A tenant representative may make a complaint, but in such cases, the Manager should check that they have the individual's consent before releasing personal data.
- 6.4.5 Tenants can expect a decision within ten working days of acknowledging the complaint. If this is not possible, we will give an explanation and a date by which the stage one response should be received. This should not exceed a further ten working days without good reason. Reasons for delays may include, for example:
- a delay by a third party, over which we have no control, in providing information
 - requiring further time to undertake interviews
 - We may need longer to gather all the required information to properly investigate a long-standing or complex case. Whether an extension is required will be assessed on a case-by-case basis, and tenants will be informed.
- 6.4.6 Any member of staff against whom a complaint has been made must be kept informed of the status of the complaint and its investigation.
- 6.4.7 The manager should thoroughly investigate the complaint and review it with the Directors and CEO. *In the event of a complaint involving the CEO, the Board of Trustees will undertake these tasks.
- 6.4.8 If the investigation includes a meeting with the tenant, the tenant has the right to be represented or accompanied.
- 6.4.9 The Trust will confirm the following in writing to the tenant after stage 1 in clear, accessible language:
- The complaint stage
 - The complaint definition
 - The decision on the complaint (including all points raised in the complaint definition)
 - The reasons for any decisions made
 - The details of any remedy offered to put things right
 - Details of any outstanding actions; and
 - Details of how to escalate the matter to stage 2 if the tenant is not satisfied with the response

- A full apology should be included if this is appropriate, as well as details of the action we have taken to ensure that the circumstances of the complaint are not repeated.
- 6.4.10 If a tenant raises additional complaints during the investigation, these must be incorporated into the Stage 1 response if it has not been issued. Where the Stage 1 response has been issued, and the new issues are unrelated to those already being investigated or would unreasonably delay the response, the latest issues must be logged as a new complaint.
- 6.4.11 Anonymous complaints will be investigated if sufficient detail has been provided. If they can be verified, appropriate action will be taken, and a record will be maintained.
- 6.4.12 All recorded complaints will be brought to the attention of the Directors/CEO, who will ensure that the Trustees know the nature of the complaint, the investigation, and the action taken to ensure the complaint has been dealt with.

6.5 Stage 2 - Appeal

- 6.5.1 If the tenant feels their complaint has not been satisfactorily resolved at Stage 1, they can appeal the decision and escalate it to Stage 2.
- 6.5.2 Tenants can escalate the complaint up to eight weeks from the date of the Stage 1 decision.
- 6.5.3 We aim to acknowledge Stage 2 complaints within five working days of receipt with details of the complaint, what will be investigated, and by whom.
- 6.5.4 A member of the Senior Leadership Team will investigate Stage 2 complaints. This person must be different from the one who considered the Stage 1 investigation. They will review the Stage 1 investigation and any clarification or challenge the tenant provides. *If the original complaint is related to the CEO, then a different trustee from the one who considered the Stage 1 investigation will carry out the investigation.
- 6.5.5 Tenants can expect a response to Stage 2 complaints within 20 working days from our acknowledgement of the request to escalate. If this is not possible, we will provide an explanation and a date when the Stage 2 response will be received. This should not exceed a further ten working days without good reason. The complaint response must confirm the following in writing to the tenant after stage two in clear, plain language:
- the complaint stage
 - the complaint definition
 - the decision on the complaint
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions

- details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied

6.5.6 Stage 2 is the Trust's final response.

6.6 Outcomes for Formal Complaints

6.6.1 Complaint upheld: A complaint will be considered upheld when it is accepted that there has been a reasonable cause for dissatisfaction with the Trust.

6.6.2 Complaint partially upheld: A complaint may be considered partially upheld when there is cause for dissatisfaction in some but not all aspects of the case.

6.6.3 Complaint not upheld: A complaint will be considered not upheld if it is factually incorrect or irritating or if there is no acceptance that there has been reasonable cause for dissatisfaction with the Trust.

6.7 Putting things right

6.7.1 Where the complaints handling procedure identifies something has gone wrong, the Trust will acknowledge this and set out the actions it has already taken or intends to take to put things right.

This can include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures, or practices.

6.7.2 Where possible, the Trust will ensure that any remedy offered reflects the impact on the tenant resulting from the event or what went wrong.

6.8 Vexatious or unreasonable complainants

6.8.1 In some cases, excessive or unjustified contact from specific tenants may stop us from adequately considering their complaints or complaints from other tenants.

6.8.2 If the Trust considers someone's behaviour unreasonable, we will explain why and ask them to change it. Unacceptable behaviour will be dealt with using the Trust's Anti-Social Behaviour policy.

6.8.3 The Trust reserves the right to limit the tenant's contact with us in exceptional circumstances. If this decision is considered, we will tell the tenant in writing the reasons. Such action will only be taken with the approval of the Board of Trustees and will be reviewed by the Board. A review process will be set up for six months later, and the tenant will be notified of the outcome.

6.9 Local resolution and Ombudsman services

6.9.1 If a tenant remains dissatisfied when the Trust's complaints policy has been exhausted, then the tenant can refer the complaint directly to the relevant Ombudsman service in the following ways:

Online: www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form

E-mail: info@housing-ombudsman.org.uk

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

Telephone: 0300 111 3000

6.10 Self-assessment, reporting and compliance

6.10.1 The Trust produces an annual complaints performance and service improvement report for scrutiny and challenge, which includes:

- the annual self-assessment against this Code to ensure the complaint handling policy remains in line with the Code's requirements
- a qualitative and quantitative analysis of the Trust's complaint handling performance - this also includes a summary of the types of complaints the Trust has refused to accept
- any findings of non-compliance with this Code by the Ombudsman
- the service improvements made as a result of the learning from complaints
- any annual report about the Trust's performance from the Ombudsman
- any other relevant reports or publications produced by the Ombudsman about the work of the Trust.

6.10.2 The annual complaints performance and service improvement report must be reported to the Housing Ombudsman and published on the section of its website relating to complaints. The Trustees' response to the report must be published alongside this.

6.11 Scrutiny and Oversight

6.11.1 The CEO is responsible for complaints to support a positive complaint-handling culture.

6.11.2 The CEO ensures the board of trustees receives regular complaints information that provides insight into the Trust's complaint-handling performance (see below for details).

7. TRAINING AND AWARENESS

- 7.1 All employees have access to the Policies and Procedures Folder; details of this Sheltered Housing Complaints Policy and Procedure are included in the Folder.
- 7.2 The Complaints Policy and Procedure are referenced during the Care Certificate course, which is mandatory for all care staff. Staff training covers the importance of complaints and how to respond to them.

8. MONITORING

- 8.1 The Manager is responsible for monitoring any concerns raised about the response to complaints and taking the required action to remedy these concerns and non-adherence to this Policy and Procedure.
- 8.2 The Senior Leadership Team completes a trend analysis of complaints, which is shared with the Board of Trustees. This information provides an overview of the Trust's performance as a landlord. Using this data, the Senior Leadership Team compiles an annual report for the Board, summarising the number and nature of complaints made during the preceding twelve months and includes an action plan outlining the actions we have taken or plan to take to improve our services.

9. EQUALITY IMPACT ASSESSMENT (EIA)

- 9.1 The EIA screening tool has been completed on this policy and procedure. The outcome indicates that it is not likely to impact the Trust's duties under its equalities schemes, and a full EIA is not required.