

## **Complaints Policy**

***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 staff, or those acting on its behalf, affecting an individual resident or group of residents.***

The policy aims to ensure that the complaints process is flexible and responsive to the needs of individual complaints. The policy seeks to ensure that:

- residents who complain are listened to and treated with courtesy and empathy
- residents will never be disadvantaged as a result of making a complaint
- complaints are investigated promptly, thoroughly, honestly, and openly
- apologies are given as appropriate
- complaints handling will comply with confidentiality and data protection policies

Residents may make complaints, their carers' and families or a representative of a resident.

A landlord shall accept a complaint unless there is a valid reason not to do so. Each case will be considered on its own merits.

## **Exclusions**

Berkswell Charities will not be able to deal with an issue through the complaints process if:

- The issue giving rise to the complaint occurred over twelve months ago. Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident. (N.B. it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues.) The Trustees have the discretion to consider a complaint that occurred over twelve months ago where there are justifiable reasons to do so.
- Legal proceedings have been started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim having been filed at Court.
- The complainant is anonymous unless there is sufficient documentary evidence to substantiate the complaint.
- Matters that have already been considered under the complaints policy.

Should a decision be made not to accept a complaint a detailed explanation will be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and that the residents had the right to challenge this decision by bringing their complaint to the Ombudsman. The Ombudsman may not agree the exclusion has been fairly applied, if so, the Ombudsman will instruct the Charities to take on the complaint.

A complaint can be made to any of the Trustees or members of staff, in person, over the telephone, in writing, by email or using the contact form on the Charities website <https://berkswellcharities.org/contact/> A complaint should include sufficient detail to enable the charity to investigate. The resident does not need to use the word complaint, an expression of

dissatisfaction will be investigated. An expression of dissatisfaction with services made through a survey is not defined as a complaint. However, survey feedback will be followed up by the Trustees.

It may be possible to reach an early resolution of issues and action agreed upon immediately. Efforts made to resolve the concerns raised will not obstruct access to the complaints process and cause delays. The complaint timetable will commence from the date of receipt of the complaint.

Upon receipt of a complaint, it will be immediately shared with those members of the complaint handling team who acknowledge receipt of the complaint to the resident within **5** working days of receipt. The complaint will be immediately shared with the appointed Trustee of the Trustee Body ("Complaints Officer") responsible for addressing complaints who will assess the complaint **within 10 working days**.

The acknowledgement will confirm an understanding of the complaint and the outcomes being sought with the resident. Clarification should be sought if the complaint is not clear, and a full definition is agreed upon between both parties. A distinction will be made between a service request and a complaint. A service request is a request by the resident requiring the Charities to take action something to put something right. Service requests are not complaints but will be recorded, monitored and reviewed regularly. In the event an expression of dissatisfaction is received regarding the response to the service request a complaint will be raised even if the service request has not been fully actioned. The service request will continue to be monitored and reviewed regularly.

If so desired, the resident may have a representative deal with their complaint on their behalf and be represented or accompanied at any meeting with Berkswell Charities where this is reasonable. The Complaints Officer will meet with the Resident with another member of the Complaint Handling Team who will record an attendance note to be agreed with the resident.

The acknowledgement will inform residents of the right to access the contact Housing Ombudsman Service, not only at the point that the terms of this complaints policy and procedure have been exhausted but at any stage. Contact details will be provided to ensure the resident is informed how they can engage with the Ombudsman about their complaint.

The Charities will make reasonable adjustments for residents where appropriate under the Equality Act 2010. A record of any reasonable adjustments made will be agreed as well as a record of any disabilities a resident has disclosed. Reasonable adjustments agreed upon will be kept under active review.

The Complaints Officer will:

- Deal with complaints on their merits.
- Act independently and have an open mind.
- Provide the resident with a fair chance to set out their position.
- Take measures to address any actual or perceived conflict of interest.
- Consider all information and evidence carefully.
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

## **Stage One**

Within **10** working days from the acknowledgement of the complaint, a decision will be reached and communicated to the resident. If it is not possible to undertake this within **10** days an explanation and a date by which a decision will be reached will be provided to the resident. The Complaint Officer

will agree with the Resident suitable intervals for keeping them informed about their complaint. This will not exceed a further **10** days without good reason. If an extension beyond 20 working days is required to enable a full response to the complaint, this should be agreed upon by both parties.

The decision, after stage one, will be expressed in clear, plain language and will confirm:

- the complaint stages
- 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 stage two if the resident is not satisfied with the response.

Where appropriate relevant policy, law and good practice will be referenced.

If additional complaints are received during the Stage 1 investigations these must be incorporated within the Stage 1 response if they are related and the decision has not yet been issued. If the stage 1 response has been issued and the new issues are unrelated the new issues will be logged as a new complaint.

## **Stage Two**

If the complaint is not resolved to the resident's satisfaction, they have **14** working days to submit a written appeal, and the appeal will be dealt with by the Board of Trustees at a special meeting within **14** working days of the appeal being submitted. The resident is not required to explain their reasons for requesting a stage 2 consideration. The Charity will make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response. Upon receipt of the Stage 2 request, it will be acknowledged, defined and recorded within 5 working days of receipt.

The Trustees are not entitled to refuse to escalate the complaint through all the complaint stages unless they have valid reasons to do so. In the event the Trustees refuse to escalate the complaint they will inform the resident in writing in accordance with the provisions of Section 2 of the Complaint Handling Code.

The Chair to the Trustees, or the Clerk to the Trustees, on behalf of the full Trustee Body, will respond in writing to the resident within **20** working days advising of the decision. If it is not possible to undertake this within **20** days an explanation and a date by which a decision will be reached will be provided to the resident. The resident must be provided with the Ombudsman's contact details. There must be good reason for the extension and it must be for no more than 20 working days.

The Complaints Officer or another party who was involved with the complaint at Stage 1 cannot consider the Stage 2 request.

The decision of the Board of Trustees will be final. This must be informed to the resident as soon as the response to the answer is known, not when the outstanding actions required to address the issue

are completed. Outstanding issues must still be tracked and actioned promptly with appropriate updates to the resident.

The Stage 2 response will confirm;

- a) The complaint stage
- b) The complaint definition
- c) The reasons for any decisions made
- d) The details of any remedy offered to put things right
- e) Details of any outstanding actions
- f) Details of how to escalate the matter to the Housing Ombudsman service if remain dissatisfied.

The Complaints Officer will comply with all requests made by the Housing Ombudsman for evidence and provide this within **15** working days.

At any stage of the complaint process, the Trustees will endeavour to bring an early resolution to the complaint and welcome mediation and conciliation.

The Trustees shall, where circumstances necessitate, prioritise complaints where safeguarding issues arise and a resident is at risk.

If a complaint is pursued unreasonably or where a resident's actions or behaviours are deemed to be unreasonable, Berkswell Charities reserves the right to close the complaint. A complainant who 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 charity with unreasonable demands during/following a complaint investigation, may have their appointment set aside.

In cases where Trustees consider a complaint as being unreasonable and overly persistent and decide to bring the complaint to an end, they will inform the complainant of their reasons.

The Trustees of Berkswell Charities are committed to promoting equality and diversity within policies, practices and procedures. The Trustees will respond to reasonable adjustment requests made in line with their responsibilities and obligations under the Equality Act 2010.

The Trustees recognise that where something has gone wrong it will be acknowledged by the Trustees and the Charity will identify the actions already taken or intend to take to put things right.

These 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
- This list is not intended to be exhaustive.

At all times, the Trustees will take into account guidance issued by the Ombudsman when deciding on appropriate remedies.

**Access to Berkswell Charities Complaints Policy, the Housing Ombudsman and the Code of Practice 2024**

**Berkswell Charities Contact Details**

**CLERK OF BERKSWELL CHARITIES CONTACT DETAILS**

**Tel 07305585770**

**Email [clerk@berkswellcharities.org](mailto:clerk@berkswellcharities.org)**

**Berkswell Charities**

**52 Meeting House Lane**

**Balsall Common**

**Coventry**

**CV7 7FX**

Complaints Policy can be viewed online at <https://berkswellcharities.org/complaints-policy/>

A copy can be provided by request to the Clerk of the Trustees, by phone at 07305585700, email, [clerk@berkswellcharities.org](mailto:clerk@berkswellcharities.org)

**The Housing Ombudsman** details can be found at <https://www.housing-ombudsman.org.uk/>

To make a complaint <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

General enquiry [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Phone: [0300 111 3000](tel:03001113000)

Our phone line opening hours are:

Monday, Tuesday, Wednesday, Friday 9 am - 5 pm

Thursday 9 am - 3.30 pm

Write to:

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

The Complaint Handling Code 1<sup>st</sup> April 2024 can be viewed at <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>