

Complaints Policy and Procedure of Taunton Heritage Trust**1. Introduction**

The Taunton Heritage Trust [THT] views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person or organisation that has made the complaint.

Our policy is:

- To provide a fair complaints procedure which is clear, flexible and easy to use for anyone wishing to make a complaint and responsive to the needs of individual complaints.
- To ensure that those who complain are listened to with courtesy and empathy
- To ensure that complainants will never be disadvantaged because of making a complaint
- To make sure everyone at the Taunton Heritage Trust knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired by taking timely appropriate action or remedies
- To give apologies, if appropriate
- To create a positive complaint handling culture through continuous learning and improvement and to gather information which helps us to improve what we do.
- As a registered social housing provider, to adhere to The Housing Ombudsman's Complaint Handling Code when dealing with Residents' complaints.
- To comply with confidentiality and data protection regulations when complaint handling
- To provide a copy of our Complaints Policy and Procedure to anyone on request and in an accessible format

2. Compliance

Taunton Heritage Trust is a member landlord of the Housing Ombudsman service. Under that Scheme the Trust must:

- agree to be bound by the terms of the Scheme
- establish and maintain a complaints procedure in accordance with any good practice recommended by the Ombudsman
- as part of that procedure, inform Residents of their right to bring complaints to the Ombudsman under the Scheme
- publish its complaints procedure and make information about this easily accessible to those entitled to complain on its website and in correspondence with Residents
- manage complaints from Residents in accordance with its published procedure or, where this is not possible, within a reasonable timescale
- respond promptly to information requests made by the Housing Ombudsman Service as part of the ongoing investigation into complaints from Residents.

3. Definition of a Complaint

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of the Taunton Heritage Trust.

In relation to a complaint from a Resident, The Housing Ombudsman's Complaint Handling Code states that:

'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 own Staff, or those acting on its behalf, affecting an individual resident or group of Residents.

The Resident does not have to use the word complaint for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with THT's complaints policy.

A service request is a request from a resident to Taunton Heritage Trust requiring action to be taken to put something right. Service requests are not complaints, but are recorded, monitored and reviewed regularly.

An expression of dissatisfaction with services made through a 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.

4. Where complaints come from

Complaints may come from:

- Residents, their carers, their families, or a representative of a Resident
- Grant recipients or referral organisations
- A contractor or supplier
- Any person or organisation who has a legitimate interest in the Taunton Heritage Trust
- Complaints may also be made about the Trust to the Charity Commission, Housing Ombudsman or other regulator. The Trust acknowledges its obligation to cooperate with any requests from regulators in relation to complaints.

5. Types of Complaints

A complaint may be about (this list is not exhaustive):

- The service we provide
- The accommodation we provide
- Our grants scheme
- A Resident
- A member of Staff or Trustee
- A contractor or supplier

This policy does not cover complaints from Staff, who should use the Taunton Heritage Trust's Discipline and Grievance policies and procedures.

6. Exclusions

The Trust will not be able to deal with an issue through the Complaints Procedure if:

- Legal proceedings have been started
- The complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint
- The issue has already been considered
- The issue occurred 12 months or more ago

THT must not take a blanket approach to excluding complaints; THT must consider the individual circumstances of each complaint.

If the Trust decides not to accept a complaint, a detailed explanation will be provided setting out the reason why the matter is not suitable for the complaints process.

7. Receiving Complaints/Accessibility

A complaint can be received verbally, by phone, by email, or in writing.

The Trust will make it easy for Residents to complain by providing different channels through which they can make a complaint - and will consider our duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of Residents who may need to access the complaints process.

Residents are able to raise their complaints with any member of staff. All staff must be aware of the complaints policy and be able to pass details of the complaint to the appropriate person within the Trust.

Publicised Contact Details for Complaints:

Written complaints should be sent to the Chief Officer, Taunton Heritage Trust, Huish Homes, Magdalene Street, Taunton TA1 1SG
or by e-mail at chiefofficer@tauntonheritagetrust.org.uk.

Verbal complaints may be made by phone to the Chief Officer 01823 335348.

If a complaint relates to the Chief Officer, a written complaint should be sent to the Chair, Taunton Heritage Trust, Huish Homes, Magdalene Street, Taunton TA1 1SG.

Charity Commission:

The Charity Commission website states that 'complaints should be made directly to the charity about which you are complaining and that if you are not happy with how the charity deals with the complaint you should contact the relevant regulator'.

Housing Ombudsman Service:

If a Resident remains dissatisfied about the outcome of their complaint, they have the right to take the matter to The Housing Ombudsman whose address is: PO Box 1484 Unit D, Preston, PR2 0ET. Tel: 0300 111 3000. When writing to the Ombudsman please state your full name and address, telephone number (if any) and set out the details of the complaint. The Ombudsman will only be able to consider a complaint if they are satisfied that the Trust's own Complaints Procedure, as detailed above, has been fully exhausted and that it falls within their jurisdiction. www.housing-ombudsman.org.uk

The Housing Ombudsman Service can assist Residents and relatives throughout all stages of their complaint through the engagement of their dispute support advisors.

Complaints from Residents:

Residents are encouraged to raise minor issues informally and verbally in the first instance with Staff, as this can lead to better understanding and very often a quick resolution of the issue. These will be logged at the Staff meetings and reported to the Member Responsible for Complaints [MRC]

If further enquiries are needed to resolve the matter, or if the Resident requests it, the issue must be logged as a complaint.

There is a difference between a service request, where a Resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.

If the complaint cannot be resolved quickly or is more serious it should be escalated to the Complaints Officer [usually the Chief Officer] who will follow the Complaints Procedure given below. A written complaint should contain sufficient detail to enable the Trust to respond.

The individual complainant must act solely in his/her interest and must not act as a self-appointed spokesperson allegedly on behalf of all the other Residents. A Resident however may have a representative deal with the complaint on their behalf and be represented and/or accompanied at any meeting with the Trust where this has been requested/ offered or where this is reasonable.

All other complaints:

All other non-Resident verbal complaints, either in person or by phone, made to any member of Staff or Trustee should be passed to the Chief Officer to investigate or delegated to the appropriate person to investigate or take appropriate action.

All written/email complaints must go directly to the Chief Officer to investigate or delegate to the appropriate person to investigate or take appropriate action.

Complaints received by telephone or in person need to be recorded. The person who receives a phone or in-person complaint should:

- Document the facts of the complaint
- Take the complainant's name, address, and telephone number
- Note down the relationship of the complainant to the Trust
- Tell the complainant that we have a complaints procedure
- Tell the complainant what will happen next and how long it will take
- Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

The **Resolving Complaints - Procedure** [below] gives some practical guidance for Staff handling complaints.

8. Communication with complainant

All correspondence relating to complaints shall use plain language that is appropriate to the complainant.

At the completion of each stage the Trust will write to the complainant advising them of the following:

- The complaint stage
- The outcome of 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 if dissatisfied

As part of the Complaint Policy the Complainant shall be given a fair opportunity to:

- Set out their position
- Comment on any adverse findings before a final decision is made.

9. Variation of the Complaints Procedure

The Board may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as the person leading a Stage Two review.

10. Scrutiny, Monitoring and Learning from Complaints

Complaints are reviewed regularly to identify any trends which may indicate a need to take further action or assess risks. The Complaints Officer along with the MRC will report to the monthly Board.

Each year the Trust will complete the Housing Ombudsman Service Self-Assessment form. The Board will annually review a Complaints Performance and Service Improvement Report. The Board's response to the report will be included. The self-assessment form, Report and Response will be published on our website, alongside the THT Complaints Policy [this document]

The Trust will submit an annual return to the Housing Ombudsman [through their portal] linking to the published documents on the THT website.

11. Responsibility

Overall responsibility for this policy and its implementation lies with the Board of Trustees.

12. Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

13. Publicising this Complaints Policy and Procedure

The policy is displayed on the Trust's website, referred to in the Resident's handbook and included in the Resident Welcome Pack. Copies are also available from the office and Residents are regularly reminded, through the Resident newsletter.

14. Unacceptable behaviour during the complaints process

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 Trust with unreasonable demands during/following a complaint investigation will have their complaint closed and in the case of a Resident may have their appointment set aside.

15. Records

Records of complaints will be kept by the Trust for 3 years.

RESOLVING COMPLAINTS – PROCEDURE

---- Stage One----

If a complaint is raised that is not a **first-time** service issue
[please see flow charts at end of policy]

Details of complaint to be recorded by Staff member, noting the specifics of the issue, the complainant's name & contact details and the relationship of the complainant to the Trust. The complaint will be logged. This information must then be passed to the Complaint's Officer to investigate. The Complaint's Officer will:

- *Advise the complainant of the THT Complaints Policy & Procedure (and provide a copy)*
- *Advise the complainant that we will acknowledge the complaint within 5 working days.*
- *Where appropriate, ask the complainant to record a written account, so that the complaint is recorded in the complainant's own words.*
- *Issue a full response to Stage One complaints within 10 working days of the complaint being acknowledged.*

The complainant must be given a fair opportunity to

- Set out their position
- Comment on any adverse findings before a final decision is made.

The Complaint's Officer must decide whether an extension to the 10 working days timescale is needed when considering the complexity of the complaint and then inform the Resident of the expected timescale for response.

Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained - and the contact details of the Housing Ombudsman provided.

A complaint response must be provided when the answer is known, not when outstanding actions required to address the issue are completed.

THT must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.

If the matter is not resolved, the Complaints Officer will investigate further, seeking guidance from the MRC if necessary.

The Trust must confirm the following, in writing, at the completion of Stage 1. [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
- g) details of how to escalate the matter to Stage Two if the individual is not satisfied with the response

- If the complaint is about the Chief Officer, this information must be passed to the Chair.
- If the complaint relates to a specific individual, they should be informed and given an opportunity to respond.

----- **Stage Two** -----

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed. The Trust will make reasonable efforts to understand why the complainant remains unhappy.

The complaint will be logged as a Stage 2 complaint. The person considering the complaint at Stage 2 must not be the same person that considered the complaint at stage 1.

At this stage the complaint will usually be passed to the Chair of the Trustees who may delegate the matter to other members of the Board, but it will be the Chair who will ultimately report back to the complainant.

The complainant will be

- *Advised Taunton Heritage Trust will acknowledge the complaint within 5 working days.*
- *Issued a FINAL response within 20 working days of the complaint being acknowledged.*

The Trust must decide whether an extension the timescale is needed when considering the complexity of the complaint and then inform the Resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained – and the contact details of the Housing Ombudsman provided.

A complaint response must be provided when the answer is known, not when outstanding actions required to address the issue are completed.

THT must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.

The Trust must confirm the following, in writing, at the completion of Stage 2. [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
- g) details of how to escalate the matter to the Housing Ombudsman Service if the individual remains dissatisfied.

Stage 2 is the final response- and must involve all suitable Staff or Trustees needed to issue such a response.

The decision taken at this stage is final unless the Board decides it is appropriate to seek external assistance with resolution. The complainant can however complain to the Charity Commission or to the Housing Ombudsman at any stage.

Putting Things Right

Where something has gone wrong THT will acknowledge this and set out the actions it has already taken, or intends 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 delay
- reconsidering or changing a decision
- changing policies, procedures, or practices

Any remedy offered must reflect the impact on the complainant as a result of any fault identified.

Review

This policy is reviewed **every year** and updated as required.

POLICY APPROVED DATE: _____ 2024 _____

NEXT REVIEW DATE: _____ 2025 _____

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Appendix 1- Note the Taunton Heritage Trust is not a Landlord, but the term is used by the Housing Ombudsman as a generic term to include Almshouses.

Appendix A: Service request or complaint flow charts





