

Thorngate Churcher Trust

Complaints Policy

Thorngate Churcher Trust (TCT) is committed to the provision of a high-quality service to all of our customers (residents and Applicants), and every member of staff is responsible for delivering that service.

We welcome complaints, comments, suggestions and compliments and we use customer feedback as an opportunity to learn about what we are doing well and where we need to improve. This helps us to improve the services we deliver.

All complaints are managed in line with data protection legislation and our Equality and Diversity policy.

Scope

This policy covers occasions when residents or applicants are dissatisfied with the level or type of service they have received and wish to make a complaint, whether formally or informally.

This policy is invoked for any appeals against housing decisions when an applicant or resident believes that they have not been given the correct level of priority or banding, or if their application or is refused.

Purpose

To have a process in place that is clear, simple and accessible so complaints are resolved promptly, consistently and fairly, in compliance with all regulatory and statutory requirements.

Defining a complaint

Following the introduction of the Housing Ombudsman's complaint handling code in September 2020, a complaint is universally 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."

A **service request** is a request from a resident to their landlord requiring action to be taken to put something right. Service requests should be recorded, monitored and reviewed regularly. If further enquiries are needed following a service request in order to resolve the matter or if a resident requests it the issue must be logged as a complaint,

An **enquiry** is when a resident contacts us to ask about something concerning their home or licence agreement. For example, a resident might ask for information about their weekly maintenance contribution, or to query or clarify something on their statement of account. This is not a complaint. If we fail to provide or clarify this information, then this could become a complaint.

A **comment or suggestion** is when a resident expresses an idea or opinion on an aspect of their home, licence, or in relation to the wider day-to-day running of TCT. This is not a complaint. If we fail to acknowledge or respond to a comment or suggestion with respect, then this could become a complaint.

Staff are trained to recognise the difference between a complaint, service request, enquiry and a comment/ suggestion. Staff are encouraged to take appropriate steps to resolve the issue for residents as early as possible.

We will ensure that residents are aware of how we are deciding to record any of the above, and ensure that they are in agreement with this.

There are a number of exceptions to when we will not initialise the Complaint procedure and these are:

- The complaint has already been considered under the complaints policy.
- Level of WMC charge, resident is unhappy with the amount of increase rather than believing it has been incorrectly calculated.
- A resident complains about the behaviour of another resident. This would be dealt with under TCT's anti-social behaviour policy.
- The complainant refuses to reasonably engage with TCT and/or the process after making the complaint, is abusive to staff or acts unreasonably.
- The issue of the complaint occurred over 12 months ago (where the problem is a recurring issue, TCT will consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident). This will not be the case where there is a safeguarding or health & safety issue.
- Complaints made by TCT staff – these are dealt with under the grievance procedure through HR.
- The issue is subject to legal action or to an enforcement notice or other statutory notice
- Compensation claims for damage to personal property or personal injury. Where appropriate these will be dealt with directly or through insurers.
- Several related complaints are made which would be more effectively dealt with together rather than on an individual basis. However, in this instance the complaints will be logged, although the policy timescales may not apply depending upon the components to be investigated.
- Complaints about employee conduct that require the involvement of HR. The outcome of any internal investigation will remain confidential and will not be disclosed to the resident, in line with data protection.

We consider these exclusions to be fair and reasonable to residents.

TCT reserves the right to refuse to deal with complaints, or to deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner. Additionally, a complaint will not be re-opened at the complainant's request if, after review by TCT, it is established that no new evidence relevant to the complaint has been provided.

Policy Aims and Objectives

We aim to resolve all complaints as quickly as possible. TCT wishes to ensure that at each stage of the complaint, it is dealt with objectively and that we apologise where TCT is at fault.

Author: Jill Francis

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We aim to respond formally to all complaints in writing within 10 working days of a complaint being received. Where a customer remains dissatisfied with the service, they can ask for a review by the appropriate Manager, or where applicable, the Chief Executive.

For all complaints, the complainant is provided with a named person responsible for their complaint who is their point of contact throughout the complaint. TCT has a lead “complaints officer” who oversees all complaints; this is the CEO. Contact details are found below under ‘making a complaint’.

The complaints officer role is to ensure that complaints handling works well. The role is to ensure that TCT:

- acts sensitively and fairly
- staff are trained to receive complaints and deal with distressed and upset residents
- enables access to staff at all levels to facilitate quick resolution of complaints
- staff have the authority and autonomy to act to resolve disputes quickly and fairly.

TCT will learn from mistakes and we will publish information about complaints each year, including their number and nature, and the outcome of the complaints. On receipt of a complaint we will manage the customers expectations so that we do not promise anything that cannot be delivered or would cause unfairness to other customers.

Making a complaint

We want to make our complaints process as easy to access and understand as possible. We therefore provide several ways for residents to make a complaint:

- Email using info@thorngate.org.uk (available for use 24/7)
- Telephone by calling 023 92534999 (apart from bank holidays, available weekdays 9am – 5pm, voicemail facility out of hours)
- In person, speaking to a warden on site
- In writing to the Administration office at 10 Clare House
- In person by visiting the Administration office, 10 Clare House, Melrose Gardens, Gosport PO12 3BZ (apart from bank holidays, available weekdays 9am – 5pm)
- Online form

A resident may make a service request (pre-complaint) initially; if they are dissatisfied with the response or action, they may choose to escalate this to a complaint.

The member of staff dealing with the complaint will:

- clarify what did happen
- ascertain what should have happened
- identify what was the cause of any identified failings identify what can be done to resolve the problem.

We will adapt our normal policies, procedures, or processes to accommodate an individual’s needs as much as possible, where it is reasonable to do so.

TCT has 2 stages to our formal complaint’s procedure:

- **Stage 1 – investigation of the complaint:**

The investigation is usually carried out by the member of staff appropriately placed to deal with the area of complaint raised, and is overseen by the “complaints officer”. There are also occasions when the complaints officer will carry out the stage 1 investigation.

The target time for responding to complaints is 10 working days from the receipt date. It may not always be possible to complete all agreed actions within this time period, if an extension is required this should not exceed a further 10 days without good reason. Throughout the extension period we will, however, keep in touch by telephone or other means, to let the complainant know the progress of the complaint.

Where residents raise additional complaints during the stage 1 investigation which were not included in the original complaint, these should be incorporated into the stage 1 response if they are relevant, and the stage 1 response has not been issued. Where the stage 1 response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.

- **Stage 2 - reviewing the decision:**

If the complainant is not happy with the outcome of Stage 1, the complainant should contact the complaints officer, stating why the outcome is not acceptable. This can be carried out in several ways, as listed in “making a complaint” above. The contact must be made within 20 working days of receipt of the outcome letter in Stage 1, otherwise we will consider the matter closed.

The complaints officer will review the decision in consultation with a member of the Senior Management Team. A formal response will be sent within 20 working days of the request for review being received. If an extension is required, this should not exceed a further 10 days without good reason. Throughout the extension period we will, however, keep in touch by telephone or other means, to let the complainant know the progress of the complaint.

Should the complaints officer have investigated stage 1 then the appropriate details will be given with the outcome as to who to direct any stage 2 complaint to.

The complaint handler at stage 2 will be a different officer to the one who dealt with stage 1.

There is no appeals process following stage 2. If a customer remains dissatisfied with how their individual situation has been handled and / or with the outcome, they can contact the Housing Ombudsman.

TCT will cooperate with the Housing Ombudsman’s requests for evidence and provide this within 15 working days. If a response cannot be provided within this timeframe, we will provide an explanation for the delay. And if accepted as reasonable, the Housing Ombudsman will agree a revised date with us.

In cases where the complaint involves the complaint officer, a member of management or the Executive team then the complaint will be directed to the Board.

Anonymous complaints are not dealt with through this complaints policy. However, depending on the nature of the complaint, it may be necessary to investigate the matter to protect the Trust’s interest. Complaints from groups of residents will be accepted. The response will be sent to all members of the group who are named in the complaint.

We reserve the right to deal with complaints in an alternative way (outside the normal procedures) if circumstances require this. In such a rare case, the Trust records why the complaint has been dealt with differently and informs the complainant accordingly.

We also reserve the right to extend the timescales detailed in stage 1 and 2 should the complaint be in regard to a complex issue, if this is the case then the complainant will be updated regularly, and the communication channels will be made clear.

Throughout the extension period we will agree with the resident suitable intervals for keeping them informed. We will then keep in touch by telephone or other means, to let the complainant know the progress of the complaint.

When any extension is agreed, the complainant is provided with the contact details of the Housing Ombudsman.

Putting things right

Where something has gone wrong, we will acknowledge this and set out the actions we have 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 delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

Any remedy offered to the complainant will reflect the impact caused by any fault identified. It will also clearly set out what will happen and by when.

We will take into account guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

The Housing Ombudsman Service

TCT hopes that any complaints are resolved at Stage 1 or Stage 2 at the most. However, should the complainant remain dissatisfied following this, they can ask for a review of the case by the Housing Ombudsman Service. The Housing Ombudsman service can also assist residents throughout the life of the complaint not just when the process has been exhausted. The contact details below can be used at any time during the complaint. The Ombudsman will only investigate a complaint where the complainant has exhausted TCT's Complaints Procedure, although this must be done within 12 months. The complainant must be a TCT resident or a TCT applicant for housing to raise this with the Ombudsman.

Housing Ombudsman Service

PO Box 1484

Unit D

Preston

PR2 0ET

Tel: 0300 111 3000

Lo Call: 0845 712 5973

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

Web: www.housing-ombudsman.org.uk

The use of advocates

Complainants may ask another person to act on their behalf in bringing their complaint to TCT's attention. This advocate may be a friend, relative or representative from an external organisation such as the Citizens Advice. An advocate may not be a solicitor or other legal professional unless they are acting in a 'lay' capacity i.e. not representing the complainant on a professional basis

Governance

TCT's complaints policy meets the requirements of our regulator, the Regulator for Social Housing (RSH), Tenant Involvement and Empowerment Standard and the Housing Ombudsman's complaints handling code.

To ensure complaints are used to help improve services, regular updates on the volume, category and outcome of complaints, alongside complaint handling performance is provided to the board governance structure. The use of complaint data alongside other management information on stock, services and resident feedback provides greater insight into the organisation.

Annually, any issues and trends arising from complaint handling, including discussion of the Ombudsman's yearly landlord performance report and the inclusion of any organisational learning is discussed by the Board and shared in our annual report.

Consideration of individual complaint outcomes where necessary, including findings of severe maladministration of the Ombudsman or any referrals by it to regulatory bodies, including scrutiny of any subsequent procedural or organisational changes, will be reported.

In addition, annually TCT will confirm that the complaint handling code is being applied.

Where a complaint involves a third party, TCT will need to disclose some of the details about the complaint for it to be properly investigated e.g. with contractors. Any data shared will be done so in line with the relevant Data Protection legislation. TCT is registered with the Housing Ombudsman Service; this service provides individuals with an independent review should they remain dissatisfied at the end of the TCT complaints process.

APPLICANTS FOR HOUSING

Background

If you are an applicant and you believe you have not been treated fairly during the application process, you can ask for your case to be reviewed.

Process

Applications and subsequent allocations are dealt with via our Allocations Policy. The final decision on allocation is made by trustees guided by this policy based on an assessment made by the Housing and Support Manager.

If you think the assessment is incorrect or you believe there has been some other unfairness in your case, you can request a review. The process is as follows:

1. A formal request in writing for a review is submitted to the Chief Executive at Clare House, Melrose Gardens, Gosport, Hampshire PO12 3BZ. The request should give specific details of the reasons why you feel the process has been unfair.
2. The Chief Executive will acknowledge your correspondence within 10 days.
3. The Chief Executive will carry out a review and investigation of the specific grievance relating to your application and refer the matter to two trustees who were not involved in the original decision.
4. The decision of these reviewing trustees will be final, and no further review will be carried out.

MEMBERS OF STAFF

Members of staff who have a complaint or grievance should follow the Grievance Procedure outlined in the Employee Handbook.

Practical Application of this Policy which must be followed to demonstrate compliance and avoid issues if matters later referred to the Housing Ombudsman

1. On receipt of a written complaint, or a complaint which given the vulnerability of the resident equates to a written complaint, the senior manager (CEO/Registered Manager/Housing Manager) MUST respond within 24 hours or next working day if over a weekend/bank holiday and ideally the same day acknowledging the complaint. This should be on headed paper and in letter form even if the original matter was by email or verbally made. This acknowledgement letter must indicate that the complaint will be responded to WITHIN 10 WORKING DAYS. It should also give an expectation as to whether the manager thinks the complaint will be concluded in 10 days. Often if a member of staff is involved and disciplinary proceedings may be necessary the manager should make it clear that the matter while investigated in 10 days may not be resolvable in 10 days.
2. A new file must be set up for each complaint both paper and electronic.
3. The manager should make a diary note of when 10 days will expire.
4. Before or on 10-day deadline the manager MUST write to the resident on headed paper in letter form explaining the outcome of the initial investigation. If the matter has been concluded that can be communicated with any outcomes. If the matter has not been concluded the manager should clearly state, the further time required to conclude the matter if known and make a further diary note to ensure this deadline does not pass without notifying the resident.
5. The complaint stays open until all actions are concluded and this is communicated to the resident.
6. At all points during the process when the resident is written to managers should indicate that if residents are dissatisfied with the resolution of their complaint, they should be aware they can refer the matter to the manager's line manager, normally the Chief Executive, or in the case of the Chief Executive, the Member Responsible for Complaints (MRC) .
7. Sample Letters attached.

Confidentiality

The Trust will, as far as possible respect the confidentiality of complaints. In normal circumstances the identity of the complainant will only be known by those dealing with the complaint, all of whom are not at liberty to inform others of who has lodged the complaint. It should be noted, however, that in cases where a complaint refers to a particular resident, it may be necessary to disclose the identity of the complainant to allow a fair assessment to be carried out. The relevant Data Protection legislation will be upheld at all times during the complaint's procedure.

Equality and diversity and data protection

We are mindful of our duties as outlined in The Equality Act 2010, to make reasonable adjustments for individuals with disabilities. We will make reasonable adjustments where necessary for those people with protected characteristics, to ensure that we provide the same services, as far as is possible, as residents who are not disabled.

In respect of a complaint, this may mean allowing additional time to provide information, respond to enquiries etc. If you would like us to consider any reasonable adjustments to enable you to make a complaint, please contact the complaints officer. Contact details are found above under 'making a complaint'.

We will manage residents and applicants information in line with current data protection legislation and our Data Protection policy.

Sample receipt letter

XXth XXXX 202X

Mr/s XXXXXXXXXXXX
XXXXXXXXX
Melrose Gardens
Gosport
PO12 3BZ

Dear Mr/s XXXXX

Re: Your complaint dated XX XXXX 202X

Thank your letter of complaint received today regarding report of XXXXXXXXXXXXX.

We have *“Carried out the following actions already”*.

And/or

I have already commenced action on the matter in line with our complaints procedure. I will report back to you within 10 days on the progress of your complaint.

If, when I have reported back, you are not satisfied that I have resolved your complaint, the next steps in the procedure are to report the matter to my line manager the Chief Executive, but I sincerely hope to resolve this matter without any further action being needed on your part.

Thank you for bringing this matter to my attention.

Yours sincerely,

XXXXXXXXX

XXXXXXXXX Manager

Sample further letter

XXth XXXX 202X

Mr/s XXXXXXX
XXXXXXX
Melrose Gardens
Gosport
PO12 3JB

Dear Mr/s XXXXXXX

Re: Your complaint dated XXth XXXX 202X

Further to my previous letter regarding XXXXXXXXXXXXXXXXXXXX.

DETAILS OF ACTIONS TAKEN TO CONCLUDE MATTERS, OR FURTHER ACTIONS BEING TAKEN TO RESOLVE COMPLAINT

If matter now closed:

I think this matter is now closed but if you feel that this is not the case or you wish to raise a further point with me I am happy to hear from you at any time.

If you are ultimately not satisfied that I have resolved your complaint, the next steps in the procedure are to report the matter to Anne Taylor CEO, but I sincerely hope we done all that we can and no further action is needed.

Yours sincerely,

XXXXXXXXXX

XXXXXXXXXX Manager