

Ben (Town Thorns Sheltered Housing) – Complaints Policy

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1 - Scope

- This policy applies to all residents, or their representative, who reside in properties (including shared ownership properties) owned by Ben – Motor & Allied Trades Benevolent Fund (“Ben”) at Town Thorns and Birch Hill.
- Any reference to ‘we,’ ‘our,’ ‘us’ refers to Ben. When we use ‘you’ and ‘your’ we mean any resident, or their representative, set out above.

2 - Purpose and objectives

- We are committed to providing our residents with an exemplary service. While we endeavour to be reliable, responsive, respectful, and resourceful, we may not always meet our resident’s expectations.
- Sometimes things go wrong, and residents do not receive the service they expect, or we fall short of the standards we have promised. This policy explains how we will make it easy for residents to tell us when things have gone wrong and how we will try to resolve them. It aims to ensure we:
 - Effectively manage and resolve resident complaints.
 - Have a fair and effective complaint escalation and review process.
 - Learn from resident feedback to evaluate and improve our services.
- This policy has been developed in line with the Housing Ombudsman Complaint Handling Code and our regulatory and legal duties.

3 - Policy statement

- We hope that a resident never has to let us know something has not gone well or that they have been let down by us. But if it happens, we need to make it right.
- When a resident tells us about an issue, we will try to sort it out there and then. If we cannot resolve problems there and then, we shall agree what actions need to be taken, and by when. We shall keep residents updated on what we are doing using a communication method that best suits them.
- We expect and empower everyone to do what they can to respond to the issues our residents face and to fix them as quickly as possible.
- We shall consider the root cause of an issue so we can stop it happening again.
- Complaints relating to safeguarding shall be resolved through the measures set out in our Safeguarding policy.
- We shall not close a complaint until we have tried everything that we believe can reasonably be done to resolve it, or until we have an agreed action plan in place. When we know the

outcome or have an agreed plan in place, we shall communicate to the resident about all the issues that have been raised.

- Building and maintaining our residents' trust is at the heart of our approach and we will make sure residents feel we are taking their issues seriously.

4 - Policy

4.1 - What is a complaint?

- We use the Housing Ombudsman definition of a complaint: '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.'
- While residents may not use the word 'complaint,' if it is evident that they are dissatisfied, we will always give them the option to make a complaint.

4.2 - Raising complaints in good time

- We ask for complaints to be made within 12 months of the matter arising and, unless there is a good reason for doing so, we may not be able to consider complaints made after this time.
- We will use our discretion when considering if a complaint cannot be accepted and will always consider the individual circumstances of the complaint in question.
- Where a decision is made to not accept a complaint, we will provide a clear explanation to the resident and provide information on their right to contact the Ombudsman.

4.3 - Stage 1 complaints

- When we first receive a complaint, it is known as a 'Stage 1'. The complaint will be acknowledged and logged within 5 working days of receipt.
- A Ben Colleague will contact the complainant within 5 working days to acknowledge the complaint and:
 - Discuss the details of the complaint so there is clear understanding
 - Identify what outcomes they are seeking
 - Advise them of the timescale for resolving the complaint (if known)
 - Agree the preferred method and frequency of communication
 - Agree when any further feedback will be provided to the resident
- We aim to agree a solution with the resident within 10 working days of logging a complaint. If this is not possible, such as where a complaint is complex, we may need a further 10 working days and we shall let the resident know why.

4.4 - Stage 2 complaints

- A complaint can only be taken to Stage 2 after it has received a Stage 1 response. If a resident is unhappy with a decision received at Stage 1, they have the right to have the decision reviewed. This is known as a 'Stage 2' complaint.
- A senior manager (overseen by a director) will review how the complaint was handled and the decisions made.
- If a resident would like their Stage 1 complaint reviewed, they should request this within one calendar year from the date of our Stage 1 response.
- We aim to have a decision on Stage 2 complaints made within 20 working days. As with Stage 1 complaints, we sometimes need extra time to make the right decision, so we may take up to a further 20 working days. If we need to do this, we will let the resident know why.
- Where the complexity of a case requires an extension for more than an additional 20 working days, we will ensure the resident is informed and agree to update them at set periods. We will also inform them of the Ombudsman's Contact details.

At each stage of the formal complaints process (Stage 1 and Stage 2) we will inform the resident in writing of the following:

- a) The complaint stage
- b) The complaint definition
- c) The outcome of the complaint
- d) The reason for any decisions made
- e) the details of any remedy offered to put things right
- f) details of any outstanding actions
- g) details of changes made, or actions taken to prevent a reoccurrence, and
- h) details of how to escalate the matter if dissatisfied

4.5 - Using a third party or representative to raise a complaint

- We understand that some residents may want someone else to make the complaint for them and we support this. We will still handle these complaints in line with our policy.
- To make sure we protect our residents' best interests, we may need them to complete a letter of authority telling us who can act on their behalf.

4.6 - Anonymous complaints and confidentiality

- We are not able to record or investigate anonymous complaints. An anonymous report relating to one of our services, a member of staff or a resident will be reported to a Director/Head of Service/Senior Manager depending on the information disclosed for the service area for follow up and investigation if appropriate.
- Confidentiality: All Ben Colleagues are required to adhere to our code of conduct and maintain confidentiality as appropriate to the circumstances. Ben Colleagues should seek support when handling a complaint of a sensitive nature or if asked not to disclose the identity of the complainant. We need to manage the expectations of our residents, ensuring we can adhere to our complaints process for investigation and resolution and have regard to our duty of care to our residents, employees, and 3rd party contractors.
- It may not be possible to fully investigate a complaint without disclosing the identity of the complainant, and if so, we will ask the complainants permission to do this. While we respect our residents' right to confidentiality, if we don't have this permission, we may not be able to investigate fully.

4.7 - How we'll try to put things right

- We will always try to put things right and that usually means getting the resident back to where they should have been before they had a problem.
- For most problems, a genuine apology and putting things right without undue delay is where it ends. Occasionally further steps may be required dependent upon circumstances.
- Our Colleagues receive Customer Service training to help them to manage our residents' complaints in an impartial way and with empathy.

The things we'll look at will be:

- the resident's situation, for example, if they need additional help.
- how much the resident has been disrupted.
- how long it's taken to put right.
- if there's been distress and/or inconvenience.

If a service goes wrong:

- We'll make it easy to tell us what's happened.
- We'll make sure that we understand what's happened from the resident's viewpoint and look for a solution that works for them.
- We'll be clear about what we can and will do, and then do it.
- We'll tell the resident who will help them if the issue is complex.

- We'll keep in touch until everything is sorted out.

4.8 - When we can't reach an agreement

- When we have done all we reasonably can to resolve a complaint, but a resident is still unhappy, they can refer the matter to the Housing Ombudsman Service.
- In the instances where we don't consider or escalate a complaint, residents will be informed of their right to take their complaint to the Housing Ombudsman.
- Residents have one year from the date of our Stage 2 response to raise the matter with the Ombudsman. They can also ask a designated person, such as a councillor or MP to act on their behalf. We will still handle such complaints in line with our policy.

4.9 - Housing Ombudsman Service

- The Housing Ombudsman Service is a free and independent dispute resolution service. Residents can contact the Housing Ombudsman service at any point during the complaint procedure.
- The Ombudsman cannot formally investigate while complaints are going through our internal process but may be able to give advice and support to help reach a resolution.
- The Ombudsman will contact us to get the facts of the case from our point of view and then make a final decision.

Housing Ombudsman Service

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

Post: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

Email: info@housing-ombudsman.org.uk

Phone: 0300 111 3000

4.10 - Other complaints handling avenues

For shared owners and long leaseholders who have complaints about service charges and the terms of their leases:

First Tier Tribunal (property Chamber) Southern region

Residential Property, Havant Justice Centre, The Court House, Elmleigh Road, Havant, Hampshire PO9 2AL

Email: rpsouthern@hmcts.gsi.gov.uk

Phone: 01243 779394

4.11 - Complaints we may not consider or escalate

- While we welcome complaints and we don't normally restrict the number of complaints or level of contact made by our residents, there may be circumstances under which we may not consider or escalate complaints.

4.11.1 - Service requests

- The Housing Ombudsman Service defines a service request as "a request from a resident to their landlord requiring action to be taken to put something right". These may include matters such as a maintenance issue, a repair delay or a missed appointment.
- Often a resident's concerns can be resolved at 'first point of contact' and will not need to go through our two stage complaints process. These are known as 'Service Requests.'
- Unless a resident asks us to, we won't register a service request as a complaint in the first instance. If the resident is unhappy with how we dealt with the matter, we will log this as a complaint. In line with our definition, the resident does not have to use the word 'complaint.'
- Where we do log a complaint in relation to a service request, this will not stop our work to resolve the service request.

4.11.2 - Court proceedings

- If the complaint concerns matters that are or were subject to formal court proceedings, we may not be able to investigate.

4.11.3 - Matters outside our control

- Where the complaint concerns matters outside Ben's control, such as a Local Authority responsibility, we will not be able to investigate.
- A matter that has previously been considered under the Complaints Policy.

4.12 - Working with residents to shape our services

Complaints highlight to us which services are working well and which need a closer look. The regular meetings with residents and family members play an important role in this as they:

- consider feedback from our residents.
- help us learn from what has gone wrong.
- complete scrutiny activities.
- make sure that we put measures in place to fix things.
- check that we act on recommendations that come out of a scrutiny.

Working with residents allows us to hear first-hand about our residents' experiences. As a result, our residents' views are the starting point for any changes we make. Working closely with our residents makes sure that the way we handle complaints is fair and transparent to all.

4.13 - Unreasonable resident behaviour

- We may occasionally receive complaints from residents whose behaviour and/or frequent contact prevents us resolving the complaint or adversely affects the ability of our teams to help other residents.
- In these cases, we'll speak with them to understand why they keep contacting us. We will also liaise with external agencies to find out if they need support.

We will explain clearly what we have done to resolve the complaint and decide what we will do the next time they contact us about the same issue. This could be to:

- acknowledge the contact but not offer any additional responses.
- ask them to only contact one named employee.
- ask them to only contact us using a channel of our choice.
- ask them to contact us at mutually agreed times.

We will review residents we manage this way each year. If a resident wants to challenge the way they're managed, they can ask us to review it. The Head of Care Services will undertake this review and will only do this once.

5 - Compliance

- We will ensure all Colleagues are trained and aware of the complaints policy and of our commitment to excellent service delivery standards.
- We record all complaints, regularly monitor our progress in handling them, and measure our performance against targets.
- Performance on complaints and how complaints have been used to improve services is reported to our residents, so that they can hold us to account and recommend improvements.
- We shall carry out an annual self-assessment against the code to ensure our complaints handling remains in line with its requirements.

6 - Sustainability

- At former Ben, we recognise the critical importance of sustainability in our operations and services. We are committed to embracing sustainable practices that contribute to environmental protection, social equity, and economic viability.

7 - Responsibilities

Ben – Motor & Allied Trades Benevolent Fund Trustee Board - Ultimate responsibility for determining and directing Ben's response to service failures and Ombudsman complaints.

CEO (Chief Executive Officer) and Executive Team - Provides assurance to the Board on the effectiveness of complaint and compensation policies, Ombudsman decisions and strategies to improve services and reduce service failures.

Head of Care Services - Responsibility and ownership over the Complaints Policy and related process.

All colleagues and contractors - All colleagues should be aware of this policy. Colleagues dealing with compensation and/or complaints must read this policy and comply with this policy.

Residents - Please read this policy carefully. Let us know if you need any assistance with understanding this policy or making a formal complaint or compensation claim.

We encourage you to contact us as soon as an issue arises.

We will endeavour to redress the problem before a formal complaint is required.

If you are unhappy with our proposed solution or wish to formally complain about the service failure, please talk to a Ben Colleague for guidance.

If you are still unhappy once the formal complaints process has concluded, a complaint should be made through the Housing Ombudsman Service.

It is important that formal complaints are raised with us within 12 months of the incident occurring.

8 - Equality and diversity

- We will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equality Act 2010.
- We'll be transparent about our responsibilities around equality and treat everyone fairly and respectfully, regardless of their: age, gender, marital status, sexual orientation, disability, religion, race, nationality, ethnicity, or national origin.
- We'll make sure our services and workplaces are as inclusive and accessible as possible and take seriously any concerns that we've not acted in a fair way, dealing with them as quickly as we can.
- We will make 'reasonable adjustments' to give extra support to those residents who need it. Adjustments may include letters or information in another format or language. For example, recordings of complaint letters to listen to instead of reading. Making sure residents are not excluded is important to us.

9 - Related documents

This policy is supported by the following documents:

- Housing Ombudsman Complaint Handling Code
- Safeguarding Policy
- Data Protection Policy

10 - Legislation and regulation

Ben will take reasonable measures to ensure compliance with all applicable legislation by reviewing policies and procedures and amending them as appropriate. Any queries relating to the applicable legislation should be directed in the first instance to the policy owner.

11 - Review

This document will be reviewed annually, or sooner if significant changes occur in the relevant legal or operational landscape.