

Henry, Duke of Cleveland Charity

***Registered charity No. 221407
Member of the Almshouse Association (No. 1360)***

Complaints handling policy

1 Introduction

1.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the charity, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

There are times when the charity may get things wrong and does not meet the high standards it aims to achieve. The charity is open to receive complaints about its service. This policy sets out how the charity will investigate complaints and aim to resolve things promptly, fairly and politely, and to apologise when it has got things wrong.

The charity recognises complaints can inform how services can be improved and understand and act on both the overall headlines about complaints and the learning from individual cases.

1.2 The charity's complaints 2 stage procedure is detailed in Appendix A. The procedure is also included in the Resident's Handbook.

The procedure has been designed to:

- ensure that lessons learnt from complaints and are used to inform service improvements
- monitor and check performance
- have a clear process that so that residents and others know what to do when they are not happy with something about services
- comply with data protection law (a separate policy exists for data protection)

2 Key Principles in handling complaints

2.1 The charity commits to:

- resolve complaints where they arise wherever possible through face to face conversation if possible, or by telephone
- receive complaints in any format including written, telephone, text, email and verbally
- make the complaint process easily available to everyone. Residents are provided with copies of this policy
- treat all complaints seriously
- deal with complaints as sensitively as possible. Information will only be divulged if it is necessary to the investigation, and with the consent of the complainant
- issue an apology where a complaint is upheld, with an explanation of any action or learning taken because of the complaint
- all the above will be carried out within defined time frames

2.2 A complaints register is maintained and is part of the quality assurance processes so that the number of complaints can be monitored along with their progress and any themes to support service improvements. This register will be securely stored electronically. The register is accessed by those with responsibility for complaints and for Subject Access Requests. The information held on the register will be minimal but will include brief details of complaints, along with the named lead for the complaint and dates of key progress, learning and outcomes.

2.3 The charity complies with the Data Protection Act 2018 in relation to keeping records of each complain. Records relating to each case will be kept for 6 years after which they will securely destroyed.

2.4 Matters excluded are:

- where the issue giving rise to the complaint occurred over 12 months ago, other than in exceptional circumstances
- the issue is or has been subject to legal proceedings
- the element of the complaint that relates to an insurance claim
- the complaint has been considered already
- the complaint is being pursued in an unreasonable way

2.5 A service request e.g. a request for a repair is not regarded as a complaint. Service request are recorded, monitored and reviewed regularly. If a resident is dissatisfied with the response to a service request a complaint may be made. Dissatisfaction expressed in a resident survey is not treated as a complaint but residents are routinely informed of the complaints procedure.

2.6 The charity's board of Trustees contains a Member Responsible for Complaints (MRC) with responsibilities including supporting a positive complaint handling culture

2.7 The charity considers reasonable adjustments for residents where appropriate under the Equality Act 2010 and keeps a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review. The charity has an independent living policy which is applied alongside the above.

Appendix A - Complaints procedure (stages 1 and 2)

1 Raising a complaint

A complaint can be raised by:

- speaking to a member of staff (the Clerk to the Trustees), by telephone or face to face
- writing a letter or email
- asking someone else to raise a complaint on your behalf (we will need permission from you to investigate)

A resident/residents do not have to explicitly use the word 'complaint' when raising concerns.

2 Receiving a complaint

The Clerk will acknowledge a complaint in writing no more than 5 working days from receipt. A meeting or telephone conversation will be arranged with the resident to resolve the complaint. If it is decided not to accept a complaint, a detailed explanation will be provided to explain the reasons why the matter is not suitable for the complaints process. The complainant has the right to challenge this decision by raising their complaint with the Housing Ombudsman.

The charity expects its staff to be treated with respect and consideration and reserves the right to take reasonable and justifiable steps to manage unacceptable behaviour from residents and/or their representatives. The provisions of the Equality Act 2010 are taken into account when considering any reasonable and justifiable steps to manage unacceptable behaviour from residents and/or their representatives. The charity will evidence the reasons for putting any restrictions in place and will keep restrictions under regular review.

3 Discussing a complaint

If a meeting is to be held it will be with the Clerk, the resident may also bring a family member, friend or advocate. If following the meeting the resident is satisfied with the meeting outcome, then the complaint will be recorded as closed.

If the complaint relates to the Clerk a Trustee will conduct the meeting, this Trustee will be the Member Responsible for Complaints (MRC).

4 Complaint Investigation

If a full investigation is needed this will be conducted by the Clerk as long as the complaint does not relate to the Clerk in which case the investigation would be carried out by a Trustee (MRC). The investigator will look at all evidence and will then write a report which will be shared with the Trustees for their comments.

Where residents raise additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

5 Investigation Outcome

The complainant will receive a formal and final written response within 10 working days from receipt of the complaint. A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. The letter will state:

- the nature of the complaint raised
- the nature of the investigation undertaken
- the conclusions reached by the investigator for example whether it is upheld,

- partially upheld, or we do not uphold each of your points
- what action has been taken to resolve the situation and to avoid such situations reoccurring, referencing the relevant policy, law and good practice where appropriate
- acknowledgment where things have gone wrong
- provide a full apology, if applicable
- details of a financial remedy if applicable

Details of any remedy will contain information on when things will happen and will reflect the impact on the resident as a result of any fault identified.

If the complaint was about a staff member they will also be informed of the outcome of the complaint, and opportunities to improve e.g. training will be made available. The resident may not be told of any formal action taken against a member of staff, for data protection reasons.

If a final written response cannot be sent within 10 working days the complainant will be notified explaining the reasons for the delay and when a final response will be received. It is aimed that any extension will not exceed a further 10 days without good reason. The complainant will also be informed and reminded about recourse to the Housing Ombudsman at this stage.

6 Withdrawing a complaint

The investigator can be informed at any time if a person wishes to withdraw a complaint. This will need to be in writing (letter or email).

If a resident is not satisfied with the outcome of the process up to this point then they may ask for the complaint to be reviewed by the Chair of Trustees (see stage 2 below).

7 Stage 2 - Escalation of the complaint to the Chair of the Trustees

This must be done within 10 working days and should be done in writing. The request will be acknowledged within 5 working days and escalated to the Chair of Trustees. It will be aimed to consider complaint reviews within 10 working days. If a final written response cannot be sent within 10 working days the resident will be notified explaining the reasons for the delay and also informed of the Housing Ombudsman Service. It is aimed that any extension will not exceed a further 10 days without good reason. This is the final stage of the internal complaints handling procedure and will follow the principles contained in steps (paragraphs) 4 and 5 above and involve relevant staff to enable a full written investigation response to be provided to the resident/s.

8 The Housing Ombudsman Service

Residents have the right to access the Housing Ombudsman Service at any point during the complaint process. The Housing Ombudsman can be contacted via email at info@housingombudsman.org.uk. Their website is www.housing-ombudsman.org.uk

Details of the The Housing Ombudsman's Complaint Handling Code (1st April 2024) can be found at:

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>