

# Winsley's Charity

The Almshouse Charity of Arthur Winsley and Others

CIO Registered Charity Number 1196080

[office@winsleycharity.org.uk](mailto:office@winsleycharity.org.uk) 01206 794064

## Complaints Policy & Procedure

### 1. Introduction

Winsley's Charity aims to provide a high standard of accommodation that meets the individual needs of all our residents. We welcome suggestions for improving the quality of life of our residents and the quality of accommodation we provide. The Trustees have updated the procedures for handling complaints to reflect changes introduced in April 24 by the Housing Ombudsman's Complaints Handling Code.

This policy applies to the residents, employees and Trustees of Almshouse Charity of Arthur Winsley & Others and seeks to ensure that the Charity's complaints process is flexible and responsive to the needs of our residents to enable them to be heard and understood.

The Charity complies with the Complaint Handling Code (the Code) issued by the Housing Ombudsman Service. All complaints dealt with under this policy will be dealt with in a manner consistent with the Code and the Charity will maintain all records as required by the Code.

### 2 Definition of a complaint

The Code defines a complaint as:

*'an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Charity, its trustees, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.'*

#### 2.1 Complaint expectations

Effective dispute resolution requires a process designed to resolve complaints. 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. The word "complaint" does not need to be used expressly for the matter to be considered a complaint. Whenever a resident expresses dissatisfaction, the Charity will give them the option to make a complaint.

In dealing with complaints, we will ensure that:

- Individuals who raise a complaint are listened to and treated with courtesy, empathy and impartially.
- Residents will never be disadvantaged as a result of raising a complaint.
- Complaints will be investigated promptly, thoroughly, honestly, openly, in accordance with this policy.
- In dealing with complaints, we will comply with confidentiality and data protection policies.
- A complaint that is submitted via a third party or representative will be handled in line with this Complaint procedure.
- Expectations are managed from the outset and will be clear where a desired outcome is unrealistic or unreasonable.

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- Complainants will be given early advice regarding their right to access the Housing Ombudsman Service throughout the complaint.
- We will adhere to any reasonable arrangements agreed in terms of frequency and method of communication.

## 2.2 Complaint or Service Request?

The Code defines a service request as:

*'a requirement to put something right (e.g., to carry out routine maintenance etc.)'*

## 2.3 Service request expectations

In dealing with a service request, we will:

- use our reasonable endeavours to action such request within 3 working days (unless considered urgent).
- keep the person making the service request fully informed in the event of a delay due to contractor.
- ensure that when a service request has not been completed satisfactorily, the individual will be free to make a complaint which will be formally logged.

## 3. Accessibility and awareness

- 3.1 We welcome feedback from anyone who is affected by the service we provide, or a decision taken by us. This policy is available on our website, residents' handbook and will be made easily accessible. Complaints can be made by telephone, email, writing or in person.
- 3.2 Complainants will be given the opportunity to have a representative deal with their complaint on their behalf (with their consent) and/or be represented and accompanied at any meeting where this is reasonable.
- 3.3 Complaints will be dealt with in a manner that is consistent with the Charity's Equality & Diversity Policy and the Charity's duties under the Equalities Act 2010.
- 3.4 The Charity will make reasonable adjustments to accommodate an individual's particular needs, they, or their representative, should contact the General Manager whose details are in the Residents' Handbook, by phone, in writing, email or in person to discuss what adjustments may be possible.

## 4 Complaint Handling Staff

- 4.1 Complaints will be initially investigated by the Complaints Officer (General Manager) at Stage One. If it is inappropriate for the Complaints Officer to make the initial investigation, the complaint will be referred to the Acting Trustee.
- 4.2 Appeals will be investigated by the Appeal Officer (Acting Trustee) at Stage 2 and maybe referred to four other trustees (Appeals Panel).

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## 5. Procedure:

- 5.1 The complainant should first discuss the matter with the Complaints Officer. Depending on the circumstances, the Complaints Officer may be able to take action to achieve a quick resolution of the problem, in which case they will confirm the outcome in writing. If any aspect of the complaint is unclear, the individual will be asked for clarification and the full nature of the complaint agreed between both parties. The Charity will adhere to any reasonable arrangements agreed with the individual in terms of frequency and method of communication.
- 5.3 If a complaint relates to a resident or member of staff, that individual must also be given the opportunity to:
- set out their position; and -
  - comment on any adverse findings before a final decision is made.
- 5.2 **Stage One:** The Complaints Officer will discuss the problem with the complainant and will establish relevant facts, including any historical issues, supporting documentation and consider all relevant issues. The complainant will be informed of the decision reached by the Complaints Officer, which will be confirmed in writing.
- 5.3. **Stage Two:** If all or part of the complaint is not resolved to the complainant's satisfaction at stage one, it will be progressed to stage two, unless an exclusion ground applies (See section 7). In instances where we decline to escalate a complaint, we will communicate in writing the reasons for this as well as the resident's right to approach the Housing Ombudsman about the decision. The resident may request a meeting with the Acting Trustee who will discuss the matter with the complainant. The complainant may bring along a third-party representative should they wish to do so. The Acting Trustee may refer the complaint to four other trustees (Appeals Panel). The matter will also be discussed and minuted at the next meeting of the Trustees.
- 5.4 During all stages, the complaint handlers will:
- deal with all complaints on their merits.
  - act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about.
  - take appropriate measures to address any actual or perceived conflict of interest (which may include asking another trustee to investigate the complaint).
  - consider all relevant information and evidence carefully.
  - keep the details of the complaint confidential, with information only being disclosed if necessary to properly investigate the matter.

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

## 6. Timeliness

6.1 We will seek to deal with all complaints in a timely manner and within the following timescale:

- Logging and acknowledgement of complaint – within **five** working days.
- Decision on action proposed to resolve the complaint – within **ten** working days of the complaint.
- In the case of an appeal to the Acting Trustee (stage 2) – within **twenty** working days of the request to appeal.

6.2 There may be occasions when the above timescales cannot be met. In these cases, an explanation of the reasons for any delay will be given. We will ensure that we regularly update complainants about the progress of the investigation.

6.3 If an extension is required to enable the Charity to respond to the complaint fully, this should be agreed by both parties. If an agreement over an extension period cannot be reached, we will provide the Housing Ombudsman's contact details so the resident can challenge our plan for responding and/or the proposed timeliness of a landlord's response.

## 6. Responsiveness

6.1 The Trustees or Complaints Officer will write to the complainant detailing the outcome of the complaint with the reasons for their decision. They will set out the steps to be taken to remedy the problem and any outstanding actions. Before finalising the decision, the complainant will be offered the opportunity to make clear their position, the outcome they are seeking and comment on any adverse findings before the final decision is made. A full record will of the complaint will be kept, along with any review, correspondence and the outcomes of each stage.

6.2 The following communication process will be adhered to all stages of the complaint:

- The complaint stage
- The decision 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 to the next stage
- Contact details for the Housing Ombudsman

6.3 Where the resident raises additional complaints during the investigation, these will be incorporated into the stage one response if they are relevant, if the stage one

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response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint will be logged as a new complaint.

Where the problem is a recurring issue, we will consider any older reports as part of the background to the complaint if this will help to resolve the issue.

## 7. Exclusions

We will accept a complaint unless there is a valid reason not to do so.

7.1 The following matters will not be considered as complaints:

- Where the issue giving rise to the complaint happened, or was first found, over twelve months ago. We will apply discretion where complaints are made outside this time period where we are given good reasons to do so.
- Legal proceedings have begun in respect of the matter being complained about, where Legal Proceedings shall be defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at Court.
- Matters that have previously been considered under the Complaints Policy.
- The complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint;
- Complaints that are of a vexatious, repetitive or unsubstantiated nature

Unless excluded on other grounds, we will accept complaints referred to us within 12 months of an issue occurring or the complainant becoming aware of the issue. Where there are good reasons to do so, we will also consider whether to apply discretion to accept complaints made outside the time limit.

If a complaint is not accepted, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and their right to take that decision to the Ombudsman (see details below). The Ombudsman may direct the Charity to take on the complaint, in which case this policy will apply.

## 7.2 Closing a complaint

We reserve the right to close the complaint in the following circumstances:

- If a complaint is pursued unreasonably or where a resident's actions or behaviours are deemed to be unreasonable.
- If a complainant 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. If the complainant is a resident, this may be grounds for their appointment being set aside.
- In cases where the trustees bring the complaint to an end in accordance with this section of the policy, they will inform the complainant of their reasons and their right to take that decision to the Ombudsman (see details below). The Ombudsman may direct the Charity to reopen the complaint, in which case this policy will apply.

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## 8. Unacceptable behaviour

The Trustees will not tolerate abusive or unacceptable behaviour towards them, staff, contractors, volunteers, other residents. (Refer to the Charity's Anti-social Behaviour Policy.)

## 9. Conclusion

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

Any remedy offered will reflect the extent of any service failures and the level of detriment caused to the resident as a result. We endeavour to manage expectations and not promise anything that cannot be delivered or would cause unfairness. The remedy offer will set out what will happen and by when, in agreement with the complainant where appropriate.

In the event that the complaint still remains unresolved, the resident may apply to the Ombudsman under the Independent Housing Ombudsman Scheme. Contact details will be given to the resident during Stage One of their complaint.

A resident or their representative may present a case to the Ombudsman who, if the case is accepted, and after due consideration, will give a ruling which will be binding on all parties.

The Housing Ombudsman can be contacted by post, telephone, email or through their website

### Contact details:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

Tel: 0300 111 3000

E-Mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Web site: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

When residents contact the Ombudsman they should state their full name and address, telephone number and e-mail address together with details of their complaint.

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## 10. Putting things right where something has gone wrong

10.1 Where something has gone wrong the Charity will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include, but shall not be limited to:

- 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.
- Seeking feedback in relation to the Charity's complaint handling.

## 11. Continuous learning and improvement

The Trustees recognise that a positive complaint handling culture is integral to our effectiveness and demonstrates openness and honesty in the organisation.

The Charity acknowledges that a high volume of complaints will not be seen as a negative, as this can be indicative of a well-publicised and accessible complaints procedure. We also acknowledge that low complaint volumes can potentially be a sign that residents feel unable to complain.

All complaints are reviewed at the bi-monthly Trustee Meetings, noting the grounds for the complaint, what went wrong, the remedy, any outstanding issues and any changes to services proposed. The Trustees will carry out an annual self-assessment against the Code to ensure the Charity's complaint handling remains in line with its requirements and following significant restructures and/or change in procedures.

This will also be included in the Annual Report.

Reviewed by.....

Date.....