



Trident Group

Complaints Policy

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1. Policy

1.1. Policy Scope

This policy applies to all departments and services within Trident Group. It applies to all residents and customers, including those in accommodation and using floating support services, and those receiving a one-off service from us for example as a customer in one of our commercial enterprises. The policy additionally applies to all stakeholders, and those acting on behalf of customers or stakeholders.

Links to Other Policies and Procedures

Compensation Policy

Safeguarding Policy

Anti-Social Behaviour Policy

Customer Leaflets

How to Make a Complaint

Complaints Process

Service Standards

1.2. Policy Context

This policy has been developed in conjunction with Trident Group's Resident and Customer Panel. It is compliant with the requirements of our regulators, specifically the Care Quality Commission and both the Housing Ombudsman Services Complaints Handling Code and the Regulator of Social Housing's Tenant Involvement and Empowerment Standard.

1.3. Policy Statement

At Trident Group we believe that the needs of our residents are our top priority and we are committed to providing them with quality services in the most effective and efficient way possible. However, we realise that even in the best run organisations, there may be times when things go wrong and that customers may be unhappy with the service we provide. When this happens, Trident Group employees must do all they can to investigate and solve the problem as quickly as possible.

Trident Group takes every complaint seriously and it enables the business to:

- Acknowledge residents and customers points of view
- Learn from our mistake
- Continually improve our services

1.4. Policy Objectives

The following are Trident Group's commitment to handling and resolving complaints:

We will:

- Make the complaints procedure accessible; complaints can be made in person, by phone, email or in writing;
- Accept complaints from, and liaise with advocates acting on behalf of the complainant where there is authority for them to do so, or where it is clearly reasonable for them to do so (for example where the complainant does not have capacity and the advocate is their relation or carer)
- Try to resolve the cause of complaints upon receipt wherever possible
- Acknowledge and respond to all complaints within agreed timescales
- Investigate fully all complaints received and notify complainants of outcomes and actions taken as a result
- Be fair and listen to all sides of a complaint
- Analyse and use information gathered from complaints to improve services
- Advise complainants of their right to access the Housing Ombudsman Service

2. Legal Framework

This policy will comply with:

2.1. Localism Act 2011

The Act changed the way complaints about social landlords were handled and introduced a single watchdog specialising in complaints ensuring greater consistency across the Sector. Details of the Ombudsman Service are provided in this policy and Customer Complaints Leaflet.

2.2. Housing Act 1996 Schedule 2

The provision of Schedule 2 also enables tenants and other individuals to have complaints against social landlords investigated by a housing ombudsman in a scheme approved by the Secretary of Estate.

2.3. Equality Act 2010

The act protects against the following characteristics: - age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The policy aims to treat all complaints fairly, non-discriminatory and without prejudice.

2.4. Regulatory Standards

The policy meets the requirements of the Regulatory Code and Guidance for Registered Housing Providers. About complaints, the standard is:

“Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Providers shall publish information about complaints each year, including their number and nature, and the outcome of complaints.”

2.5. CQC Regulation

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 sets out expectations of those providing Registered Care activities. The Regulation sets out expectations that providers will identify, receive and respond to complaints not only from direct customers but other relevant stakeholders, and that all complaints will be investigated thoroughly, and appropriate action taken. Additionally, we must be able to provide all complaint information to the CQC if requested.

2.6. GDPR

The General Data Protection Regulation governs the way personal information is obtained, recorded, stored and used. We comply with the requirements of the regulation and ensure that personal data is processed fairly and lawfully.

2.7. Housing Ombudsman’s Code of Handling Complaints

The Housing Ombudsman published a new Complaint Handling code of Practice on 7th July 2020, which intends to promote a speedier redress to complaints and as such the Policy has been reviewed to reflect this. It also requires a self-assessment of the Policy to be submitted to the Group Board of Management by 31st December 2020.

3. Definition

The Ombudsman Complaints Handling code provides a universal definition as follows:

‘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.’ (Code 1.2)’

4. How To Make A Complaint

All complaints will be handled by the designated Complaints Administrator who will log each one and decide who the best person to handle the case is. Complaints can be made to the designated Administrator by email, telephone, in persons or through Trident Group's website.

5. How The Complaint Will Be Handled

A flow chart attached at Appendix 1 to this Policy illustrates Trident Group's process in the management and resolution to a complaint and contains a 2-stage process as explained as follows:

5.1. Informal Resolution

When a complaint is received the staff member taking the complaint should try to establish as much detail as possible about the complaint, including how the complainant would like it resolving. We encourage all staff to take responsibility for resolving complaints informally in the first instance. If the complaint can be resolved immediately, for example by scheduling a repair appointment, then this should be done. However, if the complainant still wishes it to be formally investigated then this should progress to stage one complaints.

5.2. Stage 1 - Initial Complaint

When a complaint is received, the Complaints Administrator will record it on CRM the case management system, as a Complaint Case. They will send an acknowledgement letter to the complainant within 2 working days of receipt of the complaint. This letter will detail who the responding officer is and timescales.

Unless agreed with the complainant all investigations should be completed within 10 working days.

The Complaints Administrator will pass the complaint to the Responding Officer. This should be a manager or service lead with the appropriate knowledge to effectively investigate the complaint.

In certain circumstances, the responding officer may need to contact the complainant direct (or through an advocate if this has been agreed). This will depend on the need for further information or clarification in order to be able to investigate thoroughly.

If the investigation and resolution will not be concluded within 10 working days, the complainant must be informed by the responding officer before the deadline, with clear reasons as to why there is a delay and when the situation is expected to be resolved. They must also update the Complaint Case on CRM (either personally or via the complaints administrator if they do not have CRM access).

When the complaint has been resolved, the outcome should be detailed in a letter and sent to the complainant. A copy of the response must be sent to the Complaints Administrator who will update the Complaint Case on CRM.

The Complaints Administrator will contact the complainant to record satisfaction of the complaint handling and outcome.

It is the responsibility of the responding officer to ensure that they have responded fully to minimise the need for a complaint to be progressed to the next stage.

6. Stage 2 – Formal Review

If a complainant is not satisfied that the complaint has been investigated appropriately, or that the resolution offered is not appropriate to the findings of the complaint a review of the investigation and decision can be requested.

The complainant must request this within 20 working days of receiving their final complaint letter. This request can be made in writing, in person, via email, website or verbally by telephone, but must clearly state the reason for their request. We will only consider an appeal where the complaint has not been fully addressed in the first stage or where there is further evidence provided by the complainant to consider. If the decision is taken to not allow the complaint to proceed to further review, the complainant will be written to by the Complaints Administrator explaining the reasons why.

If the complaint is to continue, the Complaints Administrator will record this on CRM and send an acknowledgement letter within 2 working days. This letter will detail that the appeal will be investigated by a Complaints Panel, comprising of a member of Trident's Senior Management Team (allocated as appropriate by the Complaints Administrator) and the manager who dealt with the complaint at Stage One and that the investigation should be completed within 20 working days.

Where appropriate, the complainant will be asked if they would like a member of the Residents Complaint Panel to be present at the Hearing. If this is requested an information sharing consent form will be signed by both the complainant and the member of the Resident Complaints Panel.

If the Panel wish to meet with the complainant to clarify or gain further information, then this should be arranged at a time and location convenient to the complainant.

If the Panel cannot be arranged within the agreed timescales, the complainant must be informed before the deadline, with clear guidance as to why there is a delay and when the situation is expected to be resolved. The Complaints Administrator should also be notified to ensure the Complaint Case is updated.

Following the meeting, a decision regarding the appeal must be made within 20 working days and the outcome detailed in a letter sent to the complainant. A copy of this letter should also be passed to the Complaints Administrator to ensure the Complaint Case is updated.

The second stage decision is final and there is no further right of internal appeal to Trident Group.

7. Complaint Resolution

Trident Group will provide advice to complainants on accessing the Housing Ombudsman's Service, who can assist throughout the life of a complaint.

8. If The Complaint Is About Care And Support Services

Most of the services Trident Group provides are funded through Local Authorities, CQC or through the NHS. In these cases, the complainant should be directed to contact the specific department funding the care and support services; they will have their own complaints procedures which should be followed by the complainant.

Customers who receive services funded by Supporting People and who have a complaint about how this service is being delivered should firstly make a complaint through Trident Group's formal complaints procedure. There may be occasions where an issue may threaten the health, safety or welfare of a customer and Supporting People may then decide to investigate themselves. Customers can complain directly to the local authority where they live.

9. Assisting Customers With Complaints

Where a resident is receiving personal support services it may be necessary for their support worker, who is an employee of Trident Group, to assist them with making the complaint and following the complaint through. In these circumstances we expect the employee to support the resident to the best of their ability, but to remain objective and not to involve themselves in the investigation except to support and advocate for the customer where required.

If the support worker is implicated in the complaint and the resident requires support making the complaint, they should be offered support from another worker or a senior member of the service.

Complainants can also make a complaint through a representative such as MP, a Councillor, friend, family member, solicitor or Citizen Advice representative.

10. Exceptions To The Complaints Policy

The following are exceptions to the Complaints Policy: -

- Neighbour nuisance or anti-social behaviour – this will be dealt with by our housing or support staff in accordance with the ASB Policy
- Where the complaint has safeguarding implications – these will be dealt in accordance with the Safeguarding Policy
- Health and safety concerns – will be referred to a Senior Manager in the first instance for rectification
- If a complainant has started court action or an insurance claim against the organisation
- A complaint that is an attempt to re-open a previously concluded complaint or to have a complaint reconsidered where a final decision has already been given
- Complaints about conduct of a staff member – these will be managed in accordance with Trident Group's code of conduct or staff disciplinary procedures

We would not consider a complaint under this policy from someone who does not receive our services and will deal with these on a case by case basis.

11. Compensation

A complainant may be entitled to compensation in accordance with the Compensation Policy if Trident Group's service falls below certain standards.

Compensation may be payable where it is proven that Trident Group has failed in their service delivery and where genuine disadvantage or loss has occurred.

The decision to make an ex-gratia payment will be at the discretion of the responding manager. If the tenant is in rent arrears or owes money in a sundry account, then the payment will be made to offset the arrears.

12. Equality And Fairness

Trident Group will make available an accessible guide to our Complaints Policy and Guidance on How to Make a Complaint, which will be available to view on our website or a hard copy will be available from our offices upon request.

We aim to treat all complaints fairly, non-discriminatory and without prejudice and will make reasonable adjustments to our policies as required under the Equality Act 2010.

13. Vexatious And Unreasonable Complaints

Trident Group is committed to investigating and responding to all complaints fairly, comprehensively, and in a timely manner. However, there are a minority of cases where a person complains in a way that prevents Trident Group staff from investigating the complaint; takes up a disproportionate level of resources; or behaves in a way that is unacceptable. The Housing Ombudsman definition of “unreasonable complainant behaviour” is as follows:

“The actions of users who are deemed angry, demanding, or persistent may result in unreasonable demands on staff, or unacceptable behaviour. It is these actions that we consider unacceptable, unreasonable demands, unreasonable persistence and aggressive and abusive behaviour (including language)”.

Where this occurs, Trident Group retains the right to restrict or change access to services as appropriate. We will always tell the complainant what action we are taking and why.

14. Performance And Monitoring

All complaints will be monitored by the Complaints Administrator and a report published in a quarterly report to the Board of Management, Trident Group’s Customer Scrutiny Group. A summary of the performance will also be published in newsletters.

The following information is included in the report

- Number of closed/live complaints
- Complaints closed within target
- Whether complaints are upheld, not upheld or partially upheld
- Number of stage 2 complaints
- Withdrawn or unfounded complaints
- Whether complainants are vulnerable

- Nature of complaints and any trends identified
- Any improvements or changes made as a result of the complaint.

Trident Group's Scrutiny Group will review complaints responses, look at how we have used customer feedback to improve our services and work with Trident Group officers to ensure that we learn from complaints.

15. Compliments

Any compliments received will be passed to our Customer Contact Team who will ensure that relevant staff members receive it. All compliments will be recorded and reported in the regular reporting to Board of Management and the Scrutiny Group.

16. Self-Assessment

A self-assessment in line with the Housing Ombudsman's Complaints Handling Code will be carried out annually by the 31 December and reported to the Board of Management, the Scrutiny Group and published on our website.

17. Review

This policy will be reviewed every 3 years or sooner if legislation requires us to do so.