



Trident Group



COMPLAINTS POLICY

DEPARTMENT: ALL

AUTHOR: HEAD OF HOUSING AND SUPPORT

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Policy Scope

This policy applies to all departments and services within the Trident Group (“Trident”). It applies to all Residents & 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 members of the public, all stakeholders, and those acting on behalf of customers or stakeholders

Links to Other Policies & Procedures

Compensation Policy
Anti-social Behaviour Policy
Data Protection (GDPR) Policy

Customer Leaflets

How to Make a Complaint
Complaints Process
Service Standards

Should you need to request this information or read our documents in another language or in an accessible format, please email communications@tridentgroup.org.uk to request a copy.

1. Policy Context

- 1.1** This policy has been developed in conjunction with Trident's Customer Panel. It is compliant with the requirements of our Regulators, specifically the Care Quality Commission and both the Housing Ombudsman Service Complaint Handling Code and the Regulator of Social Housing Tenant Involvement and Empowerment Standard.

2. Policy Statement

- 2.1** At Trident we believe that the needs of our Residents and Customers 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 residents and customers may be unhappy with the service we provide. When this happens, Trident employees must do all they can to investigate and solve the problem as quickly as possible.

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

- Acknowledge customers' / residents' points of view.
- Learn from our mistakes.
- Continually improve our services.

3. Policy Objectives

- 3.1** The following are Trident's commitment to handling and resolving complaints. We will:
- Make the complaints procedure and information accessible to all who access Trident services including provided accessible formats when requested.
 - Acknowledge complaints made in person, by phone, by email or in writing. Where a complaint is received via social media we may 'hide' the message to maintain confidentiality and privacy and contact the individual directly.
 - Accept complaints from, and liaise with advocates or representatives 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, acknowledging that the word 'complaint' does not have to be used for it to be treated as such and an issue will be logged as a complaint at an individual request.
 - 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
 - Establish and effectively operate an accessible system for identifying, receiving, recording, handling, and responding to complaints.
 - Analyse and use information gathered from complaints to improve services
 - Advise complainants of their right to access the Housing Ombudsman Service

4. Legal Framework

This policy will comply with: -

- 4.1 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 Resident and Customer Complaints Leaflet.
- 4.2 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
- 4.3 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
- 4.4 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.”*
- 4.5 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 CQC regulated 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.
- Trident also understands that a **“Duty of Candour”** is owed particularly when things go wrong with customers care and support. There are 2 types a general duty and a specific duty. Thus, it recognises that whenever an incident has occurred, which must be notified to the CQC under Regulation 16 then there is a requirement to carry out mandatory actions and for the results to be notified to the appropriate person.
- 4.6 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.
- 4.7 Housing Ombudsman Code of Handling Complaints**
- The Housing Ombudsman published a new Complaint Handling Code of Practice in July 2020, which intended to promote a speedier redress to complaints and improve consistency in complaints procedures.
- In line with the Complaint Handling Code the organisation will conduct an annual self-assessment which will be published on our website.
- 4.8 Tenant Satisfaction Measures**

The Regulator of Social Housing is developing a system including a set of Tenant Satisfaction Measures for Social Housing landlords to report on that will come into force in April 2023. We will provide data and information that will measure Effective Handling of Complaints and will be conducting the required Tenant Perception Surveys. Surveys will raise awareness of how to make a complaint.

5 Definition

- 5.1** The Ombudsman Complaints Handling Code provides a universal definition of a complaint as follows:

'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)

6. How to make a complaint

- 6.1** All complaints will be handled by the designated Complaints Administrator who will log each one and allocate an appropriate Responding Officer to investigate and respond to the complainant. Complaints can be made to the designated Complaints Administrator by email, telephone, in person or via the Trident website.

7. How the complaint will be handled

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

8. Resolving a Concern

- 8.1** When a request for a service is received, such as scheduling a repair appointment staff will try to resolve the concern raised in agreement with the resident, for example, by scheduling a repair appointment. However, when the concern meets the definition of a complaint this will be received as a complaint and acknowledged at Stage 1 in line with the Complaint Policy and Procedure.

9. Stage 1- Initial Complaint

- 9.1** When a complaint is received, the Complaints Administrator will record it on our CRM case management system as a Complaint Case. They will send an acknowledgement letter to the complainant within **5 days** of receipt of the complaint. This letter will detail who the responding officer is and timescales.
- 9.2** Unless agreed with the complainant all investigations should be completed within **10 working days**.
- 9.3** 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.
- 9.4** In certain circumstances, the responding officer may need to contact the complainant direct (or through an advocate or representative). This will depend on the need for

further information or clarification to be able to investigate thoroughly. Where a representative has been nominated to act on behalf of an individual there needs to be a written record of consent provided from the complainant. The representative will then be included in all communications.

- 9.5** The Responding Officer must complete a thorough investigation, reviewing all relevant records and evidence in order to fully consider the issues, including historical information where necessary. 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).
- 9.6** There is an expectation that the complainant will support the organisation to carry out the identified actions required to resolve the complaint.
- 9.7** 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.
- 9.78** The Complaints Administrator will contact the complainant to record satisfaction of the complaint handling and outcome.
- 9.89** 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.

10. Stage 2- Formal Review

- 10.1** 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 they may submit an escalation request.
- 10.2** 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 and the outcomes they are seeking. If any aspect of the escalation request is unclear clarification must be sought and the full definition agreed by both parties.

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 (see Section 14- Exceptions to the Complaints Policy), including the resident's right to approach the Ombudsman about this decision.

- 10.3** If the progression to Stage 2 is to continue, the Complaints Administrator will record this on CRM and send an acknowledgement letter within **5 days**. This letter will detail that the escalation request and Formal Review will be considered by a Complaints Panel, comprising of a member of Trident's Senior Management Team (allocated as appropriate by the Complaints Administrator) and a member of the Cross-Departmental Complaint Case Review meetings and that the investigation should be completed within **20 working days**.
- 10.4** Where appropriate, the complainant will be asked if they would like a member of the Customer Complaints Scrutiny Group to be involved in the review. If this is requested

an information sharing consent form will be signed by both the complainant and the member of the Customer Complaints Scrutiny Group.

- 10.5** 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.
- 10.6** 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.
- 10.7** Following the meeting, a decision regarding the Formal Review must be made within **20 working days**. If these timescales cannot be met we will seek mutual agreement with the complainant when setting new timescales. and the outcome detailed in a letter sent to the complainant.
- 10.8** On conclusion of Stage 2 the outcome should be detailed in a letter and sent to the complainant, including the resident's right to approach the Ombudsman about the decision. A copy of the response must be sent to the Complaints Administrator who will update the Complaint Case on CRM.

The second stage decision is final and there is no Stage 3 within the complaint process.

11. Complaint Resolution

- 11.1.** Our complaints process and communications underpin our commitment to resolve complaints, acknowledging when something has gone wrong, being clear on the actions already taken, and on subsequent actions intended to 'put things right'.
- 11.2** In cases where a remedy is offered this will reflect the extent of service failure and detriment caused to the individual. The following factors will be considered:
 - Length of time that a situation has been ongoing
 - Frequency with which something has occurred
 - Severity of any service failure or omission
 - Number of different failures
 - Cumulative impact on the resident
 - The individual's particular circumstances or vulnerabilities
- 11.3** It is the responsibility of the responding officer to seek agreement from the individual where appropriate and to ensure the remedy is followed through to completion.
- 11.4** When a complainant has exhausted Trident's, internal complaints process they may have the right to complaint to an external body. These rights and associated procedures will depend on what aspect of the organisation the complaint concerns.

The complainant can contact the following designated persons and ask them to look at the case:

- Member of Parliament
- Local Councillor
- or
- The Housing Ombudsman service (www.housing-ombudsman.org.uk)

- 11.5** For Trident Reach care and support services the complainant can contact the Local Government and Social Care Ombudsman (LGSCO) (www.lgo.org.uk)

12. Complaint is about Care and Support Services:

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

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

12.3 Trident understands that it owes a "Duty of Candour" particularly when things go wrong with customers Care and Support. Thus, it recognizes that whenever an incident has occurred, which must be notified to the Care Quality Commission (CQC) under Regulation 16.

12.4 Role of Care Quality Commission (CQC)

Trident advises customers and staff that the CQC does not investigate complaints directly. CQC accordingly provides information about how to contact CQC to raise concerns through their website (www.cqc.org.uk). Trident provides CQC any information requested or required as part of CQC's compliance reviewing policy.

Where CQC raise any concerns about Trident regulated services, contact is made to the Nominated Individual and the Registered Manager for Trident to undertake an investigation and provide CQC with the findings to the concerns raised.

13. Assisting Customers with Complaints

13.1 Where a customer is receiving personal support services it may be necessary for their care/support worker, who is an employee of Trident, to assist them with making the complaint and following the complaint through. In these circumstances we expect the employee to support the customer 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.

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

13.3 Trident is committed to ensuring that people are not disadvantaged by the complaints process. We will ask individuals if they require any reasonable adjustments within our acknowledgement letter and we will make reasonable adjustments for disabled people as required under the Equalities Act 2010.

14. Exceptions to the Complaints Policy

14.1 The following are exceptions to the Complaints Policy:

- Neighbour nuisance or Anti-social Behaviour – this will be dealt with by our Housing or Care/Support staff in accordance with the ASB Policy

- Where the complaint has safeguarding implications – these will be reported to the relevant manager as a priority and action taken in accordance with safeguarding policies and procedures.
- Health & Safety Concerns – will be reported as a priority to ensure prompt rectification
- Where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- If the issue giving rise to the complaint occurred over six months ago (excluding safeguarding or health and safety issues).
- A complaint that is an attempt to re-open a previously concluded complaint.

14.2 In instances where the organisation does not accept a complaint or will not escalate a complaint we will provide an explanation detailing the reasons.

15. Compensation

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

15.2 Compensation may be payable where it is proven that Trident has failed in their service delivery. In awarding compensation Trident will consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble an individual has been put to as well as any distress or inconvenience caused.

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

16. Equality and Fairness

16.1 Trident will make available an accessible guide to our Complaints Policy and Complaints Management and Resolution Process Procedure, which are available to view on our website or at a hard copy available from our Office upon request.

16.2 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

17. Vexatious and Unreasonable Complaints

17.1 Trident 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 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)".

17.2 Where this occurs Trident retains the right to restrict or change access to services as appropriate, considering any individual needs in accordance with the Equality Act 2010. We will always tell the complainant what action we are taking and why.

18. Performance & Monitoring

- 18.1** All complaints will be monitored by the Complaints Administrator and a report published in a quarterly report to the Board and Trident's Customer Scrutiny Group will meet at least twice a year with the Complaints Administrator. A summary of the performance will also be published in newsletters.
- 18.2** 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.
- 18.3** There is an appointed member of the governing body to have lead responsibility for complaints.
- 18.4** Trident's Customer Complaints Scrutiny Group will review complaints responses, look at how we have used customer feedback to improve our services and work with Trident officers to ensure that we learn from complaints.
- 18.5** Cross-Departmental Complaint Case Review meetings will take place every 2 weeks and attended by Heads of Service, Complaints Administrator and the Responding Officers of all live complaints. The group will review all complaints to determine what lessons can be learnt from them. This learning will be shared with other managers, their own direct reports where relevant through team meetings, debrief or supervision. Manager's/Service Leads are to review and analyse all complaints received on an annual basis as a minimum to review any potential trends or patterns to complaints. conduct root cause analysis, the actions identified in outcome letters recorded and cross referenced for completion and lessons learnt used to inform best practice and improvements.
- 18.6** Situation Reports will be provided to the Board to include detailed information relating to complaints along with performance and monitoring data.
- 18.7** The organisation has a positive and collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments to take collective responsibility for any shortfalls identified through complaints rather than blaming others. Managers cascade learning throughout their direct reports and teams.
- 18.8** All learning identified must be checked against policies and procedures and where relevant these documents should be updated and or amended to address the learning points.

19. Compliments

- 19.1** 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 Customer Scrutiny Group

20 Self-Assessment

- 20.1** A self-assessment in line with the Ombudsman Complaints Handling Code will be carried out and reported to the Board, the Scrutiny Group and published on our website.

21. Review

- 21.1** This Policy will be reviewed annually or sooner if legislation or regulation requires us to do so.