



Trident Group



# Complaints Policy

Department: All

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### Appendices

#### **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](mailto: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.
- Put the customer at the heart of health and safety at the centre of the process.
- 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
- All residents treated fairly when raising and having an ongoing complaint

#### 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 The Building Safety Act 2022 requires landlords to set up a process for residents to be able to make a complaint about a building safety risk.

#### 4.8 Housing Ombudsman Complaint Handling Code

The Housing Ombudsman published a new Complaint Handling Code in July 2020, which intended to promote a speedier redress to complaints and improve consistency in complaints procedures. The Complaint Handling Code became statutory in April 2024.

In line with the Complaint Handling Code the organisation will conduct an annual self-assessment which will be published on our website.

#### 4.9 Tenant Satisfaction Measures

The Regulator of Social Housing launched the Tenant Satisfaction Measures for Social Housing landlords in April 2023. We will provide data and information that will measure Effective Handling of Complaints and will be asking the required questions about complaints in our TSM surveys.

## 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 landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents.” (Code 1.2)

## 6. How to make a complaint

6.1 All complaints will be handled by the designated Customer Experience 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 Customer Experience 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 Customer Experience 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 Customer Experience 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 Customer Experience Team if they do not have CRM access). At this stage the complainant will be provided a letter with the Housing Ombudsman details.

Where residents raise additional complaints during the investigation, these must 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.

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 Customer Experience Team who will update the Complaint Case on CRM. A complaint response will be given to a complainant when an answer of the complaint is known. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

9.8 The Engagement Team will contact the complainant to record satisfaction of the complaint handling and outcome.

9.9 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. If any aspect of the escalation request is unclear, the responding officer 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 Customer Experience Team 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 Customer Experience Team 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 Customer Experience Team) 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 Customer Experience Team 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 complaint when setting new timescales. and the outcome detailed in a letter sent to the complainant. At this stage the complainant will be provided a letter with the Housing Ombudsman details.

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 Customer Experience Team who will update the Complaint Case on CRM. A complaint response will be given to a complainant when an answer of the complaint is known. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

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](http://www.housing-ombudsman.org.uk))
- Building Safety Regulator for complaints relating to building safety/structural risk e properties (refer to section 14) - <https://www.gov.uk/guidance/contact-the-building-safety-regulator>

Where Trident receive enquiries from MP's they will be worked as request for service the response will be sent to both the MP and the resident who will informed on how to raise this issue directly with Trident and the complaint process.

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](http://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](http://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. Complaints About Building Safety

14.1 Building safety complaints under the Building Safety Act 2022 only relate to our higher-risk buildings (HRB) those at least 7 floors or is at least 18 metres in height. These buildings have an 'accountable person' and a 'principle accountable person' in place who manage the fire and structural safety risks HRB and will ensure that resident concerns about safety are heard.

14.2 Trident has a system in place designed to safeguard the well-being of residents and allow for the prioritisation and resolution of health and safety complaints. A relevant a building safety complaint can be made in the same way as any other complaint and is defined as the following.

- Structural failure that could lead to part or all of the building collapsing, or parts of the building falling off.
- Flammable cladding on the outside of a high-rise building.
- Any risk in the building that could lead to a fire spreading, such as fire doors not working properly
- Concerns over the performance of the 'accountable person' and a 'principle accountable person'.

14.3 Building safety complaints are assessed and prioritised taking account of the level of risk involved on a case-by-case basis. It will also be assessed to ensure if it qualifies as a building safety complaint under the Building Safety Act 2022.

14.4 If aspects of a complaint that meet the criteria of a building safety complaint will be assigned to our dedicated Building Safety Team. Our two-stage complaints procedure applies across all types of complaints, including building safety complaints.

14.5 We will keep the resident informed on progress of our investigation and will keep all residents informed on any remedial actions that will be undertaken in their block.

## 15. Exceptions to the Complaints Policy

15.1 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 twelve months ago (excluding safeguarding or health and safety issues).
- A complaint that is an attempt to re-open a previously concluded complaint.
- All complaints will be judge individually and we will not take a blanket approach when excluding complaints for the reasons above.

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

## 16. Compensation

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

16.2 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.

16.3 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.

## 17. Equality and Fairness

17.1 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.

17.2 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

## 18. Vexatious and Unreasonable Complaints

18.1 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)”.*

Trident will always try and reach a voluntary (informal) arrangement with the customer before taking formal action. This is to allow the individual time to consider and adjust their behaviour. Mediation or advocacy through third parties can be considered to try and improve the situation.

18.2 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.

## 19. Performance & Monitoring

19.1 All complaints will be monitored by the Customer Experience Team and Situation Reports provided to the Board to Trident’s Homes and Communities Committee to include

detailed information relating to complaints along with performance and monitoring. A summary of the performance will also be published in newsletters.

19.2 The following information is included in the report

- No of complaints received by the landlord**
- Number of cases referred to Trident Group by the Ombudsman**
- % of Complaints (Stage 1 & 2) completed within target timeframe**
- Complaints relating to identified health and safety concerns**
- Complaints upheld/partially upheld**
- % Customers satisfied with the way their complaint was handled**

19.3 There is an appointed member of the governing body who is the Member Responsible For Complaints (MRC)

19.4 Trident's Customer Complaints Panel 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.

19.5 Cross-Departmental Complaint Case Review meetings will take place every week - and are attended by Heads of Service, Customer Experience Team 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.

19.6 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.

19.7 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.

19.8 An Annual Complaint Performance and Service Improvement Report is submitted to Board and a formal response from the Governing body will be issued

19.0 An Annual Submission Return will be submitted to the Housing Ombudsman Service

## 20. 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

## 21 Self-Assessment

21.1 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.

## 22. Review

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