Trident Group

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Complaints Policy

Department: Corporate Services

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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 with Trident's Customer Panel and reflects the requirements applying to Trident's housing, care and support services. It aligns with the Housing Ombudsman's statutory Complaint Handling Code, the Regulator of Social Housing's Transparency, Influence and Accountability Standard, and the Care Quality Commission's requirements for regulated services.

2. Policy Statement

2.1 We value all feedback about our services, whether it is a compliment, a complaint or an observation, and we use this information to continually improve our services. Residents will not be treated differently for bringing a complaint. The Housing Ombudsman Service can provide free, independent and impartial support throughout the life of a complaint.

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. The complaints policy and procedure can be found on Tridents website, shared by email or printed and sent in the post 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
- All residents treated fairly when raising and having an ongoing complaint
- It is acknowledged that a matter may be classified and handled as a complaint, regardless of whether the term 'complaint' is explicitly used by the individual raising the concern.

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, as amended – Section 51 and Schedule 2 provide for an approved Housing Ombudsman Scheme through which tenants and other eligible individuals may have complaints about member landlords investigated by the Housing Ombudsman.

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

Regulator of Social Housing – Transparency, Influence and Accountability Standard: registered providers must ensure that complaints are addressed fairly, effectively and promptly. Their approach must be simple, accessible and publicised, and residents must receive clear information about how to complain, how complaints are handled, what they can do if dissatisfied, and how learning from complaints is used to improve services.

4.4 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.

4.5 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.

4.6 Housing Ombudsman's statutory Complaint Handling Code – The Social Housing (Regulation) Act 2023 empowered the Housing Ombudsman to issue a statutory code of practice for member landlords and placed a duty on the Ombudsman to monitor compliance. The statutory Complaint Handling Code took effect on 1 April 2024. Trident will complete and publish an annual self-assessment against the Code.

4.7 Tenant Satisfaction Measures – Trident will collect, report and publish the information required by the Regulator of Social Housing, including measures relating to effective complaint handling and residents' perceptions of how complaints are managed. Relevant surveys will also explain how residents can make a complaint.

5 Definition

5.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Trident, its employees, or those acting on its behalf, affecting an individual resident or group of residents. A person does not have to use the word 'complaint' for Trident to recognise and record their dissatisfaction as a complaint.

5.2 Service request: A request from a resident requiring action to be taken to put something right. Service requests are not complaints but will be recorded, monitored and reviewed. If a resident expresses dissatisfaction with the response to, or handling of, a service request, Trident will recognise and deal with this as a complaint.

6. How to make a complaint

6.1 Complaints can be made by telephone, email, through Trident's website, in writing or in person to any Trident employee. The Customer Experience Team will ensure that each complaint is recorded on the case-management system and allocated to an appropriate responding officer. Trident will not require complaints to be submitted in a particular format.

6.2 An expression of dissatisfaction made through a survey is not automatically treated as a complaint. Wherever possible, the person completing the survey will be told how they can pursue a complaint if they wish. Where Trident seeks wider feedback about its services, information about how to complain will also be provided.

6.3 Customers may provide feedback anonymously. Trident will record and investigate anonymous feedback where possible, but may be unable to respond or provide updates if no contact details are supplied.

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 explained as follows:

8. Resolving a Concern

8.1 When Trident receives a request for action to put something right, it will treat this as a service request and seek to resolve it promptly. If the resident expresses dissatisfaction with the response to, or handling of, that request, or the matter otherwise meets the complaint definition, it will be recorded and acknowledged as a Stage 1 complaint

8.2 A complaint will not prevent, stall or impact on actions needed to resolve the service request raised.

8.2.1 All responding officers must contact the complainant at the beginning of the investigation to introduce themselves, and again before the final response letter is issued to explain their findings and the outcome of the complaint.

9. Stage 1- Initial Complaint

9.1 When a complaint is received, the Customer Experience Team will record it on Trident's case-management system and acknowledge it within five working days. The acknowledgement will identify the responding officer, confirm the date by which the Stage 1 response is due, set out Trident's understanding of the complaint and the outcome sought, and clarify any aspects that do not fall within Trident's responsibility.

9.2 Where a matter is not accepted as a complaint, the Customer Experience Team will write to the resident explaining why it is not suitable for the complaints process and advising them of their right to ask the Housing Ombudsman Service to consider that decision. The decision will be made in accordance with section 15 of this policy.

9.3 Trident will issue its Stage 1 response within ten working days of acknowledging the complaint. If an extension is required, it will explain the reasons to the resident before the deadline and confirm a revised response date. An extension will not exceed a further ten working days without good reason. Trident will also provide the Housing Ombudsman Service's contact details.

9.4 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.

9.5 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.

9.6 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.

9.7 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.

9.8 Trident will explain any actions needed to resolve the complaint and will work with the complainant to agree access, appointments or information reasonably required to complete those actions. Where the complainant is unable to assist, Trident will consider reasonable adjustments and alternative ways to progress the remedy.

9.9 When the answers to the complaint are known, the Customer Experience Team will issue the Stage 1 response on behalf of the responding officer without waiting for every outstanding action to be completed. The response will explain the findings, decision, reasons, remedies and any action already taken or planned. Outstanding

actions will remain recorded and monitored, and the resident will receive appropriate progress updates until they are completed. The complaint record will then be updated.

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

9.11 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 A resident may ask for their complaint to be escalated to Stage 2 if they remain dissatisfied with any aspect of the Stage 1 response. They do not have to explain their reasons for escalation. Trident will make reasonable efforts to understand which issues remain unresolved and the outcome the resident is seeking.

10.2 Residents may request escalation to Stage 2 through any available complaint channel. Trident will not require them to provide a reason for escalation and will not refuse an escalation solely because a set period has passed. Where there has been a significant delay, Trident may ask for clarification and will consider the resident's individual circumstances before deciding how to proceed

10.3 The Customer Experience Team will record and acknowledge the Stage 2 complaint within five working days. The review will be allocated to a responding officer who was not involved in the Stage 1 decision and who has sufficient independence to reconsider the complaint fully. The acknowledgement will confirm the complaint issues, the outcomes sought and the Stage 2 response deadline.

10.4 Trident will issue its Stage 2 response within twenty working days of acknowledging the escalation. If an extension is required, Trident will explain the reasons before the deadline and confirm the revised response date. An extension will not exceed a further twenty working days without good reason. The resident will also be given the Housing Ombudsman Service's contact details.

10.5 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.

10.6 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.

10.7 The Stage 2 response will be issued when the answers to the complaint are known and will not be delayed until every outstanding action is completed. It will set out the complaint issues, findings, decision, reasons, remedies and any action already taken or planned, and will confirm that Trident's internal complaints process is complete. Outstanding actions will remain recorded and monitored, with appropriate updates provided to the resident until completion. The response will explain the resident's right to refer the complaint to the Housing Ombudsman Service. The Customer Experience Team will update the complaint record. 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 complain to an external body. These rights and associated procedures will depend on what aspect of the organisation the complaint concerns.

11.5 After Trident's two-stage complaints process is complete, residents within the Housing Ombudsman's jurisdiction may refer their complaint directly to the Housing Ombudsman Service. Residents may contact the Housing Ombudsman at any point during the complaint for advice and support; they do not need to approach a Member of Parliament or councillor first.

11.6 Where Trident receive enquiries from MP's they will be worked as request for service. The enquiry will be assessed against the complaint definition and handled as a complaint where appropriate. 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.

11.7 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 about Care and Support Services:

12.1 Complaints about care and support services delivered by Trident will first be considered through Trident's complaints process, including where a service is commissioned or monitored by a local authority, the NHS or another body. Trident will explain any additional right to approach the commissioner, regulator or relevant ombudsman and, where appropriate and with consent, will cooperate with those organisations. 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.

12.2 Trident will meet its Duty of Candour obligations for regulated care services where a notifiable safety incident occurs. This includes being open and transparent with the relevant person, providing an explanation and apology, keeping a written record and completing any notification required by the Care Quality Commission. Complaints about the incident will still be handled through this policy where appropriate.

12.3 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 Complaint about Building Safety

13.1 For the purposes of the Building Safety Act 2022, a higher-risk building is generally an occupied residential building that is at least 18 metres in height or has at least seven storeys and contains at least two residential units. Each higher-risk building has an accountable person and a principal accountable person responsible for managing building safety risks and engaging residents on structural and fire safety matters.

13.2 A relevant building safety complaint is a complaint about a building safety risk in a higher-risk building or about how an accountable person or principal accountable person has performed a duty under the Building Safety Act 2022. Residents may raise these complaints through the same channels as any other complaint, and Trident's two-stage complaints process will apply. These can be 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 'principal accountable person'.

13.3 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.

13.4 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.

13.5 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.

13.6 If a resident remains dissatisfied after completing Trident's complaints process in relation to a relevant higher-risk building safety complaint, they may refer the matter to the Building Safety Regulator. Trident will provide the regulator's current contact details in the final response and will explain any separate right to approach the Housing Ombudsman Service.

14 Assisting Customers with Complaints

14.1 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.

14.2 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.

14.3 Trident is committed to ensuring that no one is disadvantaged when using the complaints process. We will ask in the acknowledgement whether the individual requires a reasonable adjustment and will make reasonable adjustments for disabled people in accordance with the Equality Act 2010. Support may include accessible formats, interpreting or translation, alternative communication methods, advocacy, additional time or assistance to explain and progress the complaint.

15 Exceptions to the Complaints Policy

15.1 The following matters will normally be handled under another procedure rather than as the substantive subject of a complaint. However, dissatisfaction with Trident's handling of any of these matters may be considered through the complaints process:

- 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
- Legal proceedings have started in relation to the same matters. This means that details of the claim, such as the Claim Form and Particulars of Claim, have been filed at court. The existence of legal advice, a pre-action claim or other legal correspondence will not by itself prevent Trident from considering a complaint.
- The issue giving rise to the complaint occurred more than twelve months before the complaint was made, or the resident became aware of it more than twelve months before making the complaint. Trident will consider whether there are good reasons to accept an older complaint and will exercise discretion where it would be fair and reasonable to do so, taking account of the resident's individual circumstances and the availability of evidence.
- A previously concluded complaint will not normally be reopened unless the resident presents material new evidence, identifies that agreed actions have not been completed, or raises a new issue that has not already been considered.

15.2 Where Trident decides not to accept or escalate a complaint, it will consider the circumstances individually and will not apply exclusions as a blanket rule. Trident will write to the resident explaining the reasons for its decision and advising them of their right to ask the Housing Ombudsman Service to consider that decision.

15.3 If a resident or external party is dissatisfied with how Trident has handled an Anti-Social Behaviour (ASB), Health and Safety, or Safeguarding concern, they have the right to raise a formal complaint.

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 Where Trident identifies service failure, it will consider an appropriate remedy in accordance with its Compensation Policy and the circumstances of the case. This may

include reimbursement of evidenced financial loss, compensation for avoidable distress and inconvenience, and recognition of the resident's time and trouble. The remedy will be proportionate to the failure and its impact and will be explained clearly in the complaint response

16.3 Any compensation or ex gratia payment will be authorised in accordance with Trident's Compensation Policy and delegated approval arrangements. The complaint response will provide a clear breakdown of the remedy offered. Any proposal to offset a payment against money owed to Trident will be considered in line with the Compensation Policy, applicable legal requirements and the resident's individual circumstances.

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 will treat all complaints fairly, without discrimination or prejudice, and will consider each person's individual circumstances. Trident will make reasonable adjustments to the complaints process where required under the Equality Act 2010 and will keep agreed adjustments under review throughout the complaint.

18 Vexatious and Unreasonable Complaints

18.1 Trident is committed to investigating and responding to complaints fairly, thoroughly and within the published timescales. In a small number of cases, a person's behaviour may obstruct the investigation, place disproportionate demands on resources or be abusive or threatening. Any response will focus on the behaviour and its impact, not on labelling the individual or restricting their right to have a complaint considered. 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.

18.1 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 The Customer Experience Team will monitor complaints and report performance, themes, outcomes, remedies and learning to the appropriate executive and governing bodies at agreed intervals. Trident will publish relevant complaint performance and learning information for residents, including its annual complaints performance and service improvement report.

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 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.

19.5 Cross-Departmental Complaint Case Review meetings will take place every 2 weeks and 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 Situation Reports will be provided to the Board to include detailed information relating to complaints along with performance and monitoring data.

19.7 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.

19.8 Trident staff must adhere to the professional standards for handling complaints as established by the relevant professional body.

19.9 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.

20 Compliments

20.1 Compliments are a valuable source of feedback. They will be recorded, shared with the relevant employee or service, and used to recognise good practice and identify learning that can be applied across Trident. Compliment themes will be included in regular feedback reporting alongside complaints and service requests.

21 Self-Assessment

21.1 Trident will complete an annual self-assessment against the Housing Ombudsman's statutory Complaint Handling Code. The self-assessment will be reviewed and approved by the governing body, published on Trident's website and submitted to the

Housing Ombudsman as required, alongside the annual complaints performance and service improvement report and the governing body's response.

22. Review

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

Appendix 1 - Complaints Process

Complaints Team

Ensure compliance with HoS Code of Conduct

Complaints Champions

Appropriately trained and engaged colleagues

Complaints Board

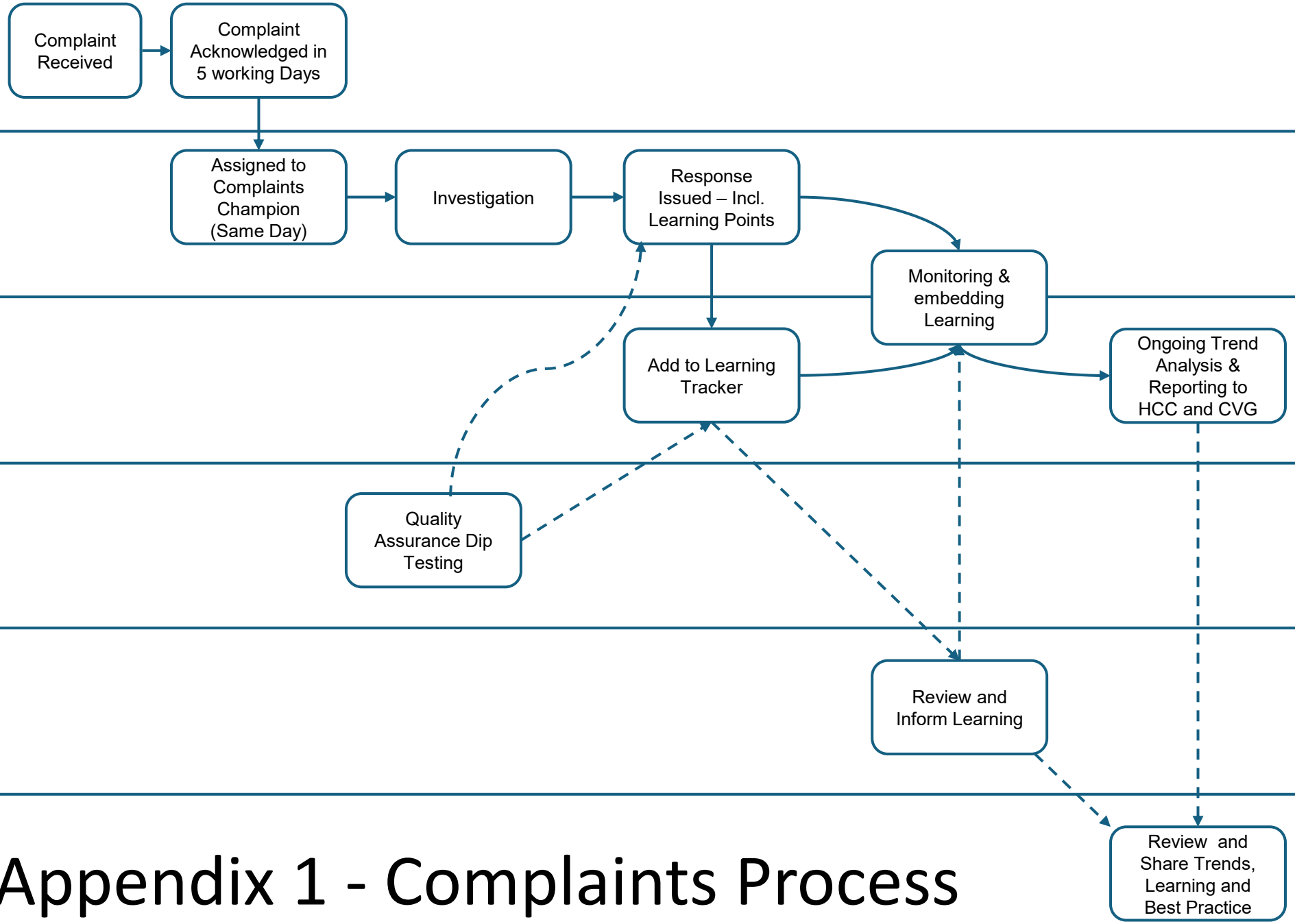
Senior, accountable Managers responsible for operational service delivery

Tenant Scrutiny Panel

Engaged tenants ensuring service quality assurance capacity by dip testing responses

Complaints Panel

Engaged tenants providing lived experience of complaints, informing learning and service adjustments

Complaints Peer Review Group

Peers from local providers sharing best practice and benchmarking around complaints handling