



## COMPLAINTS POLICY & PROCEDURES

### Introduction

This policy applies to the trustees of Ottery Feoffee Charity (the **Charity**) and seeks to ensure that the Charity's complaints process is flexible and responsive to the needs of individual complainants.

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

In dealing with complaints the Charity will ensure that:

- individuals who complain are listened to and treated with courtesy and empathy;
- residents will never be disadvantaged as a result of making a complaint;
- complaints will be investigated promptly, thoroughly, honestly and openly; and
- in dealing with complaints the Charity will comply with confidentiality and data protection policies.

For the purposes of this policy:

The **Complaints Officer** is:

Name: Tina Collins

Telephone number: 07865 098 253

Address: 2 Royal Oak, Stratton, Bude, EX23 9NP

Email address: clerk.feoffee.osm@gmail.com

The **Appeals Officer** is:

Name: An impartial trustee to be appointed specific to the complaint.

**A complaint** is defined as an expression of dissatisfaction, however, made, about the standard of service, actions, other residents, or lack of action by the Charity, its trustees, its contractors, or those acting on its behalf, affecting an individual resident or group of residents. The word "complaint" does not need to be used expressly for the matter to be considered a complaint.

A request from a resident to act to put something right (e.g., to carry out routine maintenance etc.) is considered to be a **service request** and not a complaint. Service requests should be dealt with in accordance with the Residents' Handbook. Failure to deal appropriately with a service request may lead to the matter being dealt with as a complaint.



Complaints made by residents may be made by the resident's carer, family members or a representative of a resident.

Complaints made by individuals affected by the Charity, who are not residents, must be made by the individual themselves or a legal representative.

## **Exclusions**

The Charity will not be able to deal with an issue through the complaints process if:

- a complaint relates to a legal matter that is already being dealt with by a solicitor or where legal proceedings have been issued;
- the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint;
- the issue giving rise to the complaint occurred over six months ago, unless relating to safeguarding or health and safety issues; or
- the matter has already been considered under the complaints policy and a decision issued.

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

## **Accessibility**

Complaints will be dealt with in a manner that is consistent with the Charity's Equality & Diversity Policy.

If any individual making a complaint wishes the Charity to make reasonable adjustments to accommodate an individual's particular needs they, or their representative, should contact the Clerk by phone, email, or in person to discuss what adjustments may be possible.

## **Dealing with minor complaints**

Where appropriate individuals should consider raising minor complaints informally in the first instance with the Clerk, either in person or by phone, as this can lead to better understanding and very often to a quick resolution of the issue.

The Clerk will keep a record of minor complaints that are dealt with in this manner.



## **Stage One of the Complaints Process**

Complaints should be made either in writing or by email to the Clerk.

The initial complaint should include sufficient detail, and where appropriate supporting documentation, to enable the Charity to investigate the matter.

The Clerk will acknowledge the complaint and make a record, within 5 days. The acknowledgement will:

- summarise the Charity's understanding of the complaint;
- summarise the Charity's understanding of what the Complainant is seeking as an outcome;
- raise any questions that require clarification from the Complainant; and
- set out the next course of action and anticipated timescale.

In most cases, the Charity will aim to resolve complaints within 10 working days from the receipt of the complaint. In exceptional cases, if the Clerk anticipates that the particular complaint will take longer to resolve, this should be explained and a clear timeframe set out for the resolution of the complaint which should not exceed a further 10 working days, without good reason.

If the Clerk believes that the complaint will take longer than 20 working days to resolve then the Clerk will seek to agree the timeframe with the Complainant. If no agreement can be reached with the Complainant, the Complainant should be advised to raise the matter with the Housing Ombudsman (see details below).

The Clerk will investigate the complaint in an impartial manner permitting all relevant parties to provide information. The Complainant and any third parties involved in the complaint should be given the opportunity to set out their position before any final decision is made. The Clerk may delegate the management and investigation of the complaint to another individual.

If the Clerk is conflicted, or the complaint relates to the Clerk, the complaint should be directed to the Chair of the Trustees whose details are in the Residents' Handbook.

The Clerk will:

- deal with all complaints on their merits;
- act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about;
- take appropriate measures to address any actual or perceived conflict of interest (which may include asking another trustee to investigate the complaint);
- consider all information and evidence carefully; and
- keep the details of the complaint confidential as far as possible, with information only being disclosed if necessary to properly investigate the matter.



If the complaint involves questions relating to the Charity or the Complainant's legal obligations, the Clerk will set out clearly their understanding of the respective legal obligations and may seek legal advice before doing so.

The Clerk will provide the Complainant with a response to the complaint at the earliest opportunity, which will be copied to all of the trustees.

If the Clerk identifies that further actions are required to address the complaint these may be carried out after the response has been given and should not delay the Complainant receiving a response to the complaint.

In responding to the complaint, the Clerk will:

- address all issues that have been raised, provide clear reasons for any decisions and, where appropriate, refer to relevant policy, law, and good practice;
- give a clear decision; and
- if appropriate, set out any steps that will be taken to remedy the issue.

If new issues are raised by the Complainant during the stage one process, these should be dealt with as part of the process if they are relevant. However, if the issues relate to a different issue and/or are raised after the response has already been issued, the issues will be dealt with as a separate complaint.

## **Stage Two**

If the Complainant is not satisfied with the response from the Clerk they have 5 working days to submit an appeal in writing or by email to the Appeals Officer, who will be a nominated Trustee.

The Appeals Officer will acknowledge the appeal within 5 working days of the receipt of the appeal. The acknowledgment may include any requests for clarification that relate to the appeal.

The Appeals Officer will arrange a meeting with the Complainant to be held within 10 working days of the appeal being submitted. The Appeals Officer will be assisted by two trustees at the meeting.

The Appeals Officer will respond in writing to the complainant within 20 working days of the appeal being submitted, informing them of the outcome of the appeal process and the decision of the Appeals Panel.

If the Appeals Officer believes that the appeal will take longer than 20 working days to resolve then this should be agreed with the Complainant. If no agreement can be reached with the Complainant, the Complainant should be advised to raise the matter with the Housing Ombudsman (see details below).



In responding to the appeal, the Appeals Officer will:

- address all issues that have been raised, provide clear reasons for any decisions and, where appropriate, refer to relevant policy, law, and good practice;
- set out the clear decision of the Appeals Panel; and
- if appropriate, set out any steps that will be taken to remedy the issue.

The decision of the Appeals Panel will be final.

### **Circumstances in which a complaint may be closed:**

If a complaint is pursued unreasonably or where a Complainant's actions or behaviours are deemed to be unreasonable, the Charity reserves the right to close the complaint.

If a Complainant displays threatening or abusive behaviour or language (whether verbal or written), that causes trustees or related third-parties to feel threatened, abused and/or continues to contact the Charity with unreasonable demands during/following a complaint investigation a complaint may be closed and, if the Complainant is a resident, this may be grounds for their appointment to be set aside.

In cases where the trustees bring the complaint to an end in accordance with this section of the policy, they will inform the Complainant of their reasons.

### **Housing Ombudsman Service**

The contact details for the Housing Ombudsman Service are:

Telephone: 0300 111 3000

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

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

Address: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ.

### **Annual Review**

This policy will be reviewed on an annual basis.

The Charity will carry out an annual self-assessment in accordance with the Code.