

# Pinnock's Charities – Complaints Policy

For St Thomas's Almshouses, Gravesend, DA11 7LA

*Updated: 16<sup>th</sup> February 2021      Adopted: 12<sup>th</sup> March 2021      For Review: March 2022*

The aim of the policy is to ensure that the complaints process is flexible and responsive to the needs of individual complaints. The policy seeks to ensure that:

- residents who complain are listened to and treated with courtesy and empathy
- residents will never be disadvantaged as a result of making a complaint
- complaints are investigated promptly, thoroughly, honestly and openly
- apologies are given as appropriate
- complaints handling will comply with confidentiality and data protection policies

Complaints may be made by residents, their carers and families or a representative of a resident.

The PINNOCK'S CHARITIES 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
- the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint.

Residents should be encouraged to raise minor complaints informally in the first instance, preferably verbally, as this can lead to better understanding and very often to a quick resolution of the issue.

If the complaint cannot be solved quickly or if the complaint is more serious, it should be made in writing. A written complaint should include sufficient detail to enable the charity to investigate.

Complaints should be made to the Clerk in the first instance, who will acknowledge receipt of a written complaint within 10 working days. This acknowledgement will indicate the next course of action and the anticipated timescale. The charity will seek to resolve the complaint as a matter of urgency.

If the complainant is still not satisfied with the outcome they have 14 working days to submit a written appeal, and the appeal will be dealt with by the Chair of Trustees who will convene a special meeting within 10 working days of the appeal being submitted.

The Chair of Trustees will respond in writing to the complainant within 7 working days advising of the action taken to resolve the complaint.

If the complainant is still not satisfied with the response then the matter could be dealt with through the Housing Ombudsman Service. This is an independent service. (Please see Appendix to this Policy)

Or

The decision of the trustees will be final. (Please see Appendix)

- If a complaint is pursued unreasonably or where a resident's actions or behaviours are deemed to be unreasonable, the PINNOCK'S CHARITIES reserves the right to close the

complaint. A complainant who displays threatening or abusive behaviour or language (whether verbal or written), that causes staff or trustees to feel threatened, abused and/or continues to contact the charity with unreasonable demands during/following a complaint investigation, may have their appointment set aside.

- In cases where Trustees consider a complaint is being unreasonable and overly persistent and decide to bring the complaint to an end, they will inform the complainant of their reasons.

**This policy has been approved for issue by the board of trustees of PINNOCK'S CHARITIES**

Signature:.....

Name:.....

Date:.....

## **Appendix to Complaints**

If the charity is not currently a Registered Provider, or formerly registered with the Regulator of Social Housing (RSH), the charity is not obliged to progress the complaint further beyond the trustee body.

If the charity is a Registered Provider (or has de-registered from the RSH) and if the resident remains dissatisfied following consideration by, and the decision of the trustees, the resident has the right to take the complaint to The Housing Ombudsman Service.

### **Complaints referred to the Housing Ombudsman Service**

Charities that are or have been registered with the RSH (i.e. Registered Providers) are required to join the Housing Ombudsman Service. Where charities are registered with the Ombudsman residents can ask for their complaint to be considered by a 'designated person' when the charity's internal complaints procedure is finished. This is known as the Democratic Filter.

Designated persons were introduced by the Government to improve the chances of complaints about housing being resolved locally. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues.

A 'designated person' can be an MP, a local Councillor, or a Resident Panel (\*) (see more information below) who can help resolve the complaint in one of two ways. They can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman. If they refuse to do either the resident can contact the Ombudsman directly.

If complaints to the Ombudsman are not referred by a designated person, there must be at least eight weeks from the end of the complaint process before the Ombudsman can consider the case. The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

In summary, if a complaint is not resolved at the end of the complaints procedure, the resident can either refer the matter to a designated person or wait eight weeks and then refer the matter directly to the Ombudsman.

When the Ombudsman receives a complaint they will ask if it has been referred to a designated person and if not, will ask the reasons for this. They will either then refer the matter to a designated person or if the resident is clear that they do not want to make use of that opportunity for local resolution, (if it is more than eight weeks from the end of the landlords complaint process) the Ombudsman will consider the case.

Further information on the Housing Ombudsman can be found here <https://www.housing-ombudsman.org.uk/>

#### **Resident Panels (\*)**

The designated Resident Panel has a specific function in the complaint process. It can help to resolve the complaint in two ways; it can try to resolve the complaint itself or it can refer the complaint direct to the Ombudsman. The Resident Panel can try to put things right in whichever way it thinks will work best. This could be, for example, by acting as an advocate for the complainant, by giving advice, providing a review of the way the complaint has been handled or being more proactive and suggesting a solution. If the complaint is not resolved by the Resident's Panel, it can refer the complaint to the Housing Ombudsman Service. The law says that this referral has to be in writing.

If they wish, residents of the charity can set up a Residents' Panel with the support of the charity. Panels have to be registered with the Ombudsman. It is the charity's responsibility to register a panel with the Ombudsman once it has been recognised and to inform the Ombudsman of any subsequent changes. This will help the Ombudsman identify whether a complaint is referred by a designated Residents' Panel.