**RESIDENTS’ COMPLAINTS POLICY & PROCEDURES**

**DEFINITION OF A COMPLAINT**

According to the Housing Ombudsman, a complaint is ‘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’.

**POLICY**

* It is the policy of Dorchester Municipal Charities (DMC, the Charity) to enable any Resident who is a Beneficiary of the Charity to make complaints freely and easily.
* Residents are encouraged to speak out without fear of prejudice or recriminations.
* The Trustees recognise that positive complaints handling is integral to the effectiveness with which DMC resolves disputes, learns and improves, provides a quality service and maintains a good relationship with Residents.
* DMC recognises the need for accountability and transparency when dealing with complaints.
* The Charity values the learning experience of the complaints process in pointing out changes that may be required to the Charity’s processes to provide a better service.
* Complaints may be periodically reviewed by a Residents committee, if one is in place, or a group of Trustees, to improve the service provided to Residents.
* The Residents’ Complaints Policy & Procedures document is provided to all new Residents and to existing Residents following amendments. A reminder is sent to Residents each year in a newsletter. The policy is also available on the Charity’s website and in the Chubbs Community Room policy folder.
* Information about the number of complaints, their nature and outcomes including any learning and improvement, is published each year in the Annual Report.
* DMC completes a complaints self-assessment each year and publishes the results on its website.

**The complaint**

* All complaints are dealt with as confidential and in accordance with the Charity’s Privacy Notice.
* DMC accepts complaints from individuals or an authorised advocate eg a family member, carer or professional advocate.
* DMC shall explain to residents where a desired outcome is unreasonable or unrealistic.
* Where a key issue of a complaint relates to legal obligations, DMC shall clearly set out its understanding of the obligations of both parties and seek clarification if this is not clear.
* The complaint investigation shall be dealt with in an impartial manner, seeking sufficient, reliable information from both parties so that fair and appropriate findings and recommendations can be made.
* The complaint investigator shall deal with complaints on their own merits, act independently with an open mind, address any actual or perceived conflict of interest, consider all information carefully, keep the investigation as confidential as possible, disclosing information only if necessary to properly investigate the matter.
* Residents may be represented and/or accompanied at any meeting with the Charity, where this is considered reasonable.
* Residents and any Staff member will be given a fair opportunity to set out their position and comment on any adverse findings of the investigation, before a final decision is made.
* DMC reserves the right to exercise discretion in how to respond to a complaint, via the Management Team. Residents will be given clear explanations of circumstances when this is used eg when refusing to escalate a complaint through all stages of the complaints procedure.

**When complaints will not be investigated**

* Complaints will not be pursued in the following circumstances:
	+ If the issue giving rise to the complaint happened over six months ago. If the complaint is part of a recurring issue, DMC will consider older reports as part of the background of a complaint if this helps resolve it
	+ If legal proceedings have been started. DMC will ensure Residents are not left without a response for long periods eg where a letter before action has been received or issued but proceedings have not started, or settlement agreement reached
	+ If the issue is related to a liability issue that is subject to an insurance claim
	+ The complaint has been considered already
	+ The complaint is being pursued in an unreasonable manner.
* If DMC does not accept a complaint, a detailed explanation will be provided to the Resident, setting out the reasons why the matter is not suitable for the complaints process. A Resident has the right to challenge this decision by taking their complaint to the Housing Ombudsman who may instruct DMC to take on the complaint. DMC shall cooperate with requests for evidence from the Ombudsman and provide this within 15 working days or if later, with an explanation for the delay.

**Closure of a complaint**

* A complaint may be closed if:
	+ It is pursued unreasonably or where a Resident’s actions or behaviours are deemed to be unreasonable. The Charity’s Anti-Social Behaviour Policy may be instigated and 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.
	+ Trustees consider a complainant is being unreasonable and overly persistent and decide to bring the complaint to an end. They will inform the complainant of their reasons.
* Any restrictions on a Resident’s contact due to unacceptable behaviour shall be appropriate to their needs in line with the Charity’s Equality and Diversity Policy.

**Putting things right**

* When something has gone wrong, DMC shall acknowledge this and set out the actions already taken or intended with an apology, an explanation and information about what changes are made to prevent a similar issue if, for example:
	+ There was an unreasonable delay
	+ Inaccurate or inadequate advice, explanation or information provided to the Resident
	+ The Charity’s policy or procedure was not followed correctly without good reason
	+ There was a factual or legal error that impacted on the outcome for the Resident
	+ There was unprofessional behaviour by Staff.
* However, the Charity will not make promises to the Resident that cannot be delivered or would cause unfairness to other Residents.

**The remedy**

* Any remedy shall reflect the extent of any service failures and the level of detriment caused to the Resident as a result, such as:
	+ An acknowledgment where things have gone wrong
	+ An explanation, assistance or reasons
	+ An apology
	+ Action if there has been a delay
	+ Reconsidering or changing a decision
	+ Amending a record
	+ Providing a financial remedy
	+ A change of policy, procedure or practice.
* Trustees shall consider certain factors when considering the appropriate remedy such as:
	+ The length of time the situation has been ongoing
	+ The frequency
	+ Severity of any service failure or omission
	+ The number of failures
	+ Cumulative impact on the Resident
	+ The Resident’s particular circumstances or vulnerabilities.
	+ Further information is available on the Housing Ombudsman website
* Trustees shall set out the remedy offered clearly, what will happen and when, in agreement with the Resident, where appropriate.
* If awarding compensation, the Charity shall consider any due statutory payments if eg losses have been incurred, in addition to the time, trouble and stress the situation has caused the Resident.

**RESOLVING ISSUES**

* Issues such as maintenance items should be referred initially to the Warden or General Manager and will be recorded in the relevant place.
* DMC Staff aim to resolve minor issues promptly but if the problem is not resolved within 8 weeks or there is a persistent issue such as loud noises or matters affecting health and safety, Residents may put a complaint in writing to the General Manager.
* A complaints form is available from the office if required.

**COMPLAINTS PROCEDURE**

**Stage 1**

* Once a complaint form is received via the Charity’s website, email or by hand, the General Manager takes the following steps:
	+ *Within 5 working days, unless absent*: Acknowledges the complaint, confirming their understanding of the complaint and outcomes being sought by the resident, including confirming the use of a representative if the Resident wishes it
	+ Logs the complaint
	+ *Within 10 working days or 20 days if this is not possible, with an explanation to the Resident*: Investigates the problem and discusses the findings with the Resident. The Resident will be advised of progress on a weekly basis.
	+ The Resident will be given the opportunity to comment on any adverse findings before a final decision is made.
	+ If the General Manager decides the matter is of a serious nature or may need a change in policy, it will be referred to the Welfare Group.
	+ A full record shall be kept of the complaint, any review and the outcomes at each stage, including the original complaint, date received, correspondence with the Resident and/or with other parties and any reports or surveys prepared.
* If the outcome of this investigation is not satisfactory, the Resident may ask for the matter to be considered further by the Trustees.
* If the matter concerns the General Manager, the Resident may contact any Trustee directly if they wish. A list of Trustees is provided to Residents and is also available from the office.

**Stage 2**

* *Within 20 working days of the original request or up to 30 days if this is not possible, with an explanation to the Resident and a date when the response shall be available:* Matters passed to the Trustees will be dealt with by the relevant Working Group or if necessary at a full Board of Trustees Meeting, at the discretion of the Management Team.
* The Trustees may decline to take a complaint to stage 2 if
	+ more than 20 working days has elapsed since the previous stage of the complaint.
	+ The Resident has provide no reasons for disagreeing with the stage 1 response.
* The Trustees will inform the Resident if they decide not to escalate a complaint, with a full explanation of the reasons, making clear that the previous response was the final response and providing information on referral to the Housing Ombudsman.
* In they accept a complaint at stage 2, the Trustees will consider:
	+ what the stage 2 review will be about ie why the Resident is dissatisfied and whether any part of the complaint has been resolved.
	+ Who will undertake the review
	+ What evidence needs to be gathered ie comments from those involved, relevant policies and records, inspections and so on
	+ How long the review will take and when it will be completed.
* The Trustees may make arrangements to meet with the Resident and any other parties involved at their discretion.
* After the matter has been discussed the Trustees will write to the Resident to advise of action taken to resolve the complaint and to notify the Resident of the outcome.

Please note that at either stage 1 or 2, it may be necessary for DMC to extend the investigation time due to due to a delay by a third party in providing information, requiring further time to undertake interviews or needing longer to acquire all the information required from multiple sources to enable the Charity to properly investigate a long-standing, complex case

**Complaint response**

* DMC shall respond to complaints using plain language, appropriate to the Resident
* Communication with the Resident will not generally identify individual members of Staff or contractors as their actions are undertaken on behalf of the Charity.
* At the completion of each stage of the process, DMC will write to the Resident advising them of the following:
	+ The complaint stage
	+ Address all points raised by the complainant in the outcome, including reference to the relevant policy, law and good practice where appropriate
	+ Clear reasons for any decision made
	+ Details of any remedy offered to put things right
	+ Details of any outstanding actions
	+ Details of how to escalate the matter if dissatisfied.

**DESIGNATED PERSON**

* If the complaint has not been resolved satisfactorily by the Charity, the Resident may take their complaint to a ‘Designated Person’. This person is a local contact like a Councillor, MP or Residents’ Panel. Details of local Designated Persons are available from the office.
* Their role is to help resolve disputes between residents and their landlords which they can do in whatever way they think is most likely to work.
* The Resident sends details of the complaint to the chosen Designated Person, stating why he/she remains dissatisfied and what they expect DMC to do to put it right.
* The Designated Person will deal with the complaint in the way they think best and may contact the Housing Ombudsman, within 8 weeks of the final decision on the complaint, to take the issue forward.
* Residents may contact the Housing Ombudsman directly after 8 weeks of the final decision on the complaint, if the Designated Person cannot help.

**HOUSING OMBUDSMAN**

* Dorchester Municipal Charities, is a Registered Social Landlord and Residents may take their complaint to the Housing Ombudsman, of which DMC is a member (Chubb, Whetstone and Napper’s Almshouses, reference number A2868).
* The Ombudsman will consider the complaint if 8 weeks have passed since the end of the DMC complaints process and the complaint falls within their jurisdiction.
* Residents should provide the Housing Ombudsman with full details of the complaint.

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

Address: Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

Telephone: 0300 111 3000

**CHARITY COMMISSION**

* Dorchester Municipal Charities, Charity reference number: 201387 (Chubb, Whetstone and Napper’s Almshouses), is a Registered Charity with the Charity Commission, the independent regulator of charities that provides regulatory guidance.
* The Charity Commission does not act as a complaints service and most complaints should be dealt with by the Charity directly. However, the Charity Commission will investigate issues such as:
	+ a charity not following the law, with damaging consequences to its reputation and public trust in charities generally
	+ serious harm to the people the charity helps or other people who come into contact with the charity through its work
	+ a person or organisation receiving significant financial benefit from a charity
	+ criminal, illegal or terrorist activity
	+ a charity set up for illegal or improper purposes
	+ a charity losing significant amounts of money
	+ a charity losing significant assets, for example land or buildings
* Residents may contact The Charity Commission with full details and evidence of their concern:

Online form: <https://www.gov.uk/complain-about-charity>

Address: Charity Commission, PO Box 211, Bootle, L20 7YX

Telephone: 0300 066 9197

* Please note that the Charity Commission may not take further action if there is no evidence of the concern.

**BIBLIOGRAPHY**

Almshouse Association, *Standards of Almshouse Management 6th Edition*, 2014

Almshouse Association, Complaints Model Policy v3, September 2019

Charity Commission, *Complain about a Charity,* [*https://www.gov.uk/complain-about-charity*](https://www.gov.uk/complain-about-charity), accessed December 2020

Homes and Communities Agency, *Tenant Involvement and Empowerment Standard*, July 2017

The Housing Ombudsman Service, <https://www.housing-ombudsman.org.uk/residents/understand-complaints-process/>, December 2020

The Housing Ombudsman Service, <https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/faqs-on-the-complaint-handling-code/>, December 2020