Complaints Policy

Peter Birtwistle Trust

Registered charity number: 1183388

Complaints Policy

1 Introduction

1.1 This policy applies to the trustees of Peter Birtwistle Trust (the **Charity**) and seeks to ensure that the Charity's complaints process is flexible and responsive to the needs of individual complainants to enable residents to be heard and understood.

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.

1.2 A **complaint** is defined as: "an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Charity, its trustees, its own staff, or those acting on its behalf, affecting an individual resident or group of residents".

1.3 The word "complaint" does not need to be used expressly for the matter to be considered a complaint. Whenever a resident expresses dissatisfaction the Charity must give them the option to make a complaint. Complaints made by residents may be made by the resident's carer, family members or a representative of a resident and these must be handled in line with the Charity's complaints policy.

1.4 Complaints can be made to any staff member of the Charity. This can be done in a number of ways which include:

- Telephone
- Face to face
- Email
- Letter

1.5 A service request is a request from a customer requiring action to be taken to put something right. (e.g., to carry out routine maintenance etc.) **service request**s are 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.

1.6 Service requests will be recorded, tracked and monitored to completion

1.7 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Charity must not stop its efforts to address the service request if the resident raises a complaint.

1.8 An expression of dissatisfaction with services made through a resident's survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Charity has asked for wider feedback about their services, they will provide details of how residents can raise a complaint.

1.9 In dealing with complaints the Charity will ensure that:

(a) individuals who raise a complaint are listened to and treated with courtesy and empathy;

(b) residents will never be disadvantaged as a result of raising a complaint;

(c) complaints will be investigated promptly, thoroughly, honestly, and openly; and

(d) in dealing with complaints the Charity will comply with confidentiality and data protection policies.

2 Exclusions

2.1 The Chairty must accept a complaint unless there is a valid reason not to do and will consider each complaint in context.

2.2 The following matters will not be considered as complaints:

(a) The issue giving rise to the complaint occurred over twelve months ago.

(b) Legal proceedings have begun as defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at Court.

(c) Matters that have previously been considered under the complaints policy.

(d) the complainant is anonymous, unless there is sufficient documentary evidence to substantiate the complaint.

(e) The complaint relates to persons, agencies or services not connected to, or on behalf of, the Charity.

2.3 Unless excluded on other grounds, the Charity must accept complaints referred to them within 12 months of issue occurring or the resident becoming aware of the issue. Where there are good reasons to do so, the Charity must

also consider whether to apply discretion to accept complaints made outside the time limit.

2.4 If a complaint is not accepted a detailed explanation will be provided to the resident 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.

3 Unreasonable behaviour

We understand that complainants can get upset and frustrated when things have gone wrong.

3.1 If the Charity feels a complaint is pursued unreasonably, including any actions or behaviours of the resident/representative, these complaints will be reviewed in line with the charity's unreasonable behaviour policy.

3.2 All complaints will be reviewed on an individual basis

3.3 If any restrictions are put in place, these will proportionate and demonstrate regard for the provisions of the Equality Act 2010.

3.4 The charity will ensure any restrictions will be recorded, monitored and reviewed regularly and the complainant updated following the review.

3.5 Any restrictions in place will not prevent the Charity from ensuring the complaint can be taken be through the full complaints process.

4 Accessibility and awareness

4.1 Complaints will be dealt with in a manner that is consistent with the Charity's Equality & Diversity Policy and the Charity's duties under the Equalities Act 2010.

4.2 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 *nominated lead for Equality & Diversity matters (name)* whose details are in the Residents' Handbook, by phone or by email or in person to discuss what adjustments may be possible.

4.3 The Charity acknowledges that a high volume of complaints must not be seen as negative, as this can be indicative of a well-publicised and accessible complaints procedure. Low complaint volumes are potentially a sign that residents are unable to complain.

4.4 The complaints handling policy will be listed in the Residents Handbook, published on the Charity's website, and awareness of the policy raised via the resident's newsletter.

4.5 Residents will have the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting. We will always follow data protection measures when disclosing any information to a third party.

5 Complaint handling staff

5.1 Complaints will be investigated by the Complaints Officer at Stage One.

5.2 Appeals will be investigated by the Appeals Officer at Stage Two.

5.3 If the Complaints Officer and/or the Appeals Officer are conflicted, or the complaint relates to the Complaints Officer and/or the Appeals Officer, the complaint should be directed to the Trustee who is the nominated MRC (member responsible for complaints) details available on request.

5.4 Staff will be suitably trained in the importance of complaint handling.

6 Complaints process

6.1 At each stage of the complaints process, complaint /appeals officers must:

a) deal with complaints on their merits;

b) act independently and have an open mind but may consider reports of previous complaints that relate to the same issue being complained about;

c) give the resident a fair chance to set out their position;

d) take measures to address any actual or perceived conflict of interest; (which may include asking another trustee to investigate the complaint);

e) consider all relevant information and evidence carefully.

f) keep the details of the complaint confidential as far as possible, with information only being disclosed if necessary to properly investigate the matter.

7 Stage One of the Complaints Process

7.1 The Complaints Officer will acknowledge the complaint and make a record, within 5 working days. The acknowledgement will:

(a) summarise the Charity's understanding of the complaint (The complaint definition);

(b) make clear which aspects of the complaint the Charity is, and is not, responsible for and clarify any areas where this is not clear;

(c) summarise the Charity's understanding of what the Complainant is seeking as an outcome;

(d) raise any questions that require clarification from the Complainant; and

(e) set out the next course of action and anticipated timescale.

7.2 The Charity will issue a full response within 10 working days from the complaint being acknowledged. In exceptional cases, if the Complaints Officer anticipates that the complaint will take longer to resolve, this will be explained to the resident with a clear timeframe set out for the resolution of the complaint which will not exceed a further 10 working days, without good reason. If any further extensions are required, this will be in agreement with resident who will be updated at regular intervals. Such explanation should also include the contact details of the Housing Ombudsman.

7.3 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

7.4 The Complaints Officer will investigate the complaint in an impartial manner permitting all relevant parties to provide information. The resident 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 Complaints Officer may delegate the management and investigation of the complaint to another individual.

7.5 If the Complaints Officer is conflicted, or the complaint relates to the Complaints Officer, the complaint should be directed to the Trustee who is the nominated MRC (member responsible for complaints) details available on request.

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

7.7 If new issues are raised by the resident during the stage one process, these will 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.

7.8 In responding to the complaint, the Complaints Officer will confirm in writing:

(a) The complaint stage

(b) The complaint definition

(c) The decision on the complaint

(d) The reasons for any decisions made

(e) The details of any remedy offered to put things right

(f) Details of any outstanding actions; and

(g) Details of how to escalate the matter to stage two if the individual is not satisfied with the result.

8 Stage Two of the Complaints Process

8.1 If the resident is not satisfied with the response from the Complaints Officer, they have 20 working days to submit an appeal (stage 2) in writing by email, via telephone call or in person to the Appeals Officer. The appeals officer will not be the same person that responded at stage 1 and whose details can be found in the Residents' Handbook and this policy. The charity will ensure that any request received after the 20 working days to escalate a complaint, will be assessed and dealt with on an individual basis.

8.2 The resident does not need to provide reasons for requesting the complaint to be escalated

8.3 The Appeals Officer will acknowledge the appeal within 5 working days of receipt and will

(a) summarise the Charity's understanding of the appeal (the complaint definition);

(b) summarise the Charity's understanding of what the resident is seeking as an outcome;

(c) raise any questions that require clarification from the resident; but acknowledge that reasons do not need to be given for the complaint to be escalated to appeal;

(d) set out the next course of action and anticipated timescale.

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

8.5 If the Appeals Officer believes that the appeal will take longer than 20 working days, this will be explained to the resident with a clear timeframe set out for the resolution of the complaint which will not exceed a further 20 working days. If any further extensions are required, this will be in agreement with resident who will be updated at regular intervals. Such explanation should also include the contact details of the Housing Ombudsman.

8.6 A complaint response will be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

8.7 In responding to the appeal, the Appeals Officer will confirm in writing:

(a) The complaint stage

(b) The complaint definition

(c) The decision on the complaint

(d) The reasons for any decisions made

(e) The details of any remedy offered to put things right

(f) Details of any outstanding actions; and

(g) Details of how to escalate the matter to the Housing Ombudsman will be provided if the complainant is not satisfied with the response to the appeal.

9 Putting things right where something has gone wrong

9.1 Where something has gone wrong the Charity must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

• Apologising;

• Acknowledging where things have gone wrong;

• Providing an explanation, assistance or reasons;

• Taking action if there has been delay;

• Reconsidering or changing a decision;

• Amending a record or adding a correction or addendum;

• Providing a financial remedy;

• Changing policies, procedures, or practices.

9.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.

9.3 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.

9.4 Charities must take account of the guidance issued by the Housing Ombudsman when deciding on appropriate remedies.

10 Scrutiny & oversight

10.1 The Charity has a senior lead person who is accountable for their complaint handling. This person will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

10.2 A member of the board of trustee's has been appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is known as the Member Responsible for Complaints (MRC)

11 Annual Review

11.1 This policy will be reviewed on an annual basis

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

11.3 The Trustees of the Charity as a whole will consider any findings or recommendations of the annual self-assessment and the annual complaints performance and service improvement report.

12 For the purposes of this policy:

12.1.1 The **Complaints Officer** is:

Name: Mrs Joanne McIvor
Telephone number: 01282 864233
Address: 14 Keighley Road, Colne, BB8 0JL
Email address: info@peterbirtwistletrust.org.uk

12.1.2 The **Appeals Officer** is:

Name: Mrs Alison Evans
Telephone number: 01282 864233
Address: 14 Keighley Road, Colne, BB8 0JL
Email address: info@peterbirtwistletrust.org.uk

Housing Ombudsman Service

The contact details for the Housing Ombudsman Service are:

Telephone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

Address: Housing Ombudsman Service,

PO Box 1484, Unit D, Preston, PR2 0ET

This policy has been approved for issue by the board of trustees on 22nd June 2026