



MERCHANT TAYLORS' BOONE'S CHARITY
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Complaints Handling Policy

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This policy is published as a public-facing policy.

1. Purpose

1.1. This policy sets out our approach towards handling complaints. In this policy, 'we', 'our', 'us' and MTBC means Merchant Taylors' Boone's Charity.

1.2. Although we will always seek to follow this policy when dealing with complaints, we reserve the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. In these circumstances any discretion will be applied fairly and appropriately, and the almshouse beneficiary will be informed at the earliest opportunity of any departure from this policy. We acknowledge that any complaint should be progressed as far as possible to maximize the opportunity to resolve a dispute.

1.3. To understand what counts as a complaint, please refer to the definition in section 6.2. of this policy.

2. Scope

2.1. We will accept a complaint from an almshouse beneficiary, someone who has a service agreement with us or an applicant for a property that we own or

manage. We will only consider complaints from applicants for a property in relation to the way their application was managed. If the complaint is being made by an ex-almshouse beneficiary, then they would need to have had a legal relationship with us at the time that the issue arose.

2.2. We accept complaints from a representative of any of the people above who is authorized by them to make a complaint on their behalf. This could be a friend/relative or a representative from an external organization (such as the Citizens Advice Bureau). We will require written permission from them. However, this does not include a person that has been appointed in a legal capacity unless they have been appointed due to incapacity or disability (for example, they have a Power of Attorney or have been appointed by an authority such as the Court of Protection to act on your behalf).

2.3. This policy applies to all contractors and other parties providing services on our behalf and we expect them to work with us in an effective manner to resolve complaints.

2.4. This policy and related procedures do not cover:

- A matter already considered through the complaints process.
- A matter that concerns legal proceedings that have already started. Legal proceedings having started is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Decisions which have been made in accordance with our statutory obligations, or in line with legislation or regulation. Issues relating to how we handled the matter may be dealt with as a complaint.
- A matter directly linked to legal, or enforcement action already started against MTBC.
- Services for which MTBC is not responsible e.g., local authority decisions about housing benefit should be raised with the local authority.
- Complaints about anti-social behavior/neighbour nuisance as this is covered by MTBC's Anti-Social Behaviour Policy, but a complaint will be accepted if it relates to our handling of a report of anti-social behaviour.
- Issues which are over 12 months old unless there is good reason, for example, the complaint was not recorded when it should have been by

MTBC , if the complainant was incapacitated due to ill health, or in some circumstances where the complaints concern safeguarding or health and safety issues. We will encourage complainants to raise complaints with us as soon as possible, normally within 12 months of the issues arising, as this makes it easier for complaints to be investigated. We will always act reasonably in considering any complaint, whenever it is raised, taking a 'customer-first' approach. If the problem is a recurring issue, we will consider any older reports as background to the complaint. In exceptional circumstances we may consider other issues which are older than 12 months, this will be at our discretion.

- An expression of dissatisfaction with services made through a 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. When MTBC asks for wider feedback about our services, we must also provide details of how residents can complain.

2.5.MTBC will not take a blanket approach to excluding particular types of complaint, we will consider the individual circumstances of each complaint.

2.6.MTBC publicises this complaints policy on the Boone's Homes website as well as information about the Housing Ombudsman Service.

3. Legislation, regulation, guidance and best practice

3.1. The Regulator of Social Housing requires providers to have an approach to complaints that is clear, simple and accessible.

3.2. This policy incorporates the key elements of the following statutory and regulatory requirements

- The Tenant Involvement and Empowerment Standard (Regulator of Social Housing)
- Localism Act 2011
- General Data Protection Regulation (GDPR) 2018
- Equality Act 2010
- Housing Ombudsman Service – Complaint Handling Code

4. Introduction

4.1. We are committed to proactively working with our almshouse beneficiaries to resolve complaints in a consistent, fair, impartial, and transparent way. Both positive and negative feedback can help us to understand what we can do differently and improve our service in the future.

4.2. We aim to deliver excellent customer service which puts our almshouse beneficiaries at the center of everything we do. If we fail to do this, we will:

- Apologize
- Accept responsibility where we have failed
- Put things right when they are within our control
- Wherever possible we will provide a resolution at the first point of contact
- Ensure that almshouse beneficiaries are kept informed, provide reasonable timeframes and properly manage their expectations throughout the process
- Ensure a fair and consistent approach to the resolution of complaints
- Seek to identify almshouse beneficiaries who are vulnerable and account for their specific needs when handling their complaint by making reasonable adjustments
- Listen to almshouse beneficiaries concerns and take effective action to prevent re-occurrence and learn from outcomes
- Safeguard the rights of individuals to confidentiality having a duty of care towards almshouse beneficiaries information and comply with General Data Protection Regulation (GDPR)
- Operate within the regulatory and statutory framework.

5. Leadership, roles and responsibilities

5.1. The Trustees have delegated responsibility to the Policy and Operations Officer (Almshouses) for monitoring the overall performance of complaint handling.

5.2. Responsibility for the day-to-day operational management of the service lies with the Policy and Operations Officer (Almshouses). The Policy and Operations

Officer (Almshouses) is the 'Complaints Officer', who liaises with the Housing Ombudsman Service and ensures complaints are reported to the governing body.

5.3. If the complaint concerns a service, it will be dealt with by the Policy and Operations Officer (Almshouses) as the Complaints Officer and at the second stage by the Head of Philanthropy as Stage Two Officer.

5.4. If the complaint is about the Policy and Operations Officer (Almshouses), then it will not be dealt with by the Policy and Operations Officer (Almshouses) as the Complaints Officer. At the first stage the complaint will be dealt with by the Head of Philanthropy who is a senior manager as Complaints Officer, and at the second stage by the Clerk as Stage Two Officer.

5.5. If the complaint is about the Head of Philanthropy or the Company Surveyor, then at the first stage it will be dealt with by the Clerk as Complaints Officer, and at the second stage by any two Trustees as Stage Two Officer.

5.6. The Policy and Operations Officer (Almshouses) has responsibility for the delivery of the content of the policy, ensuring compliance within the regulatory requirements.

5.7. Third party contractors are responsible for the provision of information to support investigation within timelines.

6. Operations

6.1. Service Provision Recovery (SPR)

6.1.1. There may be instances where a service request can be resolved 'there and then' without the need to enter the complaints system. Examples of where this may be possible include, a missed appointment or a delay in providing a response which can often be resolved with an apology and the provision of another appointment or information. If the complainant is unhappy with the outcome of the actions taken, then the complainant can ask for the matter to be considered at stage 1 of our complaints process.

6.1.2. No written response will be provided for cases resolved under the SPR, but we will record and monitor these instances so that we continue to learn from our almshouse beneficiaries and improve our service delivery. We will log the outcome of any resolution achieved.

6.2. Definition of Complaints

6.2.1. A complaint is defined as **an expression of dissatisfaction, however made, about the standard of service, actions, or lack of actions by us, our staff or those acting on our behalf, affecting an individual almshouse beneficiary or group of almshouse beneficiaries.**

6.2.2. The policy covers instances where complainants:

- Are dissatisfied with any aspect of the service we have provided
- Are dissatisfied with the standard or service provided by our staff or someone acting on our behalf – this includes professionalism and conduct
- We have failed to follow our policies and procedures.

6.3. How to make a complaint

6.3.1. A complaint can be made by the following methods:

- By email to the Policy and Operations Officer (Almshouses) at almshouses@merchant-taylors.co.uk.
- By contacting the Policy and Operations Officer (Almshouses) via telephone 0204 511 6301
- Via a representative or advocate (written permission is required from the almshouse beneficiary)
- In writing to our offices
- In person by speaking to the Policy and Operations Officer (Almshouses) in their office
- Almshouse beneficiaries can raise their complaints with any member of MTBC staff. All staff are aware of the complaints process and will be able to pass details of the complaint to the appropriate person within MTBC.
- MTBC will consider its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process. Support or assistance in making a complaint can be provided on request or we can provide details of other organisations that can help.

6.3.2. A complainant can contact the Housing Ombudsman Service at any point throughout their complaint for advice. Details of the Housing Ombudsman Service can be found on our website and the last page of this document.

6.4. Principles of the Complaints Policy

6.4.1. When we receive a complaint, the Complaints Officer will:

- Acknowledge the complaint within 5 working days.
- Understand the issues and outcome sought.
- Identify what actions may be needed to resolve the complaint.
- Identify any vulnerabilities or needs relevant to resolving the complaint and make any necessary reasonable adjustments in accordance with our Reasonable Adjustments Policy.
- MTBC will give almshouses beneficiaries the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with MTBC.
- Manage almshouses beneficiaries' expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic.
- Always ensure the person handling the complaint provides a single point of contact for the almshouse beneficiary and has the knowledge to deal with the complaint effectively.
- Maintain clear record keeping and accurately log the complaint capturing all relevant information, ensuring all decisions made including compensation offers are noted.
- Where appropriate, issue compensation fairly and promptly.
- Contact the almshouse beneficiary before closing the case to ensure all agreed actions have been completed.
- Record all lessons learnt so we can continually improve our services.

6.4.2. We must accept a complaint unless there is a valid reason not to do. Each complaint is decided on its own merits. If we decide not to accept your complaint, we will provide a detailed explanation and set out the reasons why. We will inform you of your right to refer your complaint to the Housing Ombudsman Service.

6.4.3. MTBC will give almshouses beneficiaries the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with MTBC.

6.5. The Complaints Process

6.5.1. We operate a two-stage complaints process for formal complaints. At each stage of the complaints process, complaints handlers must:

- Deal with complaints on their merits, act independently, and have an open mind;
- Give the resident a fair chance to set out their position;
- Take measures to address any actual or perceived conflict of interest; and
- Consider all relevant information and evidence clearly.

6.5.2. MTBC will make reasonable adjustments for residents where appropriate under the Equality Act 2010. MT must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident has disclosed. Any agreed reasonable adjustments must be kept under active review.

6.5.3. Stage 1- Investigation and Resolution

6.5.3.1 The Complaints Officer will acknowledge, define and log at stage 1 of the complaints procedure **within five working days of the complaint being received.**

6.5.3.2 If additional complaints are raised during this investigation, we will aim to incorporate these into the stage 1 response, unless we consider it will unreasonably delay the response, in which case a new complaint will be logged.

6.5.3.3 When a complaint is logged at stage 1 or escalated to stage 2, MTBC will set out its understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification. When a complaint is acknowledged at either stage, MTBC must be clear which aspects of the complaint we are, and are not, responsible for, and clarify any areas where this is not clear.

6.5.3.4 MTBC must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. MTBC must clearly set out these reasons, and ensure that the reasons comply with the provisions set out in the Ombudsman's Code.

6.5.3.5 We aim to respond substantively to complaints ('the full response') **within 10 working days of being logged**. In exceptional circumstances where we cannot meet the target because we do not have the answers, we will provide an explanation including a clear timescale of when the response will be received. This will not exceed a further 10 days without good reason. We will agree with the complainer suitable intervals for keeping them informed about their complaint. When MTBC informs an almshouse beneficiary about an extension to these timescales, they must be provided with the contact details of the Housing Ombudsman Service.

6.5.3.6 Where agreement over an extension cannot be reached, complainants can consider contacting the Housing Ombudsman Service for further advice. Following the response any agreed actions will be monitored through to a conclusion and completed to a satisfactory standard.

6.5.3.7 The full response will be in writing. The response will confirm the following in writing to the complainant in clear, plain language:

- The complaint stage
- The complaint definition
- The decision on the complaint
- The reason for any decision made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

6.5.3.8 Where the resolution to the complaint has been agreed by the Complaints Officer and the almshouse beneficiary, the complaint will be closed.

6.5.3.9 A complaint which has had a full response at stage 1 should not remain open beyond 28 calendar days from the date of the response, unless there are agreed actions that will take longer than 28 days to resolve.

6.5.3.10 We reserve the right to close the complaint if no escalation has been requested and 28 days have elapsed.

6.5.4. Stage 2

6.5.4.1 We will only escalate a complaint to stage 2 once stage 1 has been completed and at the request of the complainant. A complainant can ask to escalate their complaint (by any means) to stage 2 if we fail to respond within the specified timescales (including any agreed extensions).

6.5.4.2 Complainants who remain unhappy with the stage 1 response should let us know and we will escalate the case to stage 2. The Stage Two Officer will acknowledge a request to move to stage 2 within three working days. However, there may be occasions when it would not be appropriate to escalate the complaint to stage 2, for example if the outcome being sought was not within our power or ability to deliver. In cases such as these we will write to the complainant and explain why the complaint will not be escalated and what options are available.

6.5.4.3 We will make reasonable efforts to understand why a complainant remains unhappy with the stage 1 response and include this as part of the stage 2 response.

6.5.4.4 A Stage Two Officer, not previously involved with the complaint, will carry out a robust review of the complaint. Depending on which member of staff the complaint is about, the Stage Two Officer responsible is defined in section 5. The review will usually be restricted to the matters included in the stage 1 complaint unless we decide otherwise, for example where they relate directly to the original complaint. Any new issues not dealt with as part of stage 2 will need to be dealt with as a new complaint.

6.5.4.5 The Stage Two Officer will make contact with the complainant within three working days from the date of being assigned the stage 2 review. The Stage Two Officer will be responsible for:

- Understanding the issues and the outcome sought.
- Reviewing the stage 1 investigation and actions to assess whether we have met our responsibilities.
- Identifying any additional actions that may be required to ensure that the complaint can be resolved.

6.5.4.6 We aim to complete the stage 2 review within 20 working days from the date of receipt of the request to move to stage 2. In exceptional circumstances where we cannot meet the target because we do not have the answers, we will provide an explanation including a clear timescale of when the response will be received.

6.5.4.7 This will not exceed a further 20 days without good reason. Where agreement over an extension cannot be reached, complainants can consider contacting the Housing Ombudsman for further advice.

6.5.4.8 The Stage Two Officer will send a full written response to the complainant detailing the outcome of the review. Where the decision is that no further action is required, and that all reasonable and appropriate measures have been taken, the complainant will be informed that they have reached the end of the complaints process and advised of the next available steps.

6.5.4.9 The full response will be in writing. The response will confirm the following in writing to the complainant in clear, plain language:

- The complaint stage
- The complaint definition
- The decision on the complaint
- The reason for any decision made
- The details of any remedy offered to put things right
- Details of any outstanding actions

- Details of how to escalate the matter to the Housing Ombudsman Service if the individual remains dissatisfied.

6.6 Putting things right

6.6.1. When something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:

- Apologizing
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures or practices

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

6.6.3. MTBC must take account of the guidance issued by the Housing Ombudsman Service when deciding on appropriate remedies.

6.6.4. If an almshouse beneficiary remains dissatisfied with the final response from MTBC after Stage 2, MTBC staff must give the resident the contact details for the Housing Ombudsman Service.

6.7. Housing Ombudsman Service Contact details

Housing
Ombudsman Service
PO Box 152
Liverpool L33 7WQ

- Telephone: 0300 111

3000

- Email: info@housing-ombudsman.org.uk
- Web: www.housing-ombudsman.org.uk

7. Self-reporting, assessment and compliance

- 7.1. MTBC must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:
- the annual self-assessment against the Housing Ombudsman's Complaint Handling Code to ensure that MTBC's complaint handling policy remains in line with its requirements.
 - a qualitative and quantitative analysis of the MTBC's complaint handling performance. This must also include a summary of the types of complaints (if any) which MTBC has refused to accept;
 - any findings of non-compliance with the Complaint Handling Code by the Housing Ombudsman Service;
 - the service improvements made as a result of the learning from complaints;
 - any annual report about MTBC's performance from the Housing Ombudsman Service; and
 - any other relevant reports or publications produced by the Housing Ombudsman Service in relation to the work of MTBC.
- 7.2. The annual complaints performance and service improvement report must be reported to the MTBC's governing body and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.
- 7.3. MTBC must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.
- 7.4. MTBC understands that we may be asked to review and update the self-assessment following an investigation by the Housing Ombudsman Service.
- 7.5. If MTBC is unable to comply with the Code due to exceptional circumstances, such as a cyber incident, we will inform the Housing Ombudsman Service, provide information to almshouse beneficiaries who may be affected, and publish this on MTBC's website. MTBC must provide a timescale for returning to compliance with the Code.

8. Continuous learning and improvement

- 8.1. A positive complaint handling culture is integral to the effectiveness with which landlords resolve disputes. MTBC will use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 8.2. MTBC will look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.
- 8.3. Accountability and transparency are also integral to a positive complaint handling culture. MTBC must report back on wider learning and improvements from complaints to stakeholders, such as staff and relevant committees.
- 8.4. A member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC'). As a minimum, the MRC and the governing body (or equivalent) must receive:
 - regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
 - regular reviews of issues and trends arising from complaint handling;
 - regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
 - annual complaints performance and service improvement report.
- 8.5. MTBC has a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:
 - have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
 - take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and

- act within the professional standards for engaging with complaints as set by any relevant professional body.

8.6. A full record must be kept of every complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

9. Persistent, abusive or unreasonable behaviour

9.1. We will not discriminate against anyone who makes a complaint. If a complainant or their representative behaves inappropriately in making a complaint, we will seek to manage that behavior as necessary and in line with our Managing Unacceptable Behaviour policy, while treating the complaint like any other. All relevant correspondence will be evaluated to consider the circumstances, including:

- Whether there is a likelihood that complaints are being made to intentionally cause harassment, divert resources or to disrupt the proper workings of the organization,
- Whether there have been persistent or unreasonable demands made in the past.
- Evidence of abusive or threatening behavior to staff or producing excessive correspondence.
- Whether the complainant or their representative displays unreasonable behavior

9.2. In these cases, while focusing on, and seeking to resolve the substance of any complaint, we will manage the behavior in line with our Managing Unacceptable Behaviour Policy.

10. Data protection

10.1. Under the General Data Protection Regulation 2016 and the data Protection Act 2018, all personal data and sensitive information, however, received is treated as confidential.

10.2. The Complaints Officer will ensure that they only involve other agencies and share information with the consent of the complainant concerned or their advocate, unless:

- MTBC is required to by law
- The information is necessary for the protection of children
- There are other grounds under the GDPR or the PDA 2018 which allow or require MTBC to disclose the information.

11. Document information and record management

11.1. The Housing Ombudsman Service – Complaint Handling Code sets out how we are expected to handle complaints.

11.2. All documentation relating to complaints will be recorded and stored. A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

11.3. Due to the possibility of further complaints being made which could reference a closed complaint the retention period for documents relating to a complaint will exceed 6 months.

12. Monitoring

12.1. MTBC will record data on its file sharing system.

12.2. Annual reports are submitted to the Trustees that will enable them to see compliance with the Complaints Handling Policy and relevant legislation and regulations.

12.3. Annual completion of the Housing Ombudsman Complaint Handling Code Self-assessment published in the Annual Return.

12.4. The relevant Key Performance Indicators are:

- Acknowledgement on time
- Complaint responses on time
- Number of complaints upheld by the Housing Ombudsman Service

13. Breaches of the policy

13.1. Deviation from this policy must be authorized by the Head of Philanthropy.

