

Complaints Policy and Procedure

1 Introduction

1.1 This policy applies to the Trustee of St. John's Foundation Est. 1174 (the **St. John's**) and seeks to ensure that the manner in which St. John's deals with complaints is flexible and responsive to the needs of individual complainants.

1.2 In dealing with complaints St. John's will ensure that:

- (a) the Trustee, staff, residents, volunteers and those who work with or on behalf of St. John's take a collaborative and co-operative approach towards complaint handling;
- (b) all those involved in resolving a complaint take collective responsibility for any shortfalls identified through complaints, rather than seeking to blame others;
- (c) individuals who complain are listened to and treated with courtesy and empathy;
- (d) residents and/or beneficiaries of St. John's will never be disadvantaged as a result of making a complaint;
- (e) complaints will be investigated promptly, thoroughly, honestly and openly; and
- (f) in dealing with complaints St. John's will comply with its Data Protection and Confidentiality policies.

1.3 For the purposes of this policy:

(a) The **Complaints Officer** is:

Role: Head of Risk and Compliance

Telephone number: 01225 486400

Address: 4/5 Chapel Court, Bath, BA1 1SQ

Email address: feedback@stjohnsbath.org.uk

(b) The **Appeals Officer** is:

Role: Director of Finance

Telephone number: 01225 486400

Address: 4/5 Chapel Court, Bath, BA1 1SQ

Email address: governance@stjohnsbath.org.uk

(c) The **Member Responsible for Complaints** is:

Name: Chair of Audit and Risk Committee

Telephone number: 01225 486400

Address: 4/5 Chapel Court, Bath, BA1 1SQ

Email address: appealtrustee@stjohnsbath.org.uk

2 Meaning of a complaint

2.1 For the purposes of this Policy a **complaint** is defined as:

an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by St. John's, its Trustee, its own staff, residents, volunteers and those who are acting on its behalf, affecting an individual resident, group of residents or beneficiary of St. John's.

2.2 The word "complaint" does not need to be used expressly for the matter to be considered a complaint.

2.3 Individuals may have complaints, concerns or issues about:

- (a) the services St. John's offers;
- (b) the support that residents receive;
- (c) difficulties experienced by residents with other residents;
- (d) services that individuals expected to receive but which have not been provided; and/or
- (e) the fundraising activities of St. John's.

2.4 This Policy applies to all residents, staff, volunteers, beneficiaries, visitors, tenants and/or other organisations or partners who have any form of engagement with St. John's.

2.5 For the purposes of this policy the term "resident" includes any tenant of St. John's occupying under an assured shorthold tenancy agreement.

2.6 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 procedure set out in the Residents Handbook or Assured Shorthold Tenancy/ lease or licence documents as

appropriate. Failure by St. John's to deal appropriately with a service request may lead to the matter being dealt with as a complaint.

- 2.7 Complaints made by residents may be made by the resident's carer, family members or a representative of a resident.
- 2.8 Complaints made by individuals or organisations who are not residents must be made by the individual or organisation themselves or a legal representative.
- 2.9 The Trustee reserves the right to use its discretion when applying this Policy and may deal with complaints differently where individual circumstances merit an alternative approach.
- 2.10 If a complaint relates to services provided by a third-party organisation working with St. John's, then if the complaint involves a resident, St. John's will expect the third party to comply with the provisions of the Code when dealing with the complaint.

3 Confidentiality

- 3.1 All complaints will be treated confidentially unless the Trustee is legally bound to report the complaint to a third-party (i.e., in the event of the complaint relating to a criminal act or a safeguarding issue relating to a child or an adult at risk).
- 3.2 In reporting on complaints for review purposes, St. John's will ensure that the identity of complainants is anonymised.

4 Exclusions

- 4.1 St. John's will not deal with an issue through the complaints process if:
 - (a) the issue giving rise to the complaint occurred over 12 months ago (unless it relates to safeguarding or health and safety issues or the Trustee decides to exercise its' discretion to consider the complaint outside of this time limit);
 - (b) a complaint relates to a matter where legal proceedings have been issued in court; or
 - (c) the complaint relates to a matter that has already been considered under the complaints policy and a decision issued.
- 4.2 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.

5 Accessibility

- 5.1 Complaints will be dealt with in a manner that is consistent with St. John's Equality & Diversity Policy.
- 5.2 If any individual making a complaint wishes St. John's to make reasonable adjustments to accommodate an individual's particular needs they, or their representative, should contact the Complaints Officer by phone or by email or in person (details on page one) to discuss what adjustments may be possible. The Charity will keep a record of all reasonable adjustments that are agreed for these purposes and the details of any disability that may have been disclosed by the complainant.
- 5.3 This Policy will be made available to all residents, and a copy of the policy will be available on St. John's website (at: stjohnsbath.org.uk)

6 Complaint Handling Process

- 6.1 All staff will be trained on the importance of complaint handling and their obligations under this Policy to bring any complaint to the attention of the Complaints Officer in order that it can be dealt with in accordance with the procedure set out in this Policy.
- 6.2 At each stage of a complaint, those dealing with the complaint will:
 - (a) deal with all issues 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) take appropriate measures to address any actual or perceived conflict of interest (which may include asking another individual to investigate the complaint);
 - (d) consider all information and evidence carefully; and
 - (e) 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 Residents can raise a complaint:
 - (a) in writing or by email directly with the Complaints Officer; or

- (b) in any way with any member of staff, and the member of staff will then communicate the complaint to the Complaints Officer. The Complaints Officer may contact the resident to confirm the details of the complaint if these are not clear from the information provided to the member of staff.
- 7.2 Complaints by non-residents should be made either in writing or by email to the Complaints Officer.
- 7.3 The initial complaint should include sufficient detail, and where appropriate supporting documentation, to enable the Complaints Officer to investigate the matter.
- 7.4 The Complaints Officer will acknowledge the complaint and make a record, within five working days of the complaint being received. The acknowledgement will:
 - (a) summarise St. John's understanding of the complaint;
 - (b) summarise St. John's understanding of what the Complainant is seeking as an outcome;
 - (c) raise any questions that require clarification from the Complainant;
 - (d) identify any areas that cannot be dealt with under the Policy and explain why; and
 - (e) set out the next course of action and anticipated timescale.
- 7.5 The Complaints Officer will inform the Member Responsible for Complaints of all complaints received.
- 7.6 In most cases St. John's will aim to resolve complaints within ten working days of having acknowledged the complaint in accordance with paragraph 7.4 of this policy. In exceptional cases if the Complaints Officer 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 ten working days, without good reason and any reason must be clearly explained to the Complainant.
- 7.7 The Complaints Officer 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 Complaints Officer may delegate the management and investigation of the complaint to another individual. If the Complainant is invited to attend a meeting with the Complaints Officer, they shall be entitled to bring a representative to the meeting.

- 7.8 If the Complaints Officer is conflicted, or the complaint relates to the Complaints Officer, the complaint should be directed to the Member Responsible for Complaints who may delegate the management and investigation of the complaint to another individual.
- 7.9 If the complaint involves questions relating to St. John's or the Complainant's legal obligations, the Complaints Officer may seek legal advice on the parties' respective legal obligations.
- 7.10 If new issues are raised by the Complainant during the investigation into the complaint as part of the Stage One process these issues should be dealt with as part of the process if they are relevant and arise before a decision has been given. However, if the issues relate to a different issue and/or are raised after the Stage One response has already been issued, the issues will be dealt with by the Complaints Officer as a separate complaint.
- 7.11 The Complaints Officer shall have full autonomy to deal with the complaint but may, if appropriate, seek the guidance of the Member Responsible for Complaints and/or the approval of the Trustee to any remedy proposed to resolve the complaint.
- 7.12 The Complaints Officer will provide the Complainant with a response to the complaint when the answer to the complaint is known, not when outstanding actions required to address the complaint have been completed. If there are outstanding actions to be completed the Complaints Officer will keep track of progress of the actions and provide the Complainant with appropriate updates on progress.
- 7.13 In responding to the complaint, the Complaints Officer will set out in clear, plain language:
- (a) the fact that the complaint has been dealt with under Stage One of the Policy;
 - (b) the details of the complaint that has been raised;
 - (c) the decision on the complaint addressing all the issues that have been raised;
 - (d) the reasons for any decisions and, where appropriate, refer to relevant policy, law and good practice;
 - (e) the details of any remedy offered by St. John's to put things right;
 - (f) the details of any outstanding actions that will be completed by St. John's; and
 - (g) details of how the Complainant can escalate matters to Stage Two if the Complainant is not satisfied with the outcome of Stage One.

8 Stage Two

- 8.1 If the Complainant is not satisfied with the response from the Complaints Officer they have 5 working days from receipt of the response under Stage One to submit an appeal in writing or by email to the Appeals Officer. When submitting an appeal, the Complainant should set out clearly why they disagree with the Stage One decision and what more they require St. John's to do to put the situation right.
- 8.2 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.
- 8.3 The Appeals Officer will inform the Member Responsible for Complaints of all appeals received.
- 8.4 If the Appeals Officer is conflicted, or the complaint relates to the Appeals Officer, the complaint should be directed to the Member Responsible for Complaints who may delegate the management and investigation of the complaint to another individual.
- 8.5 If the appeal involves questions relating to St. John's or the Complainant's legal obligations, the Appeals Officer may seek legal advice on the parties' respective legal obligations.
- 8.6 If appropriate, the Appeals Officer will arrange a meeting with the Complainant to be held within ten working days of the appeal being submitted. The Appeals Officer may be assisted by the Member Responsible for Complaints at any meeting. If the Complainant is invited to attend a meeting with the Appeals Officer, they shall be entitled to bring a representative to the meeting.
- 8.7 The Appeals Officer will respond in writing to the Complainant within 20 working days of the appeal being acknowledged in accordance with paragraph 8.2 of this policy, informing them of the outcome of the appeal process. If the Appeals Officer believes that the appeal will take longer than 20 working days to resolve, due to the complexity of the complaint, then the Appeals Officer will notify the Complainant that the particular complaint will take longer to resolve, and provide a clear timeframe set out for the resolution of the complaint which should not exceed a further 20 working days, without good reason and any reason must be clearly explained to the Complainant.
- 8.8 If new issues are raised during the Stage Two process that did not form part of the Stage One Process then they will be referred to the Complaints Officer and be dealt with as a separate complaint.

- 8.9 The Appeals Officer shall have full autonomy to deal with the complaint but may, if appropriate, seek the guidance of the Member Responsible for Complaints and/or the approval of the Trustee to any remedy proposed to resolve the complaint.
- 8.10 The Appeals Officer will provide the Complainant with a response to the complaint when the answer to the complaint is known, not when outstanding actions required to address the complaint have been completed. If there are outstanding actions to be completed the Appeals Officer will keep track of progress of the actions and provide the Complainant with appropriate updates on progress.
- 8.11 The Appeals Officer will ensure that all of St. John's staff whose input is required, for the purposes of considering the response to the complaint, will be involved as appropriate.
- 8.12 The Appeals Officer's response to the complaint will be copied to the Member Responsible for Complaints.
- 8.13 In responding to the complaint, the Appeals Officer will set out in clear, plain language:
- (a) the fact that the complaint has been dealt with under Stage Two of the Policy;
 - (b) the details of the complaint that has been raised;
 - (c) the decision on the complaint addressing all the issues that have been raised;
 - (d) the reasons for any decisions and, where appropriate, refer to relevant policy, law and good practice;
 - (e) the details of any remedy offered by St. John's to put things right;
 - (f) the details of any outstanding actions that will be completed by St. John's; and
 - (g) details of how the Complainant can escalate matters either to the Housing Ombudsman Service, if they are a resident, or alternatively to the Charity Commission if they are not a resident, if they are not satisfied with the response to the appeal.
- 8.14 The outcome of a Stage Two appeal will be St. John's final response in relation to the complaint.

9 Circumstances in which a complaint may be closed

- 9.1 St. John's may, at the discretion of the Trustee, close a complaint:

- (a) if a complaint is pursued unreasonably or where a Complainant's actions or behaviours are deemed to be unreasonable;
- (b) if a Complainant 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 St. John's with unreasonable demands during/following a complaint investigation and, if the Complainant is a resident, this may be grounds for their appointment to be set aside;
- (c) if a Complainant fails to respond to requests from the Complaints Officer and/or the Appeals Officer to discuss any aspect of the complaint for the purposes of obtaining further information to clarify the complaint or enable the complaint to be fully considered; and/or
- (d) if the Complainant and the Trustee agree a resolution to the complaint, outside of the formal process, and agree that the complaint may be closed.

9.2 In cases where St. John's bring the complaint to an end in accordance with this section of the Policy, the Trustee will inform the Complainant of their reasons.

10 Putting things right

10.1 Where St. John's has got something wrong, St. John's will acknowledge this and set out in responding to a complaint what actions it has taken, or intends to take, to put things right.

10.2 The Trustee may:

- (a) acknowledge where things have gone wrong;
- (b) provide the Complainant with an explanation, assistance or reasons;
- (c) take action if there has been delay;
- (d) reconsider or change a decision that it has previously made;
- (e) amend a record or add a correction or addendum to any record;
- (f) provide a financial remedy (provided that this is permissible in accordance with the Trustee's legal obligations as a charity trustee); and/or
- (g) change policies, procedures or practices.

10.3 The Trustee will have sole discretion to decide what action may be appropriate on the part of St. John's in respect of a complaint that has been raised, but where any

fault is identified on the part of St. John's, St. John's will ensure that any remedy reflects the impact on the complainant.

11 Records

- 11.1 A record is kept of all complaints, concerns and issues, that are raised with St. John's whatever their severity, along with details of the subsequent investigations and any action taken.
- 11.2 Records are kept for 24 months from the date on which the complaint was first made.
- 11.3 The Complaints Officer, the Appeals Officer and the Member Responsible for Complaints will review all complaint records on a quarterly basis in order to establish whether there are any trends or patterns of which the Trustee should be aware, and for which improvement is required.
- 11.4 Statistics relating to complaints will be reported to St. John's Audit and Risk Committee on a quarterly basis.

12 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 152, Liverpool, L33 7WQ.

13 The Charity Commission

The contact details for the Charity Commission are:

Telephone: 0300 066 9197
Website: <https://forms.charitycommission.gov.uk>
Address: Charity Commission,
PO Box 211, Bootle L20 7YX
Charity no: 201476

14 Review

- 14.1 This policy will be reviewed every three years or sooner as regulatory change or learnings from using the policy require.