

## The Barnes Fund and The Walsingham Lodge Trust<sup>1</sup>

### Complaints Policy

1. Walsingham Lodge
2. The Barnes Fund – Grant Making

#### 1. Walsingham Lodge

##### Introduction

Walsingham Lodge is a community comprising two types of sheltered housing:

(a) The Walsingham Lodge Trust

Walsingham Lodge Trust is part of The Barnes Fund charity and provides sheltered housing (almshouses) at Walsingham Lodge. The Trust provides 33 almshouses, comprising 18 flats and 15 bungalows, where the accommodation is for older people or younger disabled people, who have limited means, are able to live independently, and benefit from sheltered housing.

(b) The Barnes Fund (long leasehold bungalows)

The Barnes Fund is landlord for five leasehold bungalows, located adjacent to the Walsingham Lodge Trust almshouses, and where the leaseholders have access to the HSO/Estate Manager,

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<sup>1</sup> The Barnes Fund Trustee Ltd (Company Number 10873803), corporate trustee of The Barnes Fund (Charity Number 200103) and The Walsingham Lodge Trust (Charity Number 200103-1). Regulator of Social Housing registration number A2072.

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#### SUPPORTING THE COMMUNITY OF BARNES

the emergency alarm system, and communal facilities including lounge, kitchen, laundry room and gardens. The leasehold bungalows are available to purchase on the open market by individuals over 60 regardless of income or need.

### **Management of Walsingham Lodge and responsibility for responding to complaints.**

The day to day management of Walsingham Lodge (both the almshouses and the landlord responsibilities at the leasehold bungalows) is delegated to a property management company (currently RLHA, a part of Elm Group). The directors<sup>2</sup> of The Barnes Fund Trustee Ltd, as directors of the Corporate Trustee for Walsingham Lodge Trust and for The Barnes Fund recognise that they have overall responsibility for Walsingham Lodge, with their duty of care dispensed on a day to day basis via the appointed property management company.

In order to ensure resident's complaints are dealt with appropriately, the following steps are taken:

- The Barnes Fund / The Walsingham Lodge Trust ensure that the property management company that manages Walsingham Lodge almshouses and the leasehold bungalows at Berkeley Road on a day to day basis has an adequate complaints policy and procedure in place.
- The property management company are required to report serious complaints to the Charity; to act to resolve them in accordance with this Policy; and to keep the trustees informed as matters progress
- This Policy is read by all trustees and is reviewed annually.

### **The Purpose and Scope of this Policy (Walsingham Lodge)**

The purpose of this policy is to set out the Walsingham Lodge approach to managing and responding to complaints. As a part of this, it explains trustees' expectations of the appointed management company (hereafter 'Elm Group')<sup>3</sup> in this regard, and the manner in which they will implement their own complaints policy (attached as an Appendix) in the particular circumstances of Walsingham Lodge.

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

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<sup>2</sup> Throughout the remainder of this document the directors of The Barnes Fund Trustee Limited are referred to as 'trustees'.

<sup>3</sup> The accommodation is managed by Retirement Lease Housing Association (RLHA), which is a subsidiary of the ELM Group (Ethical Leasehold Management Limited). Throughout this document referred to as ELM Group

- 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 Barnes Fund/ Walsingham Lodge Trust 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.

### **Procedure (Walsingham Lodge)**

If a resident wishes to make a complaint they should contact the Housing Services Officer, Tracy Hamilton T: 020 8741 8148, [walsinghamlodge@rlha.org.uk](mailto:walsinghamlodge@rlha.org.uk) or if unavailable, the ELM Group Area Manager, Susi Jay, Email: [sjay@elmgroup.org.uk](mailto:sjay@elmgroup.org.uk) Tel: 01252 356 006 should be informed. 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.

Elm Group should inform the trustees of complaints that are made. If there are safeguarding implications for any vulnerable resident, then The Barnes Fund and Walsingham Lodge Trust Safeguarding Policy and Procedures should be followed. There is also a separate policy covering anti-social behaviour.

Upon receiving a complaint, Elm Group will follow the procedures set out in their own Complaints Policy and Procedure (attached), as amended by this Policy. The Elm Group policy sets out the stages of the complaints process which ranges from informal complaints that can be dealt with verbally, formal complaints, and appeals to the Elm Group Board.

Elm Group are required to deal promptly and effectively with any complaints made by Residents, according to the Elm Group Complaints Policy and to notify The Barnes Fund / The Walsingham Lodge Trust.

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

If a complaint is pursued unreasonably or where a resident's actions or behaviours are deemed to be unreasonable, The Barnes Fund/ Walsingham Lodge Trust 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 complainant is being unreasonable and overly persistent and decide to bring the complaint to an end, they will inform the complainant of their reasons.

### **Responsibilities as a Social Landlord**

The Barnes Fund (Walsingham Lodge Trust) is a registered social landlord (Regulator of Social Housing registration number A2072). As a Registered Provider if the resident remains dissatisfied following consideration by, and the decision of the directors, the resident has the right to take the complaint to The Housing Ombudsman Service (HOS).

### **Complaints referred to the Housing Ombudsman Service (HOS)**

Charities that are or have been registered with the RSH (i.e. Registered Providers) are required to join the Housing Ombudsman Service. RLHA are required to maintain The Barnes Fund / Walsingham Lodge Trust membership of the Housing Ombudsman Service and manage any complaints referred to that service in consultation with The Barnes Fund / The Walsingham Lodge Trust.

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

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.

## **2. The Barnes Fund – Grant Making**

### **Introduction**

The Barnes Fund provides funding to charities based in Richmond borough and working with residents of Barnes. In addition, grants are provided to individuals in need and to support individuals in education and those facing hardship. The charitable objectives focus on poverty, older people, disability, poor health, education and recreation. Applications are made via an online application form. Applications for individual poverty grants are made via a referral agency (such as Citizens Advice Bureau).

### **The Purpose and Scope of this Policy (Grant Making)**

The purpose of this policy is to set out The Barnes Fund approach to managing and responding to complaints relating to Grant Making.

- A complaint can be made about: whether we have followed our procedures and taken all relevant information from the application into account, or whether we have provided a consistent or courteous service.
- A complaint cannot be made about: a grant decision if all procedures were followed correctly.
- A complaint cannot be made about: a grant decision once three months have lapsed since that decision was made.

### **Procedure (Grant Making)**

In the event of the receipt of a complaint regarding the treatment of a grant application, the following Complaints Procedure and Timetable will apply. Please note that this is a procedure for making a complaint against how an application has been treated. It is not a procedure for appealing against the substance of a decision: -

- a) A complaint can be received over the phone, email or letter. An individual will be encouraged to put the complaint in writing (email or letter) to avoid misunderstandings. Individual Poverty Grant applicants can submit a complaint with assistance from a Referral Agency, if desired. For the purposes of this Procedure and Timetable, the “date of receipt”

will be the date upon which a paper copy of the complaint is received at the address of The Barnes Fund or the email is received. Contact details for the Charity are provided on the website and in correspondence. The office closes for August and complaints are not dealt with during this period.

- b) Acknowledgement of receipt of the complaint will be given along with the timetable to be followed.
- c) A panel of two trustees plus the Chair (none of whom having been specified in the complaint) will be convened within 21 days of the date of receipt. This should be trustees who are not on the Grant Making Committee, where possible. Each trustee will be involved in setting a date for the meeting of the panel. The panel will meet to consider the complaint within 6 weeks of the date of receipt.
- d) The panel will consider the complaint, having referred to all relevant documents and any other information. The Executive Director will be in attendance to keep a record of the proceedings. The panel will report their decision, with reasons, within 9 weeks of the date of receipt.
- e) Once the Fund has reported upon the complaint to the complainant, no further correspondence or discussion will be entered into.

Our aim is to deal with all complaints in ways which are demonstrably consistent, fair and reasonable. We reserve the right to handle any complaint made unreasonably, persistently or vexatiously outside the complaints procedure. All complaints received will be dealt with confidentially and in accordance with the requirements of the General Data Protection Regulation.

**This policy has been approved for issue by the directors of The Barnes Fund Trustee Ltd.**

Date: 23 November 2020

### RLHA Complaints Procedure

#### Why is a complaints procedure needed?

We take great pride in the management of our Estates but from time to time we do get things wrong. If you are unhappy with any aspect of our service we'd prefer that you tell us so that we have the opportunity to put things right, learn from our mistakes and take steps to stop it happening again. Our aim is to continuously improve our service and achieve a high level of customer endorsement in our annual satisfaction surveys.

#### What should I do before submitting a complaint?

In the first instance we will always recommend you try to talk to your Estate Manager if you have one or the Estate Service Adviser at our Frimley Office. If this doesn't seem appropriate, please contact the Area Manager either by telephone, email or when they visit. There may be a simple misunderstanding that can easily be put right, and we would always prefer to resolve a complaint quickly by following an informal approach. Of course, we understand that at times making the complaint 'official' is the most appropriate course of action.

#### How can I make a complaint?

We recommend putting something in writing to us but you can make a complaint in any way you like, either by letter, email or telephone. Overall responsibility for keeping a record of all complaints is the Executive Assistant to the Chief Executive. Our contact details are as follows:

- RLHA, Building 2, Archipelago, Lyon Way, Frimley, GU16 7ER
- email; [customerservices@elmgroup.org.uk](mailto:customerservices@elmgroup.org.uk)
- telephone Customer Services Team on 01252 356000

Once we've received your complaint, we'll write to you within 5 working days and advise when to expect our full response.

Alternatively, you can make a complaint directly to the Landlord if RLHA acts as a managing agent on your estate. Please ask us for further details if you are unsure.

#### What is the actual procedure?

When we acknowledge your complaint, we will tell you the name of the person who will be your main point of contact. We understand how frustrating it can be to have a complaint procedure that has lots of stages, each with their own time frames, so to minimise this frustration we follow a **'one touch complaint review'**. On receipt of your complaint and behind the scenes we will review the situation in depth, examine the facts and involve **all** relevant members of staff (including members of the Leadership Team) in order to avoid lengthy, drawn out investigations. We prefer that any complaints are dealt with on a 'one touch' basis to draw matters to a swift conclusion. We will communicate our decision in writing within 14 days and at this stage should you be in any way unhappy with how the complaint has been handled / or the decision made, your next step would be to pursue your complaint by requesting a review by our Chief Executive. The Chief Executive review will

take place within 5 working days and the decision will be sent to you in writing.

### **What if I am unhappy following a Chief Executive review?**

If we have been unable to satisfactorily resolve the complaint following our 'one touch' and Chief Executive review you have the option to contact the RLHA Board to request an appeal. The Board will review the file and make a decision as to whether an appeal would be appropriate or not. If the appeal is considered appropriate it would usually take place within 6 weeks of your request, usually via correspondence, and the result would be available following the appeal hearing and no later than 8 weeks from the date of your original complaint.

### **What if I'm not satisfied with the Appeal Panel's response?**

If the complaint has not been resolved within 8 weeks or both parties reach deadlock you are entitled to complain to one of the following ombudsman services, without charge. The appropriate Ombudsman will be dependent on whether RLHA is the Freeholder or the Managing Agent for your Estate:

- Housing Ombudsman (RLHA as Freeholder)
- Property Redress Scheme (RLHA as Managing Agent)

A leaflet will have been enclosed with our initial response to your complaint; you can ask any member of the team for a leaflet about this service.

You can telephone the Property Redress Scheme direct on 0333 321 9418, contact them by email on: [info@theprs.co.uk](mailto:info@theprs.co.uk) (website: [www.theprs.co.uk](http://www.theprs.co.uk)) or write to them at Premiere House, 1<sup>st</sup> Floor, Elstree Way, Borehamwood, WD6 1JH.

You can telephone the Housing Ombudsman direct on 0300 111 3000, contact them by email on: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk) (website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)) or write to them at PO Box 152, Liverpool, L33 7WQ.

RLHA is obliged to follow any decision the Ombudsman may make. The Association of Retirement Housing Managers (ARHM) can also deal with complaints against its members. Contact them by email on [enquiries@arhm.org](mailto:enquiries@arhm.org) or by telephone 020 7463 0660 (website details: [www.ARHM.org](http://www.ARHM.org)). The Ombudsman or the ARHM will be unable to review your complaint until you have completed the RLHA Complaints Procedure.

### **Will you consider mediation?**

RLHA is happy to arrange mediation. If we feel this would be helpful, we will suggest it to you, or alternatively you may request mediation yourself. Please note that mediation is only possible if both parties agree willingly to take part and the aim is to help the two parties find a solution for themselves. In this sense mediation is quite different from arbitration, in which an outside body imposes a solution. It should be noted mediation is not an alternative to the Property Redress Scheme.

**Where can I obtain independent advice?**

You may wish to seek independent advice. A local Citizens Advice Bureau or Housing Advice service such as [www.firststopcareadvice.org.uk](http://www.firststopcareadvice.org.uk) (0800 377 7070) or [www.lease-advice.org](http://www.lease-advice.org) (0207 832 2500) may be able to help. Additionally your local MP or Councillor can also give you independent advice.

**And finally ...**

Most complaints arise out of misunderstandings. The RLHA team genuinely wish to help, and we urge you therefore to discuss any problems with us at the earliest opportunity. Our aim is to provide you with fabulous service at all times.