

The Barnes Fund and The Walsingham Lodge Trust¹

Complaints Policy

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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, 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.

¹ 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.

SUPPORTING THE COMMUNITY OF BARNES

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 directors² 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')³ 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 the complaints process is flexible and responsive to the needs of individual complaints. The policy seeks to ensure that:

- 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

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

³ 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

- 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 or if unavailable, the ELM Group Area Manager, Peter Brockhurst, Email: pbrockhurst@elmgroup.org.uk Tel:

01252 419744 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.

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

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 hardship 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 Hardship 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: November 2023

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 does not 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, telephone or in person to your Estate Manager, Area Manager or to a team member at our Head Office. Overall responsibility for keeping a record of all complaints is the Customer Service Manager. Our contact details are as follows:

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

Once we have received your complaint, we'll write to you within 2 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.

Definition of a complaint:

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.

What is the actual procedure?



A complainant can go directly to The Housing Ombudsman at any time

Tel: 0300 111 3000 Email: info@housing-ombudsman.org.uk

You can contact the Housing Ombudsman at any time. 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'** (stage 1). 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 Senior Management Team) 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 10 working 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 Director of Service Improvement (stage 2). The Director of Service Improvement review will take place within 10 working days and the decision will be sent to you in writing.

Requests to escalate a complaint should be made within 10 working days of receiving your final response

What if I am unhappy following the stage 2 Review?

You can contact the Housing Ombudsman at any time. The decision made by the Director of Service Improvement concludes our formal complaints process. In some instances, you have the option to contact the RLHA Board to request an appeal (for example, when compensation has been requested and refused) 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 am not satisfied with the Appeal Panel's response?

A complainant can contact the Housing Ombudsman **at any time**. The complainant may take the matter up with The Housing Ombudsman or Property Redress Scheme without charge.

The Housing Ombudsman Limited (where RLHA are Freeholder and/or Managing Agent)

Housing Ombudsman Service

PO Box 152

Liverpool L33 7WQ

Tel: 0300 111 3000 Email: info@housing-ombudsman.org.uk

<https://www.housing-ombudsman.org.uk/contact-us/>

Property Redress Scheme (PRS) (where ELM Management are the Managing Agent)

Ground Floor, Kingmaker House

Station Road

New Barnet

Hertfordshire EN5 1NZ

Tel: 0333 321 9418 Email: info@theprs.co.uk

<https://www.theprs.co.uk>

In the case of complaints taken up by the Property Redress Scheme (PRS), if the complainant is still not satisfied after the last stage of the in-house complaint procedure (or more than 8 weeks has elapsed since the complaint was first made, then he/she can take the matter up the Property Redress Scheme without charge.

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 or by telephone 020 7463 0660 (website details: www.ARHM.org). ARHM and the PRS may be unable to review your complaint until you have completed the in-house 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.

Limitations and Exclusions

There are circumstances when RLHA may refuse to start or continue to investigate a complaint. This can include but is not limited to:

- Unreasonable behaviour (see Unreasonable Behaviour Policy in appendix A)

Last Reviewed October 2023

- Where a complainant repeatedly refuses to accept reasonable explanations for the time it may take RLHA to act on a particular matter
- Where a complainant repeatedly will not accept RLHA's explanations for decisions provided
- Where the same complaint, from the same complainant has been addressed previously.
- Where the contact is a service request (as opposed to a complaint about the service requested)
- Where legal proceedings have been issued on the matter. (It would not be RLHA's intention to disengage with the complainant where they have responsibilities for undisputed, on going repairs or property management responsibilities.

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 (0800 377 7070) or 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.

Unreasonable Behaviour Policy

Introduction

This Policy applies to all stakeholders, employees, and customers of ELM Group, RLHA and ELM Management Ltd, which includes members of the Public, third parties and businesses. It should be read in conjunction with the ELM Group Complaints Policy that a complaint will not be investigated or continued if *“in our opinion the complainant is acting unreasonably, is continuously missing deadlines, is abusive, has clearly fabricated evidence or if ELM Group, RLHA, ELM Management Ltd considers the complaint to be frivolous or vexatious “*

1. We are committed to dealing with complaints fairly and thoroughly and providing good service. We recognise that inevitably there will be occasions when a complainant will disagree with our decisions, advice, or processes.
2. Where an investigation has been carried out, and a response issued (One Touch stage 1), the complainant will have the opportunity to escalate the complaint for review by the Director of Service Improvement (stage 2) and subsequently can request the RLHA Board review the complaint. The Director of Service Improvement and RLHA Board will consider very carefully any further representation after the initial response but may not continue to respond to complainants indefinitely where, in their opinion the correspondence raises no significant new issues which call the original response into question.
3. Very occasionally a complainant may behave so unreasonably that it is necessary to limit access to our company resources in some way. ELM Group recognise that there will often be strong feeling around disputes, however unreasonable behaviour is not accepted. Any decision to restrict access to company resources will be taken by the Customer Service Manager after consultation with the Executive Leadership Team. The complainant will be advised in writing of the exclusions / limitations when they will be reviewed and how to appeal the decision. The complainant can appeal by writing to the Director of Service Improvement at our Head Office address, within 10 days of notification of restrictions being implemented. The Director of Service Improvement’s decision will be final.
4. Unreasonable behaviour can include but is not limited to:
 - a. Rudeness (eg. swearing, persistent interruption, name calling or general discourtesy)
 - b. Anger (eg. shouting)
 - c. Aggressive behaviour (eg. threats of physical harm to person(s) or property or to self: behaviour which indicated that physical harm to person (s) or property or self is imminent or actual physical aggression)
 - d. Repeatedly requesting responses within unreasonable timescales
 - e. Insisting on speaking to a particular member of staff
 - f. Refusal to accept explanations as to what ELM Group, ELM Management Ltd or RLHA can or cannot do.
 - g. Not accepting ELM Group, ELM Management Ltd or RLHA processes
 - h. Not accepting ELM Group, ELM Management Ltd or RLHA timescales
 - i. Repeated telephone calls

- j. Sending repetitive and/or irrelevant emails or letters
 - k. Reiterating the same points in communications despite points being previously addressed
5. In the rare cases where unreasonable behaviour occurs, ELM Group, ELM Management Ltd or RLHA will tell the complainant why they believe that their behaviour is unreasonable and request that they change their behaviour. If the unacceptable behaviour continues, we may take action to limit the complainant's contact with the organisation and inform the complainant of the limitations and the reasons for it.
6. Any limitations imposed will be appropriate and proportionate and will be reviewed after a suggested period of time (usually 6-12 months). The limitations include but are not limited to:
- a. requesting contact in a particular format
 - b. limiting phone calls to specific days and times
 - c. asking the complainant to enter into an agreement about their conduct.

Any restriction in place will not prevent RLHA nor the complainant from fulfilling their obligations under the lease or tenancy agreement.

- 7. If the complainant continues to behave inappropriately, we may decide to terminate contact with that person all together.
- 8. Where behaviour is so extreme that it threatens the immediate safety and / or welfare of our employees or property other options will be considered including reporting the incidents to the Police or taking legal action. In these circumstances warning of this action may not be given.

Signed:	
Position:	Chief Executive