

**THE GRENFELL TOWER INQUIRY**

---

**CLOSING STATEMENT FOR MODULE 3 ON BEHALF OF  
THE DEPARTMENT FOR LEVELLING UP, HOUSING AND COMMUNITIES**

---

**INTRODUCTION**

1. The Department for Levelling Up, Housing and Communities<sup>1</sup> has followed with care and interest the evidence that has been heard in Module 3. The Department awaits the Inquiry's findings and final recommendations, and sets out in these submissions a summary of the evidence relevant to the questions that the Department highlighted in its opening submissions, and suggests conclusions that are open to the Inquiry on the basis of that evidence.
2. In Module 3 the Inquiry is considering: i) residents' complaints regarding fire safety risks, doors and the quality of workmanship during the refurbishment and the degree of engagement and response of the Tenant Management Organisation (TMO) and the Royal Borough of Kensington and Chelsea (RBKC) to those complaints, ii) the obligations of the TMO and RBKC under the Regulatory Reform Order 2005 and their compliance with those obligations, and iii) the active and passive fire safety measures inside Grenfell Tower and management of maintenance of the building.

---

<sup>1</sup> The Ministry for Housing, Communities and Local Government became the Department for Levelling Up, Housing and Communities on 19 September 2021

3. The Department's opening statement<sup>2</sup> identified ten issues which the Inquiry may wish to consider within Topic 1. Having carefully considered the evidence heard during Module 3, the Department submits that the evidence the Inquiry has heard would allow it to reach the following conclusions:

- a) *That the definition of a 'complaint' adopted by the TMO was too narrow, that some complaints were misleadingly classified as 'enquiries' which affected the accurate reporting of complaints data, and that the TMO's complaints system does not appear to have been accessible or effective.*
- b) *That the TMO ought to have treated complaints via councillors as complaints, ought to have been willing to record a complaint made by telephone as such, and ought to have recognised collective complaints from residents.*
- c) *That the TMO did accept responsibility for doing so, but did not always effectively discharge its responsibility. The process of linking up between the community and contractors does not appear to have been transparent.*
- d) *That, as acknowledged in RBKC's Opening Submission, its monitoring of complaints submitted by residents to the TMO was limited, the Complaints Key Performance Indicator (KPI), once it was used, was quantitative (whether Stage 1 complaints were answered within a target response time) and so did not capture qualitative data, and that matters 'resolved informally' were not recorded as complaints. As such, the Inquiry may conclude that neither the TMO nor RBKC were gathering the necessary data to draw conclusions and learn lessons from complaints.*
- e) *That there was little evidence of training, and that the evidence given by residents regarding the treatment of complaints suggests that staff were not acting in accordance with best practice.*
- f) *That the high-level good practice guidance on dispute resolution was not followed by the TMO or RBKC. The evidence of residents suggested that the complaints process was not taken seriously enough, that there was insufficient transparency and scrutiny.*
- g) *That there was a low level of understanding or awareness of the TMO and RBKC complaints process among residents, and that witnesses were not always aware of the different roles in the process*

---

<sup>2</sup> [https://assets.grenfelltowerinquiry.org.uk/CLG00030831\\_MHICLG%20-%20Module%203%20Opening%20Submissions.pdf](https://assets.grenfelltowerinquiry.org.uk/CLG00030831_MHICLG%20-%20Module%203%20Opening%20Submissions.pdf) and Annex  
[https://assets.grenfelltowerinquiry.org.uk/CLG00030830\\_MHICLG%20-%20Module%203%20Opening%20Submissions%20-%20Annex.pdf](https://assets.grenfelltowerinquiry.org.uk/CLG00030830_MHICLG%20-%20Module%203%20Opening%20Submissions%20-%20Annex.pdf)

*between the TMO and RBKC. This led to residents submitting complaints which were not treated as such by the TMO.*

- b) That insufficient steps were taken to: i) publicise any processes available to support vulnerable residents, ii) provide information in other languages for residents who did not read English (the offer of translation being made in English only), iii) ensure that those who could not access the written procedure were able to record complaints in other ways.*
- i) That the Inquiry has not heard evidence that Housing Ombudsman decisions were consistently reported to the Board, or that the TMO ensured it learnt from the Housing Ombudsman decisions.*

## **MODULE 3 TOPIC 1**

### **Possible conclusions**

***(1) Whether the TMO's definition of a complaint was appropriate, and whether some complaints were treated as 'enquiries'.***

4. *The Inquiry may conclude that the definition of a 'complaint' adopted by the TMO was too narrow, that some complaints were misleadingly classified as 'enquiries' which affected the accurate reporting of complaints data, and that the TMO's complaints system does not appear to have been accessible or effective.*
5. Nicola Bartholomew, TMO Neighbourhood Team Leader for Lancaster West Estate, gave evidence that where a resident attended the office in Lancaster West in person to make a complaint, what happened would depend on the nature of the complaint.<sup>3</sup> If it related to repairs, customer services could log it then and there. Other complaints may be referred to a Housing Officer.<sup>4</sup> She gave evidence that whether a complaint was referred to the complaints team depended on whether or not it was a "formal complaint".<sup>5</sup> The process to make formal

---

<sup>3</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [180/15]

<sup>4</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [180/19]

<sup>5</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [181/11]

complaints was through the website and there was a three-stage process.<sup>6</sup> Complaints raised in person could be resolved quickly so didn't need a formal complaint process.<sup>7</sup>

6. She gave evidence that complaints made by telephone to the office at Lancaster West were dealt with by the Customer Relationship Management (CRM) system.<sup>8</sup>
7. She agreed it is possible that complaints raised in person or by telephone were not passed onto the complaints team.<sup>9</sup> However, she could not say how often complaints may not have been logged.<sup>10</sup>
8. Claire Williams drew a distinction between complaints, and concerns or queries from residents.<sup>11</sup> She defined a complaint as "something that could be multifaceted, it could be serious and sort of organisational. It could be something that couldn't be resolved quickly and straightforwardly".<sup>12</sup>
9. Councillor Judith Blakeman was referred by Counsel to concern expressed about ambiguity between a complaint and an enquiry. The witness responded: "I don't think I realised that they were treating some issues as enquiries and others as complaints".<sup>13</sup>
10. Evidence was heard from a number of residents to the effect that complaints they made were not properly identified and registered as complaints. For example:
11. The evidence of Mahboubeh Jamalvatan was read into the record. She is disabled and walks with a stick. She cannot get down the stairs and relies on taking the lift. She reported problems with the lift not working to the TMO two or three times, but these complaints were not recorded, according to her legal representatives, who checked the RBKC-TMO Housing File. She was not given any advice on what to do in the event of a fire and on the

---

<sup>6</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [181/13]

<sup>7</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [181/21]

<sup>8</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [182/3]

<sup>9</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [182/12]

<sup>10</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20120.pdf> [182/17]

<sup>11</sup> Claire Williams <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [57/4]

<sup>12</sup> Claire Williams <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [57/13]

<sup>13</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTI%20-%20Day%20135.pdf> [51/17]

night of the fire had to escape from the buildings by going down the stairs on her bottom. She had to ‘bump’ her way down.<sup>14</sup>

12. Evidence from Maher Khoudair was also read into the record. He was resident in flat 64, on the 9<sup>th</sup> floor. He had polio in both legs since early childhood. His mobility issues meant that it was impracticable for him to use the stairs and so he was heavily reliant on the lifts. He was not told what to do in the event of a fire and like numerous other residents he said that he “*complained almost 20 times about the lifts not working, but nothing was done*” and that he was “*very disappointed at how I was treated.*” He complained to his MP, Victoria Borwick, who asked people from the TMO to listen to him. A man from the TMO promised that “*the main entrance would be opened after two weeks, but it was re-opened after three months only*”, which caused great difficulty to the witness because of his disability.<sup>15</sup>
13. Lucy Ho, whose evidence was read into the record explained that her mother spoke Cantonese and had only very limited English, and therefore she and her sister would have to make requests and complaints on her mother’s behalf. She said that although her sister made a complaint on her mother’s behalf, her solicitors have not been able to find any record of it.<sup>16</sup>
14. At the time, the Housing Ombudsman had in place dispute resolution principles: to be fair, put things right and learn from outcomes<sup>17</sup>. The Ombudsman’s guidance included that “*The culture of an organisation should ensure that complaints are seen as an opportunity rather than a threat*”<sup>18</sup>, and gave detailed principles for a fair complaints system<sup>19</sup>. In July 2020, the Housing Ombudsman published a new Complaint Handling Code<sup>20</sup>.

---

<sup>14</sup> Mahboubeh Jamalvatan

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [43/5].

<sup>15</sup> Maher Khoudair

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [83/1] and [84/21].

<sup>16</sup> Lucy Ho <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [70/18].

<sup>17</sup> The Housing Ombudsman’s website as at 9 May 2017 via the National Archive:

<https://webarchive.nationalarchives.gov.uk/ukgwa/20170509150350/http://www.housing-ombudsman.org.uk/>

<sup>18</sup> <https://webarchive.nationalarchives.gov.uk/ukgwa/20170509150548/http://www.housing-ombudsman.org.uk/learning-faqs/dispute-resolution-principles/culture/>

<sup>19</sup> <https://webarchive.nationalarchives.gov.uk/ukgwa/20170509150551/http://www.housing-ombudsman.org.uk/learning-faqs/dispute-resolution-principles/be-fair/>

<sup>20</sup> <https://www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf>

*(2) Whether the TMO imposed any inappropriate restrictions or thresholds on matters it would consider as complaints, and the ability of residents to make collective complaints.*

15. *The Inquiry may conclude that the TMO ought to have treated complaints via councillors as complaints, ought to have been willing to record a complaint made by telephone as such, and ought to have recognised collective complaints from residents.*
16. Claire Williams's evidence was that in 2014 the TMO would not meet with Grenfell Community Unite because they were already talking to the residents on a one-to-one basis.
17. Councillor Judith Blakeman gave evidence that residents came to her to ask for help in getting the Grenfell Compact recognised by the TMO. This request was refused by the TMO. As a result, the residents went to the MP, Victoria Borwick, for help and she arranged a meeting with them and the TMO. She explained that the TMO resisted recognising the Grenfell Compact on the basis that they should have joined a residents' association. However, she was not convinced by this justification because "this particular residents' association was pretty moribund, and they tended to focus on arranging social events".<sup>21</sup>
18. Peter Maddison of the TMO disagreed with Counsel to the Inquiry "that the TMO had actually, as a fact, refused to recognise a Grenfell community group in respect of the refurbishment as at 31 March 2015"<sup>22</sup>. He gave evidence that that feedback from residents showed that there was a lack of appetite for public meetings, so they ran informal drop-in sessions, which could be attended by individuals or groups and there was a newsletter.<sup>23</sup>
19. David Collins, a resident and Chair of the Grenfell Compact, complained about the reluctance of the TMO to engage with residents. He said:

*"we wanted to be engaged as a group, and not to be kept apart or separated, not to be able to meet. Remarkably, we weren't able to meet with the TMO or Rydon. We weren't allowed, in their terms, we weren't allowed to be a group, to have a consultation, and that made no sense".<sup>24</sup>*

---

<sup>21</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [69/20]

<sup>22</sup> Peter Maddison <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20124.pdf> [29/31]

<sup>23</sup> Peter Maddison <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20124.pdf> [40/5]

<sup>24</sup> David Collins

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2019%20April%202021.pdf> [115, 12].

20. David Collins explained that Grenfell Unite approached Pilgrim Tucker to write to Robert Black on their behalf in a bid to get the TMO to meet with Grenfell Unite. He said they felt it necessary to take that step because *“no one else would listen to us”*. Although no response was received a meeting eventually took place between Grenfell Unite and the TMO and Rydon on 11 July 2015, although he did not recall why they eventually agreed to meet with them, having previously refused.<sup>25</sup>
21. Youssef Khalloud, a resident, explained that residents started meeting during the refurbishment process because of concerns they had. He said that the TMO would not attend their meetings and the TMO only attended once the local MP attended and forced them to attend. However, he was then satisfied that the TMO had responded to the concerns they raised at the meeting.<sup>26</sup>
22. Edward Daffarn, resident and founder of the Grenfell Action Group, Grenfell Community Unite and the Grenfell Compact, expressed the view that it was a *“complete and utter waste of time”* to go to the TMO with any complaints and that is why residents preferred to go to Councillor Blakeman, or the Grenfell Compact with their complaints.<sup>27</sup> He gave evidence about the refusal of the TMO to allow residents to form a group to meet with them about the refurbishment. He conceded that by the end of December 2015, there had been several such meetings between residents and the TMO.<sup>28</sup> However, he felt that *“once we’d formed the compact we were kind of treated even worse than before by the TMO”*.<sup>29</sup>
23. The evidence of Shahid Ahmed, a resident who founded the Grenfell Tower Leaseholders Association (GTLA) in 2010, expressed his frustration with the TMO’s lack of response to the complaints that he made on behalf of the GTLA. He explained that:

*“I told everyone I could think of regarding my concerns including RBKC Councillors, Councillors in other areas who were part of the ‘tri –borough’ grouping, RBKC officers and TMO officers, and even Victoria Borwick MP. Councillor Marshall and even Judith Blakeman had reservations about why I was sending these emails to so many recipients. I was doing so out of frustration, because it was*

<sup>25</sup> Ibid., [133/2].

<sup>26</sup> Youssef Khalloud

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf>

<sup>27</sup> Edward Daffarn

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [48/7].

<sup>28</sup> Edward Daffarn

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [220/8] and [221/1].

<sup>29</sup> Ibid., [221/8].

*abundantly clear to me that just emailing the TMO would do no good. I was also concerned that the TMO had a free hand to do whatever they liked, so I was hoping to find someone who could force them to take action.”<sup>30</sup>*

24. In response to a question posed by the Inquiry, the witness said that he was not asked to join a residents’ group or committee to represent residents’ interest during the refurbishment. He felt that he was “*deliberately excluded*” from the consultation process.<sup>31</sup>

***(3) Whether the TMO took responsibility for complaints relating to work done by contractors.***

25. *The Inquiry may conclude that the TMO did accept responsibility for doing so, but did not always effectively discharge its responsibility. The process of linking up between the community and contractors does not appear to have been transparent.*

26. Siobhan Rumble (TMO Area Housing Manager for Lancaster West) gave evidence that residents would usually contact Repairs Direct themselves.<sup>32</sup> If residents came to the TMO with a complaint, for example that their heating was not working, TMO staff would then contact Repairs Direct to ask what was happening.<sup>33</sup> They did not then monitor requests made to Repairs Direct.<sup>34</sup> However, if the estate services assistants checked and became aware the problem had not been resolved, this would be brought to her attention, and she would act as the liaison to try and resolve the issue.<sup>35</sup> Her evidence was that whether the issues had been resolved would be checked at the next inspection.<sup>36</sup>

---

<sup>30</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [19/1].

<sup>31</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [21/3].

<sup>32</sup> Siobhan Rumble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20120.pdf> [27/2]

<sup>33</sup> Siobhan Rumble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20120.pdf> [27/3]

<sup>34</sup> Siobhan Rumble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20120.pdf> [27/21]

<sup>35</sup> Siobhan Rumble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20120.pdf> [27/3]

<sup>36</sup> Siobhan Rumble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20120.pdf> [28/7]



27. Claire Williams gave evidence that the TMO would deal with complaints that could not be “straightforwardly resolved” with Rydon whilst their RLOs were on site.<sup>37</sup>
28. Teresa Brown stated that she was aware of residents’ concerns about the TMO’s management of repairs. She explained that in response to a particular email (shown to her by Counsel to the Inquiry) the TMO and the author of the email conducted a walk about of the Tower identifying the author’s concerns.<sup>38</sup>
29. Counsel to the Inquiry showed David Collins (resident and Chair of the Grenfell Compact) a letter that was distributed to residents from the councillors following the meeting between the residents and the TMO on 11 July 2015. In the letter the councillors described how Rydon were available to receive complaints but that it was difficult to raise complaints with the TMO and that the out of hours service was “*a disaster*”. It noted that residents had reported lifts that were not working, with no response, that the water had been turned off, without arrangements having been made for the affected households. At the meeting, Mr Maddison had apologised on behalf of the TMO. David Collins agreed that Rydon had received complaints, but his view was that if there wasn’t also a will from the TMO, then Rydon “*would not implement a solution*”.<sup>39</sup>
30. Several witnesses (for example, Samuel Daniels<sup>40</sup> and Bellal El Guenuni<sup>41</sup>) gave evidence about problems they had with self-closing doors, which were not satisfactorily resolved.
31. However, other residents were less scathing in their views of the TMO and their liaison with Rydon. For example, Shantilal Patel’s written evidence included an example of the TMO

---

<sup>37</sup> Claire Williams

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [56/7]

<sup>38</sup> Teresa Brown <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%206%20May%202021.pdf> [144/19].

<sup>39</sup> David Collins,

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2019%20April%202021.pdf> [140/1].

<sup>40</sup> Samuel Daniels

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [92/11].

<sup>41</sup> Bellal El Guenuni

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [32/2].

seeking to resolve an issue regarding a resident's windows and Rydon. Mr Patel stated that Rydon came around the next day after the witness contacted Claire Williams of the TMO.<sup>42</sup>

***(4) Whether the TMO and/or RBKC sufficiently monitored the handling of complaints, including gathering qualitative as well as quantitative data and considering lessons that could be learned from complaints.***

32. *The Inquiry may conclude that, as acknowledged in RBKC's Opening Submission, its monitoring of complaints submitted by residents to the TMO was limited, the Complaints Key Performance Indicator (KPI), once it was used, was quantitative (whether Stage 1 complaints were answered within a target response time) and so did not capture qualitative data, and that matters 'resolved informally' were not recorded as complaints. As such, the Inquiry may conclude that neither the TMO nor RBKC were gathering the necessary data to draw conclusions and learn lessons from complaints.*

33. Nicola Bartholomew could not say how often formal complaints may not have been logged.

<sup>43</sup> Claire Williams gave evidence that the complaints team could pick up complaints from the CRM system and raise those with managers if they took the view that complaints were not being adequately responded to.<sup>44</sup> Her evidence was that the complaints team monitored the system, so unless they had the full information, they couldn't monitor the complaint.<sup>45</sup> She gave evidence that she would have recorded a complaint in CRM, "if there had been anything that had come to [her] attention."<sup>46</sup> She did not record any of the complaints entered in the matrices, nor did she follow up on Edward Daffarn's speech.

34. Teresa Brown, Director of Housing at the TMO, also gave evidence about the CRM system. Counsel to the Inquiry referred the witness to a minute from a meeting referring to a problem with complaints sometimes not getting a response for 70-100 days. The witness acknowledged that there had been issues but explained that the TMO had implemented a CRM process that logged and tracked complaints and sent reminders. Teresa Brown's view

---

<sup>42</sup> Shantilal Patel <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [76/18].

<sup>43</sup> Nicola Bartholomew <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GIT%20-%20Day%20120.pdf> [182/17].

<sup>44</sup> Claire Williams <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [66/6].

<sup>45</sup> Claire Williams <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [66/15].

<sup>46</sup> Claire Williams <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2027%20April%202021.pdf> [59/21].

was that there was a “solid process for monitoring and making sure people responded to complaints”.<sup>47</sup>

35. Councillor Judith Blakeman assisted the Grenfell Compact by producing matrices of outstanding complaints, which the TMO or Rydon could respond to.<sup>48</sup> She produced the matrices with Mr Daffarn, Mr Thompson and Mr Collins but in her view the complaints were reflective of the concerns of residents of Grenfell Tower more generally.<sup>49</sup>

36. Councillor Judith Blakeman gave evidence that if a complaint was simple, and it could be resolved, then it would be resolved, but if it wasn't, like the matrices she submitted, it tended to be bland reassurances rather than active responses.<sup>50</sup>

37. That the data collected about complaints was quantitative rather than qualitative was also felt by residents of Grenfell Tower. Notably, Edward Daffarn, said:

*“As far as I know, the TMO would collect information about the time it took to respond to complaints but there was no scrutiny over whether the complaints process was effective, whether the TMO learnt from complaints and whether complainants received proper disclosure of information relevant to their complaints so there could be a level playing field between a complainant and the TMO.”<sup>51</sup>*

***(5) Whether the TMO and/or RBKC ensured staff handling complaints at all levels had appropriate training, and whether any staff had undertaken the Housing Ombudsman’s training for landlords, or dispute resolution training.***

38. *The Inquiry may conclude that there was little evidence of training, and that the evidence given by residents regarding the treatment of complaints suggests that staff were not acting in accordance with best practice.*

39. In answer to questions from Counsel to the Inquiry Teresa Brown said that she did not ensure that staff were trained in how to pursue or apply the complaints process. In her view the staff dealt with complaints appropriately and so didn't need any training, or additional

---

<sup>47</sup> Teresa Brown <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%206%20May%202021.pdf> [139/23].

<sup>48</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [95/6].

<sup>49</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [95/23].

<sup>50</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [51/12].

<sup>51</sup> Edward Daffarn

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [62/1].

training. She said that no concerns had been expressed directly about the adequacy with which her staff managed the complaints process.<sup>52</sup> She went on to say that she and her staff were aware of the differences between a service request and a complaint. She didn't recall any training, but her staff were fully aware of the distinction between complaints and service requests. She did not recall any issues with complaints being misclassified as enquiries.<sup>53</sup> Peter Maddison of the TMO gave evidence that that he received training on how to discharge the TMO's obligations under the Housing Act.<sup>54</sup>

40. The Inquiry may wish to consider the Housing Ombudsman's records of e-learning completed by landlords: they have confirmed to the Department that they do have records dating back to time of fire, and that no one identifying as being from KCTMO is recorded as having completed their e-learning (which at the time was training on the dispute resolution principles) before June 2017.<sup>55</sup>

***(6) Whether the TMO and/or RBKC's handling of complaints followed the Housing Ombudsman's high-level good practice guidance on dispute resolution: be fair – treat people fairly and follow fair processes, put things right, and learn from outcomes.***

41. Overall, the Inquiry may conclude that the high-level good practice guidance on dispute resolution was not followed by the TMO or RBKC. The evidence of residents suggested that the complaints process was not taken seriously enough, that there was insufficient transparency and scrutiny.

42. Judith Blakeman's evidence was that the TMO treated councillors and residents with disdain and that issues raised were treated as an exaggeration.<sup>56</sup> A number of residents gave evidence about being spoken to rudely when registering complaints.

43. Emma O'Connor, a disabled resident, explained that she visited the TMO's website "*constantly to make complaints*" and that she made telephone calls to complain as well as using the online

---

<sup>52</sup> Teresa Brown <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%206%20May%202021.pdf> [137/4].

<sup>53</sup> Teresa Brown <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%206%20May%202021.pdf> [137/24].

<sup>54</sup> Peter Maddison <https://www.grenfelltowerinquiry.org.uk/hearings/kensington-chelsea-tenant-management-organisation-evidence-28-april-2021> [129/1].

<sup>55</sup> Exhibit e mail {CLG00035498}

<sup>56</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/G11%20-%20Day%20135.pdf> [50/18].

form.<sup>57</sup> However, she said that her complaints were not taken seriously and that she was spoken to rudely.<sup>58</sup>

44. Edward Daffarn, explained that he was treated rudely by the TMO out of hours staff, who took his phone call, when he made a complaint about his neighbours' door having been left open over the weekend by Rydon. He felt that he was also poorly treated by Peter Maddison whom he emailed in furtherance of the complaint and who he felt had accused him of lying in response.<sup>59</sup>
45. Shahid Ahmed, a resident who founded the Grenfell Tower Leaseholders Association (GTLA) in 2010,<sup>60</sup> expressed exasperation with the way in which he felt complaints were received by the TMO. He explained that when he raised complaints on behalf of the GTLA he was directed to the TMO's complaints procedure. However, he *"thought that the complaints procedure was a way for the TMO to be judge, jury and executioner. It essentially let them judge themselves"*.<sup>61</sup> Further, *"[t]he complaints I made never achieved anything. That was why I repeatedly requested that Grenfell Tower be subjected to an independent Health and Safety review in 2017 – because I did not trust the TMO to review themselves. It is also why I always emailed RBKC and TMO officers and Councillors"*.<sup>62</sup> By way of example, he said that the GTLA complained about the lifts breaking down on numerous occasions, including in the period immediately preceding the fire.<sup>63</sup> Another example, he gave, was that he repeatedly complained over a number of years about not being provided with a Tenant's Handbook. Although he received an initial response, he didn't receive any subsequent response and was not provided with a Tenant's Handbook. He disagreed with Robert Black's evidence that there was a Tenant's Handbook at the time of the fire.<sup>64</sup>

---

<sup>57</sup> Emma O'Connor

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [106/9] and [118/14].

<sup>58</sup> Emma O'Connor

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [114/6].

<sup>59</sup> Edward Daffarn

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [160/16].

<sup>60</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [3/2].

<sup>61</sup> Ibid., [4/14].

<sup>62</sup> Ibid., [4/20].

<sup>63</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [15/1].

<sup>64</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf>

46. Mr Ahmed also made complaints in relation to his own flat and he found the TMO out of hours service to be “unhelpful”. He would be told that if the problem was just with his flat, then he would have to deal with it himself. He expressed the following view of the TMO’s handling of complaints: *“I got the same response with regards to my own flat as when I complained on behalf of GFLA – the TMO would reply late or not at all, pass me around various members of staff and often found no effective solution. The real problem with Grenfell Tower was not the age or state of the building, it was the attitude of RBKC and the TMO.”*<sup>65</sup>

47. Lorraine Beadle, a resident whose evidence was read into the record and who tried to complain about the fire escape route being blocked after the refurbishment had started, said that:

*“as far as I remember, nobody from Rydon or the TMO called me back in response to my concerns about the escape route being blocked. I think this was awful. They did not treat fire safety seriously as an issue, and this example shows this. They did not deal with my concerns well at all on any level – they just did not seem to care.”*<sup>66</sup>

***(7) Whether residents were provided with sufficient information about the TMO’s own complaints system and the role and availability of the Housing Ombudsman by the TMO and/or RBKC.***

48. *The Inquiry may conclude that there was a low level of understanding or awareness of the TMO and RBKC complaints process among residents, and that witnesses were not always aware of the different roles in the process between the TMO and RBKC. This led to residents submitting complaints which were not treated as such by the TMO.*

49. Witnesses from the TMO explained that the complaints process was publicised in the LINK magazine. Teresa Brown explained that information about the complaints process was provided to residents through the TMO’s website and in the Link magazine and there was also information in the three receptions.<sup>67</sup> The evidence from residents is that whilst some were aware of and read the LINK magazine, others were not aware of it and did not read it.

---

[15/23].

<sup>65</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [20/4].

<sup>66</sup> Lorraine Beadle

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf>

[63/1].

<sup>67</sup> Teresa Brown, <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%206%20May%202021.pdf> [138/17].

For example, Mustafa Abdu did “not remember ever hearing about LFNK, despite talking to others... it seemed no one was aware of it”.<sup>68</sup> Gitiara Pahlavani, who had lived in Grenfell since 1997, explained in her written statement, that was read into the record, that she was unaware of any complaints process.<sup>69</sup>

50. A number of residents did give evidence that they were aware of and utilised the complaints procedure published on the TMO’s website. Although, it is notable these witnesses nevertheless expressed dissatisfaction with the service that they received. For example:
51. Betty Kasote, a resident, explained that she made complaints to the TMO but she did not receive a response. She explained that the TMO’s handling of complaints deteriorated over time. It had been better when the TMO office was in the basement of the Grenfell building but when it moved to “somewhere central” the “interactions with the TMO (not just for complaints) became much worse.”<sup>70</sup> Regarding the TMO’s complaints policy, the witness understood she could put complaints in writing on the website.<sup>71</sup>
52. Emma O’Connor explained that she visited the TMO’s website “constantly to make complaints” and that she made telephone calls to complain as well as using the online form.<sup>72</sup> However, she said that her complaints were not taken seriously.<sup>73</sup>
53. Councillor Judith Blakeman explained that there was “huge confusion” about the complaints process and “[a]n awful lot of residents didn’t understand the TMO’s complaints process at all, that’s why they came to us”.<sup>74</sup>
54. Lee Chapman, a resident and Secretary of the Grenfell Tower Leaseholders Association, expressed confusion about the TMO complaints system. He had thought that the complaints

---

<sup>68</sup> Mustafa Abdu

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [58/3].

<sup>69</sup> Gitiara Pahlavani

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [74/1].

<sup>70</sup> Betty Kasote <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [29/16].

<sup>71</sup> Ibid., [31/13].

<sup>72</sup> Emma O’Connor

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [106/9] and [118/14].

<sup>73</sup> Ibid., [114/6].

<sup>74</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [53/14].

procedure involved either sending an email or making a telephone call to the TMO.<sup>75</sup> This was how he had previously raised complaints, and so when he wanted to raise a complaint about the installation of gas pipes in the hallways of Grenfell Tower, an escape route in the event of a fire, this is how he did so. He had thought that by sending an email he was making a “formal complaint”.<sup>76</sup> He explained, “*I think all of my emails I thought would be treated as a formal complaint*”.<sup>77</sup> It was only subsequently, that he learnt of the staged complaints procedure and registered and made stage 1 and stage 2 complaints about this issue.<sup>78</sup> Further, Mr Chapman had not understood that the TMO and RBKC were separate entities and that the RBKC had a separate complaints procedure.<sup>79</sup> However, he did understand that he could write to his MP to assist with making a complaint to the TMO. He said “*I knew that by writing to your local MP they could essentially attack it from another angle, if you like, but I wasn’t – I’ve never been entirely sure exactly what they can do*”.<sup>80</sup>

55. David Collins, a resident and Chair of the Grenfell Compact (a representative residents’ group), gave evidence that he was unaware of the TMO’s complaints process in March 2015 and that when he had written to a letter of complaint to Claire Williams, of the TMO, that month, his expectation had been that it would be treated as a formal complaint.<sup>81</sup> Further, when Counsel to the Inquiry put to the witness an email from Peter Maddison to Councillor Blakeman, in which the former had said that the TMO had a “*very clear complaints policy and a number of residents who attended the meeting on Saturday have used it quite extensively*”, David Collins strenuously disagreed that the TMO had a very clear complaints policy. He said that he had never seen a copy of the complaints policy, although he eventually became aware of its existence, the TMO had never brought its complaints policy to his attention.<sup>82</sup> However, when the witness was shown a copy of the TMO / Rydon Grenfell Tower Regeneration Newsletter from May 2016, which included information about the TMO complaints process,

---

<sup>75</sup> Lee Chapman

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2019%20April%202021.pdf> [35/20].

<sup>76</sup> Ibid., [75/2].

<sup>77</sup> Ibid., [75/8].

<sup>78</sup> Ibid., [82/15].

<sup>79</sup> Ibid., [20/20] and [36/4].

<sup>80</sup> Ibid., [25/1].

<sup>81</sup> David Collins

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2019%20April%202021.pdf> [108/20].

<sup>82</sup> Ibid., [142/8].



including how to raise a complaint, he acknowledged that by May the complaints process was set out but explained that by that point they had already raised numerous complaints.<sup>83</sup>

56. Edward Daffarn explained how he understood and utilised the TMO's complaints procedure, making stage 1 and stage 2 complaints and that he was aware that it was a 3-stage procedure. He saw a complaints policy document, although this was not until 2016, after he had asked to see it, when challenging the length of time he had been waiting for a response to a complaint that he had made.<sup>84</sup> He also understood that the TMO reported to the RBKC property committee,<sup>85</sup> although he said "*I didn't know about the Homes and Communities Agency, which actually was a higher power we could have gone to*".<sup>86</sup>

57. The evidence of Shahid Ahmed, a resident who founded the Grenfell Tower Leaseholders Association (GTLA) in 2010, was read into the record. He explained that when he raised complaints on behalf of the GTLA he was directed to the TMO's complaints procedure. However, his evidence was that during his 25 years living in Grenfell Tower, he had never been provided with a copy of the complaints procedure. Further, the difference between the complaints procedure and a member's enquiry was never explained to the GTLA.<sup>87</sup>

***(8) Whether the TMO and/or RBKC ensured vulnerable residents or those for whom English was not their first language were able to understand their rights and access the complaints procedure.***

58. *The Inquiry may conclude that insufficient steps were taken to i) publicise any processes available to support vulnerable residents, ii) provide information in other languages for residents who did not read English (the offer of translation being made in English only), iii) ensure that those who could not access the written procedure were able to record complaints in other ways.*

---

<sup>83</sup> Ibid., [186/8].

<sup>84</sup> Edward Daffarn

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [60/7], [63/20] and [64/6].

<sup>85</sup> Edward Daffarn,

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2021%20April%202021.pdf> [65/10].

<sup>86</sup> Ibid., [66/6].

<sup>87</sup> Shahid Ahmed

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [4/4] and [5/5].

59. David Noble<sup>88</sup>, the TMO's Equality & Diversity Officer, and subsequently Policy Advisor, gave evidence that materials from the TMO contained a "*translation banner on the back saying "If you need this translated, contact us and we'll try and get it done for you"*". He could not recall any requests for Link, the TMO's magazine which contained information about the complaints process, to be translated. His evidence was that translation requests were not received very often. The box indicating that documents could be translated was only printed in English, despite David Noble's evidence that he knew there were some residents who could not read English.
60. Judith Blakeman explained that residents for whom English was not their first language would telephone with complaints, rather than put them in writing. They would call her and say that their complaint had not been dealt with and she would help by putting them in writing.<sup>89</sup> The Grenfell Compact and other residents would also assist in making complaints on behalf of such residents.<sup>90</sup>
61. A number of residents gave evidence about having difficulty accessing information from the TMO because all the information provided by the TMO was in English and English was not their first language. Examples include: Maryam Yusuf Adam,<sup>91</sup> as well as Lucy Ho, who explained that her mother spoke Cantonese and had only very limited English, therefore, she and her sister would have to make requests and complaints on her mother's behalf. However, although her sister made a complaint on her mother's behalf, her solicitors have not been able to find any record of it.<sup>92</sup>
62. One witness, William Thompson, whose statement was read into the record, gave evidence about large numbers of residents attending residents' meetings regarding complaints about the refurbishment process. He was concerned that some older and vulnerable residents were

---

<sup>88</sup> David Noble <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2022%20April%202021.pdf> [92/4].

<sup>89</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [103/1].

<sup>90</sup> Judith Blakeman <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GTT%20-%20Day%20135.pdf> [103/21].

<sup>91</sup> Maryam Yusuf Adam <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [81/13] (this was in relation to the "stay put" policy).

<sup>92</sup> Lucy Ho, <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [70/3].

concerned about the possible consequences of complaining to the TMO and/or RBKC.<sup>93</sup> He said:

*“My impression living in the tower was that there were some residents who became so used to being bullied by the TMO and RBKC that they just didn’t want to rock the boat as they were afraid of the consequences. I am not saying people were physically threatened but people were afraid, especially the old and vulnerable of which there were quite a few. That is how it is in social housing especially when there is lots of homelessness out there, many people do not want to speak up against a landlord because however bad things might be they feel at least they have a home. I used to picture some of these older and vulnerable residents sitting in their homes with no water but scared to complain, scared of the people who were supposed to be looking after them”.*<sup>94</sup>

63. The evidence of a number of witnesses who were residents at Grenfell Tower and who were disabled, or cared for children or adults with disabilities, was read into the record during the course of the Module 3 evidence. Whilst some were able to access the complaints system and reported positively of their experiences, others struggled to make complaints and did not feel supported by the TMO.
64. For example, Rosita Bonifacio and her husband were elderly, and her husband suffered from a disability. They had lived in Grenfell Tower for 36 years. She said that *“it was always a struggle to get them to respond to my complaints, so I felt that there was no point going to them for help.”*<sup>95</sup>
65. As noted already above, Emma O’Connor, was a disabled resident who visited the TMO’s website to make complaints and would also complain using the telephone but she felt that her complaints were not taken seriously and that she was spoken to rudely.<sup>96</sup>
66. However, Corinne Jones, a resident whose son has mobility issues as a result of Sjogren syndrome, said that she was able to report any problems with her flat to the TMO through their *“repairs line”* and that she *“did not usually have any significant issues with the TMO taking a long*

---

<sup>93</sup> William Thompson

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [79/21].

<sup>94</sup> William Thompson

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20May%202021.pdf> [81/16].

<sup>95</sup> Rosita Bonifacio

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [85/13] and [87/6].

<sup>96</sup> Emma O’Connor,

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf>[114/6].

*time to get back to [her]*". She also referred to Claire Williams, of the TMO, as someone who she could contact about problems with the flat.<sup>97</sup>

***(9) Whether residents' access to the Housing Ombudsman was fettered by the TMO and/or RBKC.***

67. *The Inquiry may conclude from the above that there was not a wide understanding of the role of the Housing Ombudsman or the support they could provide to residents with a complaint.*

***(10) Whether the Housing Ombudsman decisions were consistently reported to the Board, and whether the TMO ensured it learnt from the Housing Ombudsman decisions***

68. *The Inquiry has not heard evidence addressing whether Housing Ombudsman decisions were consistently reported to the Board, nor whether the TMO ensured it learnt from the Housing Ombudsman decisions.*

**EVIDENCE OF RBKC**

69. The Inquiry has heard some evidence from RBKC witnesses regarding the pressures that the Council was dealing with. The evidence of Amanda Johnson referred to the adverse impact of wider issues as factors affecting RBKC including: Right to Buy and receipts, deregulation of social housing; reduction in funding for local government, sale of high value void properties, and restrictions on borrowing to invest in housing<sup>98</sup>.

70. Insofar as RBKC suggests that these factors lead to any particular failures, the Department notes that:

- a) Local authority housing revenue accounts have long been ring fenced from local authority general funds, so they are not affected by wider government funding settlements. The self-financing settlement of 2012 put local authority housing revenue accounts on a long-term sustainable footing by allowing them to keep and manage rental revenue in return for taking on responsibility for their share of the historic debt incurred on the housing.

---

<sup>97</sup> Corinne Jones, <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2020%20April%202021.pdf> [155/20].

<sup>98</sup> Amanda Johnson <https://assets.grenfelltowerinquiry.org.uk/documents/transcript/GIT%20-%20Day%20131.pdf> [69]

- b) Each self-financing settlement was based upon the state of each individual HRA and the information provided by the local authority itself and the stock archetypes held at the point the self-financing settlement took place. While standard assumptions were made across and for all authorities, the application in each case will have depended upon the archetype, age, state of repair, decency, local crime data etc. The reforms, which commenced work in 2008 went live in 2012, after very close consultation with the sector.
- c) There is no evidence to suggest that RBKC did not receive an appropriate settlement in 2012. With (at that time) a stock level of 6,915 their property-holding was smaller than average by about 30% (and the third smallest of the London Boroughs, after City of London and Harrow).
- d) At the point of the settlement, a cap was placed on the amount of borrowing that each LA could finance through the HRA. By the end of 2015-16 RBKC had reduced its borrowing levels and was reporting HRA borrowing headroom available to it of £11.4m.
- e) Between 2012 and 2017 RBKC voluntarily returned unused RTB receipts of £4.4m, which could have been retained and used for the one-for-one replacement of properties sold under the RTB.
- f) The policy on the sale of High Value (vacant) Assets (HVA) was never commenced and had no effect on any local authority.

71. RBKC accepted in their Opening Submission that they had a lack of oversight over the TMO, that the number of Council officers devoted to monitoring the TMO was insufficient, that RBKC could not identify an issue if it was not identified by the TMO board, and that the Council failed to follow various procedures which it had agreed with the TMO (regarding reporting on training, the provision of management data, and the required complaints meeting).

*The right to manage and the formation of a TMO*

72. Since 1994, local authority tenants have had a statutory right to manage<sup>99</sup>. By forming a Tenant Management Organisation, they can take over responsibility for managing housing services, such as repairs, caretaking, and rent collection from their landlord using devolved

---

<sup>99</sup> Pursuant to the Housing (Right to Manage) (England) Regulations 2012, made under sections 27 and 27AB of the Housing Act 1985.

budgets from their landlord. Tenant Management Organisations are models of community control that can improve service quality, secure better value for money, and boost satisfaction. Their members are unpaid volunteers who want to improve the quality of people's lives by taking on more responsibility for local services. Assuming the statutory criteria are met, local authorities are obliged to enter into a Modular Management Agreement ("MMA") with the residents' TMO.

73. An individual MMA entered into by a Tenant Management Organisation and a Council will consist of:

- a) The non-optional clauses of the Modular Management Agreement
- b) The optional clauses in the Modular Management Agreement chosen by the parties, within the constraints specified in the Modular Management Agreement
- c) Annexes
- d) The Schedules referred to in the Modular Management Agreement and listed in the Contents at the end of each Chapter, after the list of the clauses constituting that Chapter.

74. RBKC's Opening Submission suggests that the Modular Management Agreement ("MMA") which governed the relationship between the Council and the TMO was based on a template "which had been approved and issued by the Government", and that it was regarded as frustrating and not considered in practice. However, the drafting of the MMA is the responsibility of the council and TMO/ALMO. Had the Department been approached for advice on the drafting of the MMA, RBKC and the TMO would have been directed to the statutory guidance produced to assist councils and TMOs to draft the schedules to their particular agreements<sup>100</sup>.

## **ACTIONS TAKEN BY THE DEPARTMENT**

75. The Department is currently taking or planning measures intended to bring about the following:

---

<sup>100</sup> <https://www.gov.uk/government/publications/right-to-manage-guidance-modular-management-agreement-for-tenant-management-organisations-volume-1> The last statutory guidance was published in 2013, and in the Social Housing White Paper the Department has committed to review this guidance.

- a) Improvements to complaints processes to ensure residents get speedier, more easily accessible effective resolution and redress. The professionalisation review will consider the appropriate qualifications and standards for staff in different roles (including senior staff) with a view to ensuring all staff act professionally, listen to their residents and at all times treat them with courtesy and respect.
- b) Measures to empower residents when engaging with or challenging landlords.
- c) Changes to the regulatory regime to drive up compliance with consumer standards and strengthen landlord accountability.
- d) Review the statutory Right to Manage guidance.

76. The Social Housing White Paper – “The Charter for Social Housing Residents” – was published in November 2020<sup>101</sup> and sets out changes which will improve the lives of social housing residents in England. The measures it sets out are the result of listening to social housing residents across the country about the changes that they want to see. This includes: concerns about safety and quality, complaints being handled badly, and residents not being listened to or treated with respect.

77. The package delivers a transformation of social housing redress and of the regulatory regime, creating proactive consumer regulation and rebalancing the relationship between landlord and tenant. It will ensure complaints are dealt with more quickly and fairly, improve the quality of social homes and empower tenants.

78. The Department has started work on taking this forward. It has:

- a) Run a national campaign to raise awareness of how to make complaints<sup>102</sup>.
- b) Carried out an evaluation of the campaign and has discussed with stakeholders, including tenants' groups, what the next steps should be in light of the evaluation findings. The Department is considering the results of the evaluation as it now prepares for a follow-up campaign.

---

<sup>101</sup> <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

<sup>102</sup> <https://socialhousingcomplaints.campaign.gov.uk/>

- c) Introduced the Building Safety Bill which will ensure that residents will be able to raise building safety concerns directly to the owners and managers of buildings, who will have a duty to listen to them, and that if they feel concerns are being ignored, they can raise them directly with the Building Safety Regulator. The Bill will also remove the ‘democratic filter’ thereby ensuring that residents no longer have to wait eight weeks before formally seeking redress from the Housing Ombudsman.
- d) Undertaken phase 1 of the review of the Decent Homes Standard, which includes establishment of a sounding board of experts<sup>103</sup>, seeking to understand the case for change to criteria within the Decent Homes Standard. The Department is now assessing whether the case for change has been made.
- e) Committed to consult on electrical safety in the social rented sector and established a working group<sup>104</sup> to inform the consultation<sup>105</sup>.
- f) Launched a consultation on smoke and carbon monoxide alarms. The Department is now analysing responses<sup>106</sup>.
- g) Published the report of the Social Sector (Building Safety) Engagement Best Practice Group<sup>107</sup>; the Government’s response will be published shortly.

79. The Housing Ombudsman has also implemented several of the measures set out in the White Paper:

- a) It has increased the capacity of its service to deal with complaints more quickly and meet its challenging targets to reduce its determination times in the context of increasing demand.
- b) It has introduced a new Complaints Handling Code which landlords were required to self-assess against by 31 December 2020.

<sup>103</sup> <https://www.gov.uk/guidance/decent-homes-standard-review>

<sup>104</sup> <https://www.gov.uk/government/groups/electrical-safety-in-social-rented-homes-working-group>

<sup>105</sup> <https://www.gov.uk/government/consultations/electrical-safety-in-the-private-rented-sector>

<sup>106</sup> <https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms>

<sup>107</sup> The Group: <https://www.gov.uk/government/groups/social-sector-building-safety-engagement-best-practice-group> The Report: <https://www.gov.uk/government/publications/the-social-sector-building-safety-engagement-best-practice-group-final-report>



- c) The Ombudsman now publishes all individual landlord complaints handling data, as well as individual judgments; this is an on-going commitment.
- d) It commenced quarterly “Meet the Ombudsman” events and established a new Residents Panel.
- e) It appointed Adam Sampson, formerly CEO of Shelter and Chief Legal Ombudsman, to act as their Independent Reviewer, with responsibility for examining any complaints about the Ombudsman’s service and making recommendations for change as appropriate.

80. The Regulator of Social Housing:

- a) Has appointed a Director of Consumer Regulation, Kate Dodsworth, who is leading the Regulator’s work to prepare for a new proactive consumer regulation function, following the passage of legislation.
- b) Is actively taking forward work to develop the new Tenant Satisfaction Measures, including early engagement with the sector and tenants.

81. We are developing the legislative measures which are needed to implement the Charter for Social Housing Residents, and are committed to legislating as soon as practicable. The Regulator of Social Housing is working closely with stakeholders on the development of the revised consumer standards and framework and will consult formally on the new standards once the relevant legislation has been enacted.

82. The strengthened consumer regulatory regime will allow the regulator to proactively regulate and drive landlord compliance with its consumer standards, underpinned by removing the serious detriment test and introducing routine inspections for the largest landlords. Proactive consumer regulation means that there will be greater monitoring and oversight of landlord performance. This will include on issues around service quality, ensuring tenants have opportunities to hold their landlords to account, and ensuring that landlords are providing information to tenants. As part of the new regime, tenant satisfaction measures will be introduced to help assess landlord performance on issues like repairs and complaints handling. The regulator’s enforcement powers will also be strengthened, to ensure it can tackle failing landlords when things go wrong.

83. The Department is working to take forward all of the White Paper commitments, including the professionalisation review which will consider the appropriate qualifications and standards needed by housing staff to enable them to deliver the highest levels of service with empathy and respect.

84. The Department notes that a national voice for tenants has been called for by tenant organisations and that the Social Housing Green Paper consultation found the majority of responses felt that there is a need for a stronger representation of residents at a national level. As part of the Social Housing White Paper package, the Department will review how tenant scrutiny works best to ensure that residents are able to properly examine how their landlord operates; and will develop a Resident Opportunities and Empowerment programme, to provide residents with support to engage effectively with their landlord. There will be ongoing ministerial engagement with residents during the White Paper implementation process; the Department will continue to listen to residents and enable them to have their voices heard. The aim is to ensure residents are kept at the heart of future policy making and can continue to shape social housing.

85. In addition, the Department:

- a) Is reviewing the Housing Health and Safety Rating System (HHSRS), the risk assessment tool used to assess hazardous conditions in all residential property and specifically by local authorities when they enforce under the Housing Act 2004. The review is focusing on making the system more accessible, developing minimum standards for common health and safety hazards and exploring digital solutions for inspecting rented properties<sup>108</sup>.
- b) Has brought the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 into force for all private tenancies, which has put existing best practice on a statutory footing. The Regulations require private landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years, and meet national standards for electrical safety.

---

<sup>108</sup> <https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-outcomes-of-the-scoping-review>

Landlords must provide a copy of the electrical safety report to their tenants, and if requested to their local authority<sup>109</sup>.

- c) Supported the Homes (Fitness for Human Habitation) Act 2018. The aim of the Act is to help drive up standards in rented homes in both the social and private sectors and provide an alternative means for tenants to seek redress from their landlord if their rented property presents a risk of harm to the health and safety of the occupiers. It does this by empowering tenants to hold their landlord, including registered providers such as housing associations, to account without having to rely on their local authority to do so<sup>110</sup>.

## CONCLUSION

86. The Inquiry has heard evidence from residents about the lack of leadership and a culture that did not have residents as its focus. Many of the themes of the evidence in this Module were also present in the Social Housing Green Paper<sup>111</sup> consultations, where the Department heard evidence of a mixture of levels of awareness, and a range of practice on complaints handling and engagement.

87. In evidence heard by the Inquiry, David Collins, who lived in Flat 185 from April 2014 until 31 October 2016, said that in a meeting with the TMO and Rydon “*Someone in the meeting, one of the supervisors, and he wasn’t very sure of himself, he said something which was a bit foolish, that we should be grateful for what we have, rather than grumbling at problems that weren’t ours or we shouldn’t worry about things. [...] And he wasn’t very happy, he was angry, and there was a reaction.*”<sup>112</sup>

88. The Department aims to ensure that residents in social housing are safe, live in good quality homes, and have access to redress when things go wrong. Rebalancing the relationship between landlords and tenants remains a key priority. All tenants, whether in social housing or otherwise, should be treated with respect and courtesy.

89. The Department is committed to learning the lessons of the Grenfell tragedy which raised critical questions for everyone involved in social housing. The White Paper is an important step in addressing these issues, and the Department will continue to respond positively to the

---

<sup>109</sup> <https://www.gov.uk/government/publications/electrical-safety-standards-in-the-private-rented-sector-guidance-for-landlords-tenants-and-local-authorities>

<sup>110</sup> <https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018>

<sup>111</sup> <https://www.gov.uk/government/news/social-housing-green-paper-a-new-deal-for-social-housing>

<sup>112</sup> David Collins

<https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript%2019%20April%202021.pdf> [139/12]

recommendations of the Public Inquiry. The Department remains determined that the legacy of the Grenfell Tower tragedy will be lasting change and safer homes for everyone.

90. The Department looks forward to the Inquiry's findings and final recommendations arising from Module 3.

1 October 2021