



## KCTMO Complaints Policy

Action	
Revised - Catherine Dack	30.07.15 Agreed TMO Board 10.09.15
Next Review	July 2018

# Royal Borough of Kensington and Chelsea Tenant Management Organisation

## Complaints Policy

### 1. Introduction

- 1.1 All residents and customers have a right to expect an excellent service from Kensington & Chelsea Tenant Management Organisation (KCTMO) and to have matters put right when they go wrong. A robust, well managed complaints policy can assist in increasing customer satisfaction through learning from complaints and using this to continuously inform and improve our services. It will save management time, reduce costs and recognise and acknowledge where the service is working well.

### 2. The Policy

- 2.1 The policy provides details on how KCTMO will manage the complaints process in line with the organisation's aims, objectives and values to ensure consistency, quality and effectiveness in complaints handling. In managing all complaints KCTMO will also seek to apply the Housing Ombudsman principles for effective complaint handling:
- easy to use
  - fair
  - designed to put things right at the earliest opportunity
  - a chance to learn and improve services.
- 2.2 Complaints will be dealt with in line with KCTMO's commitment to promoting equality and diversity among our residents and staff regardless of disability, race, nationality, gender, sexuality, age, religion or belief. In meeting the aims of this policy, KCTMO will provide information that is accessible and available in appropriate formats, including interpretation and translation services, large print and audio formats.
- 2.3 Complaints will be dealt with confidentially and access to cases on KCTMO's systems will be restricted in accordance with the Data Protection Act. Complaints will not be discussed with anyone other than the complainant and/or their representative or staff and other parties relevant to the complaint.
- 2.4 Anyone working for or on the behalf of KCTMO can receive a complaint. The responsibility for receiving and forwarding this information lies with everyone in the organisation.
- 2.5 Complaints may be received in writing by letter or email, telephone, through the KCTMO website, or at our offices, at meetings or on home visits. Regardless of the method of notification of the complaint, all complaints will be responded to in writing.
- 2.6 KCTMO will accept complaints made on a complainant's behalf, provided that the person affected has given their consent. A complaint can be made on

behalf of the customer by a concerned relative or carer, a solicitor or other advocate, or an advice agency. (Representatives must be able to substantiate that they have express permission to make a complaint on someone's behalf.)

- 2.7 Councillors, MPs and other elected representatives can use the complaints procedure to make complaints on behalf of their constituents.
- 2.8 Where appropriate the Complaints Team will provide support to residents in order to help them understand the complaints procedure and, if necessary, provide assistance in making a formal complaint and throughout the process as required.

### **3. Enquiry or Complaint**

#### **3.1 An enquiry (a service request) is defined as:**

*'A first time request for information, advice or for an action to be undertaken.'*  
*e.g. estate cleaning not undertaken, estate lighting not working or a repair request.*

A complaint may arise as a result of a service request not being actioned.

#### **3.2 A complaint (a service failure) is defined as:**

*'An expression of dissatisfaction about a KCTMO service (or a service provided by a KCTMO contractor) not resolved immediately to the customer's satisfaction, about the level, quality or nature of a service which the customer feels should have been provided.'*

#### **3.3 A complaint can be about:**

- delays in taking action without good reason
- failure to provide a service
- mistakes in the way a decision was taken
- not following the law or KCTMO or Council's rules
- broken promises
- giving incorrect or misleading information
- bias or discrimination
- rude, unhelpful or inappropriate behaviour by staff
- poor communication.

### **4. Time limit for making a complaint**

- 4.1 A complaint which has not been brought to KCTMO's attention for more than 12 months from the first time the complainant became aware of the problem will not normally be accepted.
- 4.2 However, each case will need to be decided on its merits, and discretion may need to be exercised if, for example, it is a serious matter, or the person has only just found out that he or she has been affected by something that

happened or was decided some time ago; or if illness or personal circumstances have prevented him or her from complaining sooner.

## **5. Dealing with complaints**

5.1 All complaints will be dealt with in accordance with the requirements of the Data Protection Act 1998, the Freedom of Information Act 2000 and subsequent legislation and associated KCTMO and Council policies.

### **5.2 Quick Resolution Stage**

This is a stage outside of the formal complaints stage. If the problem can be resolved within two working days by agreeing a plan to the complainant's satisfaction, then the formal complaints process will not be invoked. Each service area will be responsible for responding and managing their own cases within the time frame of two working days.

5.3 If the problem cannot be resolved quickly or if it is clear that the matter needs to be formally investigated, the complaint will be referred to the relevant service for a Stage1 investigation. (The Stage 1 target time will start from the time that the complaint was originally made.)

### **5.4 Stage 1 - Investigation of the complaint by the service concerned**

5.6 The investigation will be completed and the written response sent to the complainant within 10 working days of receipt of the complaint. The response will inform the customer of their right to request a Stage 2 Review of the complaint if they remain dissatisfied, giving reasons why, within twenty working days as follows:

*"If you remain dissatisfied with this response you have 20 working days in which to tell to KCTMO that you wish to proceed to the next stage of the complaints procedure by writing to:*

*KCTMO Complaints Manager  
Network Hub  
Unit A  
292 Kensal Road  
London  
W10 5BE  
Email: [complaints@kctmo.org.uk](mailto:complaints@kctmo.org.uk).*

*You will need to state the reasons why you are not satisfied. This information will then be reviewed by the Head of Service for the relevant Service Area who may refuse the request if he or she considers that a sufficient basis for undertaking an investigation has not been provided. You will be informed of the outcome in writing.*

*If you do not contact us within the 20 day time period, your complaint will be closed and KCTMO will write to you informing you that this has taken place."*

- 5.8 Customers who remain dissatisfied after their complaint has been considered at Stage 1 may request a Stage 2 Review.
- 5.9 The Head of Service may refuse to escalate a complaint if:
- the complainant has not provided sufficient reasons why they are dissatisfied with the response
  - the complaint has been upheld at Stage 1 and all issues have been resolved or have an agreed planned completion date.

Advice should be sought from KCTMO Complaints Manager before making a decision based on the above criteria.

5.10 **Stage 2 – investigation undertaken by the Head of Service for the service concerned**

- 5.11 The complaint will be acknowledged within 2 working days and the investigation completed within 15 working days from receipt of the request for a Stage 2 Review. The response will inform the customer of their right to request a Stage 3 Review of the complaint if they remain dissatisfied, giving reasons why, within twenty working days as follows:

*“If you remain dissatisfied with this response you have 20 working days in which to tell to KCTMO that you wish to proceed to the next stage of the complaints procedure by writing to:*

*KCTMO Complaints Manager*

*Network Hub*

*Unit A*

*292 Kensal Road*

*London*

*W10 5BE*

*Email: [complaints@kctmo.org.uk](mailto:complaints@kctmo.org.uk).*

*You will need to state the reasons why you are not satisfied. This information will then be reviewed by the Head of Service for the relevant Service Area who may refuse the request if he or she considers that a sufficient basis for undertaking an investigation has not been provided. You will be informed of the outcome in writing.*

*If you do not contact us within the 20 day time period, your complaint will be closed and KCTMO will write to you informing you that this has taken place.”*

Where a decision is made not to undertake a Stage 2 Review, the customer will be advised that he or she may ask for the complaint to be considered by the Housing Ombudsman. From 1 April 2013 the Housing Ombudsman can only consider complaints that have been referred by a ‘designated person’ (MP, councillor or recognised tenant panel), or by the tenant themselves if 8 weeks have passed from the completion of the landlord’s internal complaints process. This provision does not apply to complaints made to the Local Government Ombudsman. These complaints can still be referred directly. Please note most cases go to the Housing Ombudsman but if a case

is within the remit of the LGO cases can still be referred.

## 5.12 **Stage 3 review**

Customers who remain dissatisfied after their complaint has been considered at Stage 2 may request a Stage 3 Review within twenty working days. The Stage 3 Review is the final stage of KCTMO's complaint process and is a formal meeting comprising an independent Board Member or a Council-appointed Board Member and a resident Board Member and an Executive Director. A Board Member will chair the panel. The manager who wrote the Stage 2 reply may be asked to attend the panel.

An Executive Director may refuse to investigate a complaint at Stage 3 if:

- the complainant has not provided sufficient reasons why they are dissatisfied with the response
- the complaint has been upheld at Stage 2 and all issues have been resolved or have an agreed planned completion date
- the reason for dissatisfaction is solely with the level of compensation offered (in these circumstances, an Executive Director will be requested to undertake a review of the compensation offered).

Where a decision is made not to undertake a Stage 3 Review, the customer will be advised that he or she may ask for the complaint to be considered by the Housing Ombudsman. From 1 April 2013 the Housing Ombudsman can only consider complaints that have been referred by a 'designated person' (MP, councillor or recognised tenant panel), or by the tenant themselves if 8 weeks have passed from the completion of the landlord's internal complaints process. This provision does not apply to complaints made to the Local Government Ombudsman. These complaints can still be referred directly. Advice should be sought from KCTMO Complaints Manager before making the decision.

## 6. **Putting actions on hold while the matter is being investigated**

- 6.1 Any actions that KCTMO is taking against the complainant may be placed on hold pending the outcome of the complaint investigation.

## 7. **Putting things right**

When KCTMO is at fault, KCTMO staff will put things right by acknowledging mistakes and apologising for them, explaining why things went wrong, what will be done to put them right and providing reassurance that the same problem will not occur again. This should happen as early as possible in the process.

As far as possible, the aim of the Complaints Policy is to return the customer

to the position they would have been in had things not gone wrong. This will not always be possible, however, and in such cases a remedy will be provided which may be financial; or a specific action may be taken or a service provided. (Separate detailed guidance is available for the remedy and compensation procedure.)

## **8. Learning from complaints**

- 8.1 Where the need for changes to a service is identified as the result of a complaint, the Complaints Team will record the alteration and pass to the relevant manager. All outcomes of the request will be recorded and reported back to senior management on a yearly basis.

## **9. Members' Enquiries and MPs' Enquiries**

- 9.1 Correspondence from Councillors and MPs will be logged and monitored by the Complaints Team.

## **10. Complaints involving partner organisations**

- 10.1 KCTMO works in partnership with other organisations, which may have different complaint policies and procedures. KCTMO will ensure that systems are in place for handling such complaints. Where appropriate, KCTMO will undertake a joint investigation with the partner organisation.

## **11. Complaints that fall outside the scope of the Complaints Policy**

Certain types of complaints will not be dealt with through the complaints procedure as there are other processes for dealing with them or because they are outside of the organisation's remit. These include:

- complaints about services provided by the Royal Borough of Kensington and Chelsea
- where there is a serious allegation such as abuse, criminal activity, theft, assault, or discrimination, these will normally be referred to the Chief Executive to decide on an appropriate course of action, which might include notifying the police
- a complaint against a member of staff which may result in an investigation under the disciplinary procedure. In this event, the complainant will receive a response but the content will be governed by rules of confidentiality
- complaints from one resident about another, which will be dealt with outside of the complaints procedure by the Housing Officer or Area Manager
- matters of law or government policy
- complaints from staff about their employment with KCTMO

- commercial or contractual matters, for example contracts for the supply of goods and services to KCTMO
- complaints concerning the Freedom of Information and Data Protection Act - see below for details
- complaints that have already been decided by a court or independent tribunal should not be accepted, but there may be complaints about KCTMO implementation of a court or tribunal's decision that can be investigated
- services for which there are alternative statutory appeals or tribunal processes.

## **12. Complaints about Board Members**

- 12.1 Complaints about Board Members will be referred to the Company Secretary and Head of Governance.

## **13. Complaints concerning the Freedom of Information and Data Protection Acts**

- 13.1 There is a separate review, appeal and complaints route, which ultimately ends with the Information Commissioner if the complaint about the provision of information is not resolved satisfactorily by KCTMO. These complaints will be referred to the Company Secretary and Head of Governance for attention.

## **14. Persistent and Unreasonable Complainants**

- 14.1 There is separate guidance on this issue.

## **15. Anonymous complaints**

- 15:1 Anonymous complaints will be considered on a case by case basis. Anonymous complaints may highlight management issues that need to be investigated or referred to the Council's Audit and Investigations team or may be brought under the whistle blowing procedure.

## **16. Recording compliments**

- 16.1 A compliment is defined as a service user statement of positive recognition or praise for a service or individual.
- 16.2 KCTMO welcomes any positive statements about our service and will record them.

## **17. Monitoring and Review**



- 17.1 Performance on complaints against agreed targets and trends will be reported to the Operations Committee and the TMO Board. Performance information will also be available on our website and through our 'The Link' resident magazine.
- 17.2 This policy will be reviewed every three years or more frequently if there is a statutory or organisational need to do so.