



KCTMO Complaints Policy

Royal Borough of Kensington and Chelsea Tenant Management Organisation

Complaints Policy

May 2010

1. Introduction

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

2. Policy on Complaints

- 2.1 The policy provides details on how KCTMO will manage the complaints process in line with the organisation's aims, objectives and values so as to ensure consistency, quality and effectiveness in complaints handling. In managing all complaints KCTMO will also seek to apply the Local Government Ombudsman (LGO) principles for effective complaint handling:
- Accessibility
 - Communication
 - Timeliness
 - Fairness
 - Credibility
 - Accountability
- 2.2 Complaints will be dealt with in line with KCTMO's commitment to promoting human rights and, equality and diversity amongst 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 our 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 capturing and forwarding this information lies with everyone in the organisation. A complaint can be made by any tenant or lessee, or their representative¹, of a property managed by KCTMO, or any person affected by services that KCTMO provides.
- 2.5 Complaints may be received in writing by letter or email, fax, telephone, through the KCTMO website, or face to face – at our offices, at meetings or on home visits. While the majority of complaints will be made directly, others may come via a third party such as a Councillor (Members Enquiry) or a support agency. Regardless of the method of notification of the complaint, all complaints will be responded to in writing.
- 2.6 The KCTMO Complaints Team is responsible for the recording, co-ordination, quality checking and monitoring of complaints. They also provide staff with advice and guidance on handling and responding to complaints, and produce and issue regular progress summary and performance reports for internal monitoring purposes.
- 2.7 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.
- 2.8 Reference should be made to the KCTMO's Compensation Policy and Procedure for guidance on all matters where compensation/reimbursement may be considered.

3 What is a Complaint?

- 3.1 Sometimes there is confusion about what constitutes a complaint or a service request or a lack of clarity about when a service request becomes a complaint. In all circumstances we will clarify with the individual whether the issue they are raising is a service request or a complaint.
- 3.2 For the purpose of this policy, a service request is defined as '*notification of a failure to provide a service*' such as estate cleaning not been done or estate

¹ Representatives must be able to substantiate that they have express permission to make a complaint on someone's behalf.

lighting not working. This will be logged and action taken to remedy the situation as soon as possible, as far as possible, and well within the response times for dealing with complaints.

- 3.3 A complaint may arise as a result of a service request not being actioned, or in addition. A complaint is defined as *'an expression of dissatisfaction about a KCTMO service (or a service provided by a KCTMO contractor), or the actions/attitude of employee or those that carry out services on the behalf of KCTMO'*.

4 What is not a Complaint?

- 4.1 It may not be appropriate for certain issues to be dealt with through the KCTMO complaints procedure. This includes:
- Complaints about services provided by the Royal Borough of Kensington and Chelsea;
 - Where there is a serious allegation such as abuse, theft, assault, or discrimination, where it may be necessary to take action under alternative procedures;
 - A complaint about criminal activity, which will normally be referred to the Chief Executive to decide on an appropriate course of action, which might include notifying the police;
 - Complaints from one resident about another, which will be dealt with outside of the complaints procedure by Housing Officer or Area Manager;
 - Complaints from anonymous sources, as these cannot formally be recorded and all complaints need to be responded to in writing;
 - Issues that have already been considered under the procedure and where no significant new element of the complaint has been introduced; and
 - Complaints that are identified as unreasonably persistent or unreasonable.
- 4.2 A complaint against a member of staff 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.

5. Monitoring and Review

- 5.1 We will monitor our performance on complaints against agreed targets and report this and trends to our senior managers, Executive Team and Board on a regular basis. We will also make performance information available on our website and through our 'The Link' resident magazine.
- 5.2 We will review this policy at least once every three years or more frequently if there is a statutory or organisational need to do so. Where we make changes to the policy or related procedures, we will consult with our residents using existing consultation groups.

Complaints Procedure

How to complain:

We want to provide a good service and if things do go wrong, we want to know so that we can put things right and learn from our mistakes.

If you want to complain you can:

- Send us a letter
- Visit one of our [offices](#)
- Telephone us on [REDACTED]
- Email complaints@ktcmo.org.uk
- Make a complaint [online](#)

Our complaints procedure has three stages:

Stage one

The first stage is to complain to the Complaints Team. We will tell you within two working days that we have received your complaint and contact you to make sure we understand your complaint and what you want done about it. We will also give you a case reference number and let you know the name of the manager who will be investigating your complaint.

We will arrange for your complaint to be investigated and you will normally receive a response within 10 working days of KCTMO receiving your complaint.

If you are dissatisfied with the response you receive, or if we have not responded within the agreed timescales without an explanation, you should contact the Complaints Team if you want your complaint to go to Stage Two of the Complaints Procedure.

Stage Two

If you are dissatisfied with the response to your complaint, or if we have taken longer than the agreed timescale to respond, you can have your complaint considered at Stage Two of the Complaints Procedure.

We will tell you within two working days that we have received your complaint and contact you to make sure we understand your complaint and what you want done about it. We will also let you know the name of the Senior Manager who will be investigating your complaint.

We will arrange for your complaint to be investigated and you will normally receive a response within 10 working days of KCTMO receiving your complaint.

If you are dissatisfied with the response you receive, or we have not responded within the agreed timescales you should contact the Complaints Team if you want your complaint to go to Stage Three of the Complaints Procedure.

Stage Three – Review

If you are dissatisfied with the response to your complaint at Stage Two, or if we have taken longer than the agreed timescale to respond without an explanation, you can have your complaint considered at Stage Three of the Complaints Procedure. You should outline the problem and why you feel our response is not good enough and what you think we can do to put it right.

We will tell you within two working days that we have received your complaint and let you know who will be reviewing your complaint.

We will arrange for your complaint to be reviewed by a panel of people who have had no previous involvement with your complaint, this will normally be the Chief Executive or a Director, a resident Board Member and a council appointed or independent Board Member. Considering your complaint at Stage Three may involve:

- An independent investigation; and/or
- A review of all relevant documentary evidence; and/or
- A meeting with the panel to present your complaint in person.

You will normally receive a response within 28 working days of KCTMO receiving your complaint.

Stage Three ends the complaints procedure within the TMO.

In certain cases the TMO may offer a mediation or arbitration service at any stage of the process.

Closing your complaint

At any stage of the procedure, unless there are exceptional circumstances, we will normally close your complaint if you have not told us within 20 working days of us telling you of the outcome of your complaint that you wish to proceed to the next Stage of the complaints procedure. We will write to you to tell you if we have closed your complaint.

What if I am not satisfied?

If you are dissatisfied with our response to your complaint you may wish to contact the Local Government Ombudsman if you are a tenant or the Leasehold Valuation Tribunal if you are a leaseholder. These are both independent organisations that investigate complaints or disputes that tenants or leaseholders might have in relation to the services we provide. You can contact the Local Government Ombudsman at any time, though they will not usually look at your complaint until after it has been looked at under our procedure.

Housing Ombudsman Services
81 Aldwych
London WC2B 4HN

Residential Property Tribunal Service
10 Alfred Place
London WC1E 7LR

Telephone: [REDACTED]
Website: www.housing-ombudsman.org.uk

Telephone: [REDACTED]
Website: www.rpts.gov.uk

Can I get help from my MP or Councillor?

Yes, your local MP or Councillor may be able to help you make a complaint. You can write to your MP at the House of Commons, London SW1A 0AA. Other ways of contacting your MP can be found [online](#). You can get your Councillors name from the Royal Borough of Kensington & Chelsea, Town Hall, Hornton Street, London W8 7NX or [REDACTED] or [online](#).

Where can I get independent advice?

You can telephone:

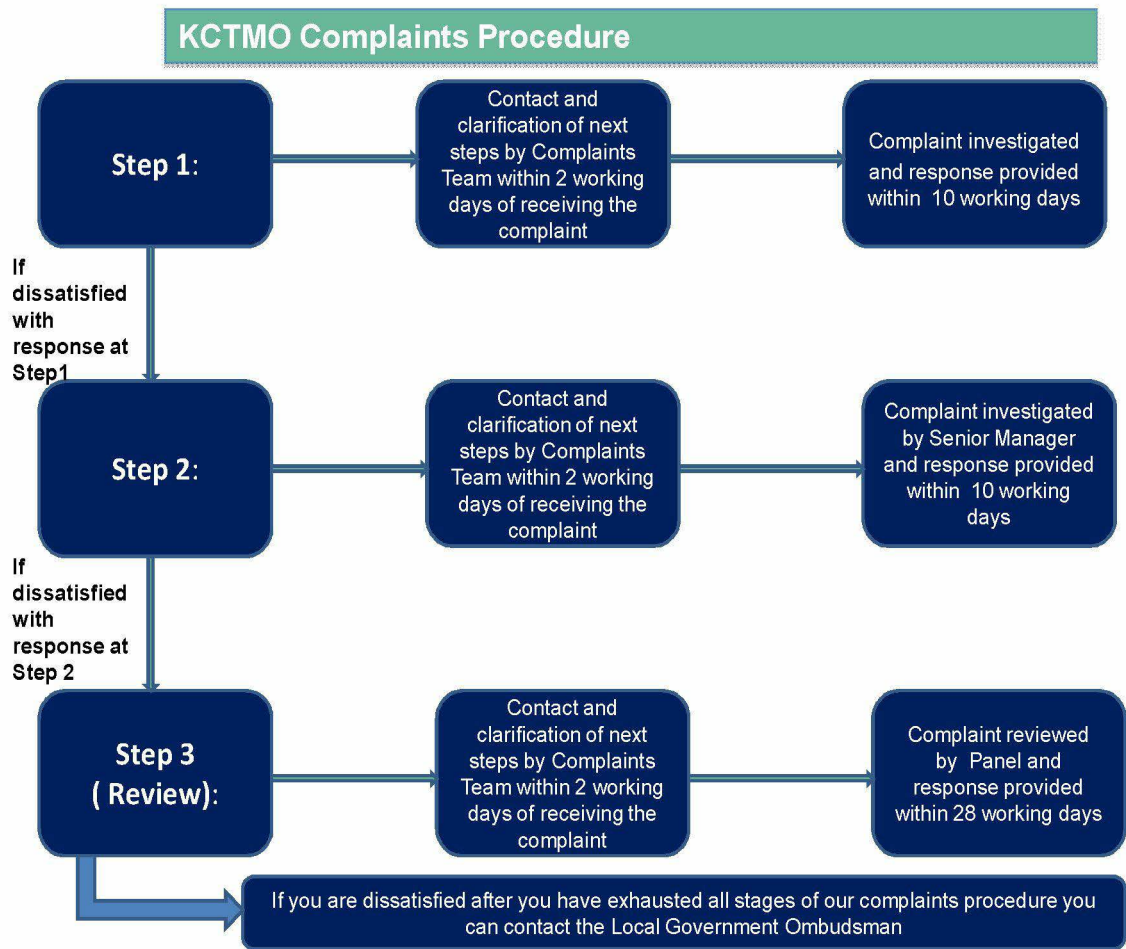
Citizens Advice Bureau Call Centre – [REDACTED]

Or

Housing Advice Service - [REDACTED] (North and Central area of the Royal Borough)

[REDACTED] (South area of the Royal Borough)

Complaints Procedure Diagram:



Complaints Guidance for Staff

1. Introduction

- 1.1 We expect all managers to be familiar with the Complaints Policy and associated procedures and as appropriate, ensure that their staff understand the procedure and their role in applying it effectively and in line with the organisations values and behaviours.
- 1.2 Dealing with complaints is an integral part of every role in KCTMO and it provides an opportunity for us to improve customer service and satisfaction, learn from our mistakes and continuously improve. All staff who deal with complaints will have their performance assessed against the performance targets set for complaints handling.
- 1.3 We expect all staff to co-operate with the Complaints Team to resolve complaints properly and quickly. This means acknowledging when we have got things wrong, apologising, finding a solution to rectify the situation and consider and ensure we prevent the same thing happening again.

2. Roles and Responsibilities

- 2.1 The Complaints Team are responsible for:
 - Recording and acknowledging all complaints
 - Determining who will take overall responsibility for responding to the complaint at that stage
 - Clarifying what the complaint is about and what resolution the complainant is seeking
 - Advising managers on investigating and responding to the complaint
 - Organising and managing complaint case conferences
 - Taking overall responsibility for a complaint that relates to more than one service area
 - Reviewing and quality assuring all complaint responses before they are issued to the complainant
 - Advising on and approving compensation levels
 - Providing training and guidance to staff on complaint handling as required
 - Monitoring follow up action agreed on complaints
 - Reporting on organisational performance on complaints, trends and lessons learnt
- 2.2 Managers are responsible for:
 - Ensuring that complaints within their area are responded to appropriately and within agreed timescales
 - Liaising with other teams where necessary to get further information in relation to the complaint

- Seeking and taking advice and guidance from the Complaints Team
- Keeping the Complaints Team informed of progress
- Investigating complaints and identifying appropriate actions to remedy any service failure
- Providing draft responses to the Complaints Team within agreed timescales, and usually one working day before the deadline for responding to the complainant
- Implementing actions from complaints within agreed timescales
- Notifying the complainant when actions agreed have been implemented.

3. Resolving Complaints

- 3.1 KCTMO expects that when we have got something wrong, that we acknowledge this and promptly rectify the problem, and notify the complainant accordingly. We understand that sometimes staff may view a complaint as a personal criticism. This is not usually the intention from the complainant's perspective; they usually just want something done about what it is that they are complaining about. As such, it is important that staff do not respond negatively and defensively, but instead look at the opportunity that might arise from a complaint to improve the services we provide.
- 3.2 Once a complaint has been investigated, the possible outcomes are that the complaint is:
- Upheld
 - Not Upheld
- 3.3 In all cases where we have got something wrong, as a minimum we expect staff to apologise to the complainant. Apologising is not an admission of liability.
- 3.4 Depending on the nature of the issue, other outcomes may include (though are not restricted to):
- Raising a repair order
 - Making recommendations on changes to working practices
 - Training for staff
 - Disciplinary action
 - Compensation
- 3.5 The expectations on who receives and responds to a complaint will normally be:

Stage One – Notified to the relevant manager and Head of Service, response normally provided by the manager.

Stage Two – Notified to the Head of Service and Director, response normally provided by the Head of Service.

Stage Three – Notified to the Director and Chief Executive, response provided by a panel comprising of the Chief Executive or a Director, a resident Board Member and an RBKC appointed or independent Board Member.

4. Recording and Monitoring the Complaint

- 4.1 Anyone who receives what they think is a complaint is responsible for promptly forwarding this to the Complaints Team via phone or email to complaints@kctmo.org.uk. On receipt of the complaint the Complaints Team will usually identify whether it is a complaint or service request, contact the complainant within two working days to acknowledge receipt, ensure they understand the complaint and let the complainant know what will happen next.
- 4.2 New complaints will be recorded on the W2, Electronic Document Recording Management System by the Complaints Team within two working days and sent to the relevant manager through the W2, which will allow the relevant managers and the Complaints Team to monitor progress on resolving the complaint.
- 4.3 Service requests will be notified to the relevant manager and recorded on W2, so that we can analyse what we are doing to prevent service requests from becoming complaints.
- 4.4 Where the complaint relates to a member of staff, this will be notified to the Director of People and Organisational Development who will advise on how the complaint should be managed/investigated. This will normally be investigated by the manager of the person being complained about. The HR Team will advise on these cases and monitor progress and provide support in responding to the complainant. Unless a decision is taken on progressing action under an employment policy, the complainant will have a right to progress the complaint to the next Stage of the Complaints Procedure.
- 4.5 Complaints and enquiries received from MP's and Councillors will be recorded by the Complaints Team and forwarded to the relevant manager to provide a draft response to the Complaints Team within 9 working days.

5. Procedure for Handling Board Members' Enquiries

- 5.1 All Board Member' enquiries that relate to service delivery or the operation of the business should be sent within 24 hours via email to the Complaints Team at complaints@kctmo.org.uk and copied to the Company Secretary /Governance Manager.
- 5.2 The Complaints Team will acknowledge the query from the Board Member within 48 hours advising who will be dealing with the matter and the timeframe in which they can expect a response. A copy is to be sent to the Company Secretary/Governance Manager.

- 5.3 Where a Board Member enquiry relates to more than one service area, the Complaints Team will arrange a case conference, where necessary, with all relevant managers, to discuss the case and agree timescales and actions. Managers will be individually responsible for progressing their actions and the Complaints team will be responsible for overseeing the complaint and co-ordinating the response.
- 5.4 In dealing with the queries from Board members, staff should ensure that they observe the Data Protection Act 1988 and maintain confidentiality when providing information.
- 5.5 Board member enquires should be dealt with as soon as possible and responded to within 10 working days. In the event that the query is complex and more time is required to resolve the matter, the manager which has been allocated the enquiry must liaise with the Complaints Team to send a holding response, at least three working days before the original timescales for responding comes to an end. A copy of the holding response to be sent to the Company Secretary/Governance Manager.
- 5.6 Staff are expected to provide their draft response to the Complaints Team one working day before the agreed deadline for responding to the Board Member. A copy of the response to be sent to the Company Secretary/Governance Manager.
- 5.7 Staff should contact the Company Secretary/Governance Manager in writing and copy in their line Manager if they have any concerns relating to the conduct of a Board Members.
- 5.8 The Company Secretary/Governance Manager will keep a record of all Board Member enquiries and update the Chief Executive and Executive Team on a regular basis.

6. Managing the Complaint

- 6.1 KCTMO expects all staff to work to resolve complaints quickly and in doing so, the normal expectation is that at any Stage of the complaints procedure, staff will respond to complaints within the published timescale. In order to do this, all staff are expected to provide their draft response to the Complaints Team one working day before the agreed deadline for responding to the complainant.
- 6.2 At every stage of the complaints process, where it is not possible to complete an investigation and respond within the set timescales the manager who has been allocated the complaint must liaise with the Complaints Team to send a holding response at least three working days before the original timescale for responding comes to an end. The manager should also aim to agree with the complainant a revised timescale for responding.

- 6.3 All complaints should be investigated. The investigation may include, but is not restricted to:
- Talking to the complainant to get further information;
 - Visiting the complainant to inspect the issues relating to the complaint;
 - Taking pictures of disrepair etc;
 - Talking to other parties to the complaint including staff and external bodies as relevant; and
 - Reviewing relevant documentation.
- 6.4 Managers are expected, as part of their response, to notify the complainant of the approach they have taken in resolving the complaint and to respond using the template response provided by the Complaints Team. In all cases the Complaints Team can advise on investigating and resolving the complaint and where appropriate, organise case conferences, attend meetings and provide support to managers on applying the complaints policy and procedure.
- 6.5 Where a complaint relates to more than one service area, the Complaints Team will arrange a case conference with all relevant managers, to discuss the case and agree timescales and actions. Managers will be individually responsible for progressing their actions and the complaint will be allocated to the service area against which the majority of the complaint is made, though the Complaints Team will be responsible for overseeing the complaint and co-ordinating the response.
- 6.6 At Stage Three of the procedure, an independent review will be conducted by the Chief Executive or a Director and a resident Board Member and a , by a manager not previously involved in any aspect of the complaint. In considering the complaint the panel may decide to:
- Arrange for an independent investigation to be undertaken; and/or
 - Review all documentary evidence; and/or
 - Arrange a meeting for the complainant to present their case to the panel.
- 6.7 This outcome at Stage Three will usually include a written investigation report with findings and recommendations and lessons learnt as relevant. If the complainant is unhappy at this stage, they may contact the Local Government Ombudsman or LVT.
- 6.8 The Complaint Team will meet with senior manager at least six monthly to review complaints in their area and to discuss trends/lessons learnt.
- 7.0 Review Date/Author**
- 7.1 The next planned review date for this policy is May 2014.
Joanne Burke – Complaints Manager

