

# Appendix B

## Schedule 4: Management Complaints Policy and Procedure

## Clause 17

### 1. The Aims of this Policy

#### 1.1 Who is Eligible to Complain?

Any resident who has a complaint against the TMO or those acting on its behalf should use the complaints procedure. Any resident who has a complaint against the Council or those acting on its behalf should use the Council's complaints procedure. However, complaints about the Council which are made to the TMO will be passed to the Council within 1 working day.

#### 1.2 The Type of Complaint Covered under this Policy

The complaints procedure is appropriate in the following circumstances:

- complaints about any service provided by the TMO such as (but not limited to):
  - repairs undertaken to the dwelling or the communal areas;
  - complaints about the standard of caretaking and cleaning;
  - complaints about how the TMO deals with tenancy management issues;
- complaints about the behaviour or performance of an employee of the TMO or anyone acting on the TMO's behalf;
- claims for compensation for disrepair or loss of services provided by the TMO;
- complaints about the behaviour or performance of a member/s of the board. This may include policy decisions taken by the board.

#### 1.3 Types of Complaint not Covered by this Policy

The following types of complaint, if not resolvable locally, should be referred to the Council:

- complaints about rent levels or service charges;
- complaints about council policy;
- complaints about services provided directly by the Council or its contractors;
- complaints about the behaviour or performance of an employee of the Council or anyone acting on Council's behalf such as a contractor appointed by the Council;
- claims for compensation for disrepair or loss of services provided by the Council.

- 1.3.1 Complaints about anti social behaviour of resident/s or other persons visiting/using the property will be dealt with under the Anti-social Behaviour Policy and Procedure in the first instance. (Chapter 6 Schedule 6) or the Residents' Disputes procedure (Chapter 6 Schedule 7) as appropriate.

#### 1.4 Complaints Policy and Procedures' Link to Other Policies and Procedures

'Repair Performance Standards' Chapter 2 schedule 1

'Performance Standards for Estate Services' Chapter 2 schedule 6

'Tenancy Management Policies' Chapter 6 schedules

## **2. How Complaints should be made**

2.1 All complaints should be in writing either on the TMO's Complaints Form or in a letter addressed to the TMO. Complaints may be made verbally in which case the TMO will note the details and provide an acknowledgement before investigating and will provide the formal response. Residents may also make a complaint by email or online at the TMO's website. Complaints will be accepted in a variety of formats - e-form, telephone, letter, email and in person.

2.2 The TMO staff will provide assistance to those who require help in putting their complaint in writing. If the Manager is the subject of the complaint, the complainant should be referred to the Secretary or chair of the TMO.

2.3 Complaints should normally be addressed to the TMO Manager at the TMO's office. If the complaint concerns the Manager or a member of the Board, the complaint should be addressed to the secretary or chair of the TMO at the office address.

2.4 All complaints will be recorded and reported (anonymised) in the TMO Manager's regular report to the board and in monitoring reports to the Council. See paragraph 7.

## **3. The Complainant's Rights**

### **3.1 Confidentiality**

All complaints made about the TMO or those acting on its behalf will be treated in the strictest confidence. The full report of any investigation will only be available to the Manager/ staff or, if it relates to the manager or actions of the board it will be available to the Chair/Secretary of the TMO.

### **3.2 Rights of Representation**

The complainant may be represented by any person of their choice.

### **3.3 Right to be accompanied**

The complainant may be accompanied during any interview or investigation by a friend, witness or advocate.

### **3.4 Right to be supported by Translator or Interpreter**

Where the complainant requires the help of a translator or interpreter, a contribution may be made to any costs at the discretion of the board.

## **4. How the Complaint will be investigated (Stage 1)**

### **4.1 Who will investigate Complaints?**

Complaints will be investigated by the TMO Manager/ staff or where appropriate the secretary or chair of the TMO or a person appointed by the secretary/chair. If the complaint concerns the secretary and chair or/and several members of the board, then the board will delegate other member/s of the board or a suitably qualified independent person. Complaints will be recorded on the TMO's central complaints file.

4.2 Investigation may involve interviews, consideration of relevant policies, the use of other evidence and, where appropriate, referral to other authorities.

4.3 The person responsible for the investigation will compile a short report with the following contents:

- a summary of the complaint(s) and how it/they relate(s) to the TMO's responsibilities and standards of performance;
- Key events;
- the findings of the investigation
- the conclusion and recommendations of the investigating officer;

4.4 Timetable to Ensure Prompt Investigation

All complaints will be acknowledged within **5** working days of receipt. The TMO's investigating officer will notify the complainant in writing of the conclusions within **10** working days of acknowledging the complaint.

4.4 If it is unable to do so because of the complexity of the complaint and the investigation, the investigating officer will inform the complainant within 10 working days of receiving the complaint explaining reasons for the delay and giving a deadline for the final response. This will involve a further 10 working day extension timeframe.

## **5. How Decisions will be Taken and Communicated**

5.1 When the response to the complaint has been decided, it should be included in the summary document and sent to the complainant.

5.2 The summary should state whether or not the complaint has been upheld. If the complaint has been upheld, the summary should state:

- what action will be taken to rectify the cause of complaint;
- what compensation, if any, will be recommended to the Board.

If the complaint is not upheld, the summary document should state:

- the main grounds on which the complaint has not been upheld and (if applicable) the main grounds on which the claim for compensation has not been upheld;
- the appeal process (stage 2) and timetable.

## **6. Appeal on Decision (Stage 2)**

6.1 If the complainant is not satisfied with the response, the complainant may escalate the complaint to a Stage 2 complaint by submitting the complaint to the Council's Central Complaints Team. The complaint will be dealt with by complaint officers who have not been involved previously. The process is overseen and monitored by the Council's Central Complaints team. The Council's complaints policy and process can be found here

<https://www.camden.gov.uk/documents/20142/0/LBC+Complaints+PolicyProcedure+1.2+May19+%282%29.pdf/af95fc1a-d262-a85e-2f88-23b2be07217f>

Complaints can be submitted at

<https://www.camden.gov.uk/complaints?inheritRedirect=true>

6.2 The Council may ask the complainant why they are dissatisfied with the response at stage 1 and try to deal with any issues raised before escalating the complaint to stage 2. The Council will acknowledge the stage 2 complaint within 5 working days and aim

to give the complainant a full response within 20 working days. If there are reasons why this is not possible they will provide the complainant with a new date for their response.

- 6.3 If the complainant is dissatisfied with the Council's response and wishes to take the complaint further, they have the right to escalate the complaint to the Housing Ombudsman or the Local Government Ombudsman depending on the nature of the complaint. The Council will advise the complainant which ombudsman they may contact if they wish to pursue the complaint further as part of their response to the complaint.

## **7. Governance Complaints**

- 7.1 Where the TMO receives a complaint by a Committee Member about the conduct of another Committee Member, the TMO shall deal with this as set out within its Code of Governance and/or Conduct.

## **8 Record Keeping and Review**

- 8.1 All information will be dealt with in accordance with the TMO's Code of Confidentiality and Data Protection policy. Information and records will be kept in a secure filing cabinet/password protected computer system. Records will be kept on the complainants file and any other relevant file.
- 8.2 Details of all complaints received (anonymised where appropriate to protect the identity of those involved), action taken to investigate the complaint and recommendations to the board on action to be taken will be reported to monthly board meetings. Summary details (i.e. no. and nature of complaints received and whether resolved within target times) will be included in any performance monitoring reports (quarterly).

## **9. Unreasonable behaviour by someone making a formal complaint to the TMO**

- 9.1 Dealing with a complaint is a straightforward process, but in a small minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the TMO. This can happen either while their complaint is being investigated, or once the TMO has finished dealing with the complaint.
- 9.2 The TMO is committed to dealing with all complaints equitably, comprehensively, and in a timely manner. The TMO expects all staff members and contractors to be treated respectfully by complainants and residents at all times. This applies to verbal, written or face-to-face contact between residents and staff/contractors.
- 9.3 The TMO will not normally limit the contact which complainants have with TMO staff or our office. However, If a complainant or resident behaves in a way that is malicious, rude, offensive, unreasonably persistent or vexatious, the TMO will take action to protect its staff from such unreasonable behaviour in accordance with the Council's unreasonable behaviour policy.

## **10. Record Keeping and Monitoring**

A record of the investigation and the findings will be maintained in a dedicated Complaints File or in the complainants Tenancy file as appropriate. The TMO will maintain a summary record listing all complaints including the nature of the

complaint, date received, date responded to, time taken to resolve the complaint and whether the complaint proceeded to stage 2 or 3. This summary should include a record of all members complaints received, investigated and responded to.

A report summarising all complaints received, their nature and whether and when resolved (anonymised) will be presented to the Management Committee quarterly. This should also include all member's enquiries received. The TMO will ensure it complies with the Council's performance standards concerning dealing with complaints.