

Complaints Policy

December 2023



**Housing
Management**



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1 Objectives of the Housing Management's Complaints policy

The Royal Borough of Kensington and Chelsea (the Council) provides a range of services. On occasions, customers may wish to complain about the service they have received if they believe the Council has failed to meet their expectations.

The Council provides a service for making complaints to:

- give dissatisfied customers a formal process for raising their concerns
- enable the Council to put things right
- collect feedback to enable the Council to review its performance and continuously improve its services.

This policy applies to complaints about the Council's Housing Management service such as Estate Services, Home Ownership, Neighbourhood Management, Rent Income & Responsive Repairs.

2 Definition of a complaint

A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

Please note that a first-time request for information, advice or for an action to be undertaken would not normally be classified as a complaint, barring exceptional circumstances (to be assessed on a case-by-case basis).

However, a complaint may arise as a result of a service request not being actioned, or the delivery of the action being delayed and/or carried out to a standard unacceptable to the customer.

3 Accessing the complaints process

The complaints process can be accessed by any individual or organisation that receives a Housing Management service from the Council or feels that they have been adversely affected by it.

The complaint must be about something that has happened or come to the attention of the complainant within the last 12 months, unless there was good reason for the delay. Each case will be decided on its merits, and discretion applied to accepting complaints outside this timescale as necessary. The Complaints process has two stages:

Stage 1 – if you are already dealing with an officer, you should tell them that you wish to take your complaint further. Either they, their Manager or the Head of the relevant section will investigate your concerns and respond to you. You can complete our online Comments, complaints and compliments form. A response will be sent to you no later than 10 working days from the date your complaint was received. If this is not possible, you will receive an explanation and a date by when the stage one response should be received.

Stage 2 – if you are dissatisfied with the response at Stage 1, let us know within 20 working days. The Director of Housing Management will review your case and the previous response you received and will send you a full reply setting out their findings within 20 working days unless an alternative date is agreed.

Note - Prior to April 2021 there was a 3-stage internal process. This was changed in order to bring the Council's policy into full compliance with the Housing & Social Care Ombudsman's 'Complaint Handling Code'.

4 Quick Resolution Stage

If a problem can be resolved within two working days by agreeing a plan to the complainant's satisfaction, and the complainant is in agreement with this approach, 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.

If the problem cannot be resolved quickly, if it is clear that the matter needs to be formally investigated, and/or if at any point the complainant indicates that they wish it considered under the formal complaints process, the complaint will be referred to the relevant service for a Stage 1 investigation (in such cases, the stage 1 target of 10 working days will start from the time that the complaint was originally made).

5 Correspondence between stages

Follow ups – on occasion, a complainant will contact the Council following a Stage 1 response or prior to deciding whether to escalate their complaint to the Housing & Social Care Ombudsman, in order to query a specific aspect of a complaint response, but without making clear whether they wish this treated as a formal escalation request, or where the phrasing of their correspondence suggests that formal escalation is not their intention.

For example, where a complaint response outlines a scope of works, and a complainant writes back seeking clarification regarding the sequence in which the stated works will take place, or they ask for the works to be rescheduled as they will be going away on holiday.

Alternatively, there have also been cases where a complainant specifically states that they do not wish their correspondence to be treated as a formal escalation request.

In all such cases, the Council will be guided by the wishes of the complainant. Towards that end, our Customer Experience Team will attempt to make contact with the complainant (either directly or via their advocate, where applicable) in order to establish how they wish us to proceed.

Where a complainant clarifies that escalation to the next stage of the process is desired, this will be treated as a formal escalation request (meaning that a Stage 1 complaint will be escalated to Stage 2, or the complainant will be advised to contact the Housing & Social Care Ombudsman directly if their complaint has already gone through both stages of our internal process).

Where a complaint advises that they do not wish their correspondence dealt with as a formal escalation request, this will be dealt with as a follow-up. Our aim is to respond to all such follow-ups within a maximum of 10 working days.

At any point, both before and after the follow-up response is sent, the complainant will still retain the right to request escalation to the next stage of the process.

6 Service Charge Disputes

Whilst the Council will consider disputes over service charges under its internal complaints process, once this has been exhausted (i.e., once a Stage 2 response has been issued), complainants will need to contact the First-Tier Tribunal rather than Housing & Social Care Ombudsman (as the

former has jurisdiction with respect to disputes over the reasonableness of service charges).

Details on how to do so will be provided within the Stage 2 response.

7 Building safety & fire safety complaints

Following passage into law of the *Building Safety Act 2022* (which comes into effect from 1st April 2024), the process for dealing with complaints relating to building / fire / structural safety has changed.

This legislation can be viewed online at:

<https://www.legislation.gov.uk/ukpga/2022/30/contents/enacted>

The change only applies to building / fire / structural safety complaints concerning buildings that have 7 or more storeys, or are 18+ metres tall, or both. The buildings within RBKC which fall within this criterion are listed on the flowchart in the associated appendix to this policy.

The process at Stage 1 and Stage 2 remains the same as is set out within Section 3 of this policy.

However, complaints escalated beyond Stage 2 that fall within this category will no longer be investigated by the Housing Ombudsman Service. Instead, responsibility for performing this function has moved to the Building Safety Regulator, whose contact details are as follows:

Phone: 0300 790 6787

Online web form: <https://www.gov.uk/guidance/contact-the-building-safety-regulator>

8 Other ways to access the complaints service

You can also make a complaint or comment:

- by emailing us as HM-complaints@rbkc.gov.uk
- telephoning us on 0800 137 111 or 020 3617 7080
- writing to us at: Housing Management, 37 Pembroke Road, London, W8 6PW

9 Complaints falling outside of the Housing Management Complaints policy

There are some issues that the Council cannot investigate under its Housing Management Complaints policy, which include:

- Complaints about potential data breaches. These should be referred to Fatima Zohra, Data Protection Officer by email to DPO@rbkc.gov.uk or by post to Royal Borough of Kensington and Chelsea, Town Hall, Hornton Street, London W8 7NX. Tel. 0207 361 3000.
- A matter that has already been heard by a Court or tribunal or any Council review panel.
- A matter where the customer or the Council has started legal proceedings or has taken court action.
- Complaints that involve insurance claims against the Council, although there may be some aspects that do fall within this policy such as an allegation that the Council delayed in sending information about how to make an insurance claim.
- Serious complaints about a Council officer that would more properly be dealt with through the Council's disciplinary code, staff management or performance procedures i.e., allegations of serious misconduct such as fraud
- Complaints from members of staff relating to personnel matters
- Allegations of fraud or corruption that would more properly be dealt with under the Council's anti-fraud or whistleblowing procedures
- Complaints about councillors, as these are dealt with under separate procedures
- Complaints about a Council policy
- Criminal actions
- Complaints about the behaviour of another Council tenant which would be dealt with by a Housing Officer or Area Manager
- Complaints about the level of rent / service charges set by the Council (including the level of annual increases). These will be dealt with by the relevant service area who will be able to check the information and provide explanations as to how the figures have been calculated
- Requests for Housing Transfers. These will be dealt with by the Council's Housing Needs Department, in line with the Council's published Allocations Policy

- When a complainant refuses to engage with the Council or the complaints process, and is abusive to officers or acts unreasonably
- A dispute over a commercial contract where the relationship is between a private landlord and the Council.

If the Customer Experience Team receive a complaint regarding any of the matters above, they will pass it on to the relevant team who will contact you.

The Council does reserve the right to refuse to deal with complaints, or deal with them differently, if they are pursued unreasonably or could be handled more effectively in a different manner.

There are also separate arrangements in place for handling complaints linked to the following services:

- Social Services, Schools, Parking Matters, Planning Applications and Housing / Council Tax Benefits. If you are unhappy with a decision about these services, the letter notifying you of the decision should explain how to complain.
- Waste collection - for information on how to complain about waste collection contact Street line on 020 7361 3001 or email streetline@rbkc.gov.uk
- Sports centres - please contact the General Manager at Chelsea Sports Centre in the first instance. If you do not receive a satisfactory response, the matter should be escalated to the GLL Partnership Manager who is based at Head Office, Middlegate House, The Royal Arsenal, Woolwich, London SE18 6SX. Alternatively, you can contact the customer services line on 020 3457 8700 or email customerservices@gll.org

For further guidance on where to direct your complaint, please contact:

- For complaints about Housing Management, such as Estate Services or Repairs – please call Customer Services on 0800 137 111
- For all other complaints – the Enquiry line on 020 7361 3000.
- Guidance can also be sought from our Customer Experience Team via hm- complaints@rbkc.gov.uk

10 The use of advocates

Complainants may ask another person, known as an advocate, to act on their behalf in bringing their complaint to the Council's attention. The advocate may be a friend, relative or representative from an external organisation such as the Citizens Advice Bureau.

When contacting the Council, the advocate must substantiate that they have your written permission to raise a complaint on your behalf in order to meet data protection requirements unless they are an MP or councillor. (With regard to an enquiry from an MP or councillor, there may be some circumstances where it is necessary to contact you to obtain consent to process your sensitive personal data.)

11 The Council's approach to handling complaints about its Housing Management function

When dealing with Housing Management complaints, the Council will adopt the following general principles and will:

- deal with complaints fairly and within published timescales, keeping in contact by telephone or other appropriate means to let the complainant know the progress of the complaint, particularly if there is likely to be a delay in responding
 - ensure each stage of the complaint is dealt with objectively
 - apologise if the Council is at fault
 - offer compensation in line with the Compensation Policy, when applicable
- learn from its mistakes and improve services as a result.

12 The Housing Ombudsman Service

The Housing Ombudsman Service resolves disputes involving the tenants and leaseholders of social landlords and its voluntary members (private landlords and letting agents).

The Housing Ombudsman Service is free of charge and encourages the early resolution of complaints through its dispute resolution principles and helps individuals and organisations to learn from best practice across the housing sector.

Again, the Housing Ombudsman Service will refer you back to the Council if your complaint has not completed the internal complaints process, although there may be exceptions to this.

The Housing Ombudsman Service can be contacted:

- In writing to: Housing Ombudsman Service, 2nd Floor, 10 South Colonnade, Canary Wharf, London E14 4PU
- By telephone on 0300 111 3000 - lines are open Monday to Friday from 9.15am to 5.15pm (except public holidays)

- Fax: 020 7831 1942
- Email: info@housing-ombudsman.org.uk

You can find more information about the Housing Ombudsman by visiting its website at www.housing-ombudsman.org.uk

As a Local Authority Landlord, we also strive to adhere to the principles outlined within the Housing Ombudsman's Complaint Handling Code, which can be viewed online at:

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

13 Designated persons

The Localism Act 2011 provides that the Council's residents can ask for a complaint about their tenant/landlord relationship with the Council to be considered by a 'designated person' once it has exhausted the internal complaints process. A 'designated person' can be an MP, a local councillor or a recognised Tenant Panel.

The 'designated person' will either try to help resolve your complaint directly with the Council or may refer it to the Housing Ombudsman. You can refer your complaint to the Ombudsman yourself but have to wait eight weeks from the date of the Council's final decision letter before doing so.

14 Anonymous complaints

Anonymous complaints will be considered on a case-by-case basis and may not be investigated under the Council's Housing Management Complaints policy. Such complaints will be passed to the relevant manager responsible for the day-to-day service for investigation, referred to the Council's Audit and Investigations Team or dealt with under the Council's Whistleblowing procedure as appropriate.

15 Complaints made directly to the Chief Executive

All letters and telephone calls raising Housing Management complaints directly with the Chief Executive will be forwarded to the Customer Experience Team for acknowledgement and handling under the complaints process. This will ensure that all complaints receive an equal

service and have access to the Housing Ombudsman if dissatisfied with the outcome.

16 Petitions

Petitions are not dealt with under this policy. However, the Council welcomes petitions, recognising that they are one way in which people can voice their concerns and seek to influence decisions. As such, the Council will respond to petitions about matters it has some control or influence over.

Further details on how to submit a petition:

<https://www.consultation.rbkc.gov.uk/KMS/news.aspx?noip=1&strTab=PublicPetitions>

17 Enquiries from elected representatives

Councillor and MP enquiries will be logged and monitored by the Customer Experience Team and allocated to the Head of Service / Director responsible for the service in question. All responses will be sent within five working days from the date of receipt.

18 Equality, diversity and inclusion

All complaints will be dealt with in line with the Council's commitment to promoting equality, diversity and inclusion regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. In order to meet this commitment, the Council will provide information that is accessible and available in appropriate formats, including interpretation and translation services, large print and audio formats.

19 Learning from complaints

The Council has mechanisms in place to ensure that the information we receive from complaints is fed into improving services for our customers. Users of the complaints process may be surveyed for their views on the handling and outcome of their complaint, to enable the Council to

monitor customer satisfaction with the process and identify any improvements.

20 Monitoring, review and accountability

The Council has a responsibility to report on its complaints processes to monitor how they are being used, how satisfied service users are and how the complaints received are being used to improve services. Performance on complaints against targets and trends is also reported to the Senior Management Team within Housing Management to ensure accountability for service delivery.

This policy will be reviewed every three years or sooner to incorporate legislative and/or regulatory amendments, best practice developments, or to address any operational issues identified with the process.

21 The General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018

As part of the Council, Housing Management shares the commitment to ensure that all data is:

- processed lawfully, fairly and in a transparent manner
- collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices
- relevant and limited to whatever the requirements are for which the data is processed
- accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay
- stored for as long as required, as specified within the Council's Records Retention policy
- secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction or damage.

For further information about the Council's commitment to GDPR, please see the Council's data protection web pages:

<https://www.rbkc.gov.uk/data-protection/data-protection/fair-processing-notice>

Subject Access Requests submitted as part of a complaint will be processed separately to the complaint and the information requested sent in line with the relevant policy and timescales.