

CONVENT CO-OPERATIVE

COMPLAINTS POLICY (provided by Wandsworth Council)

Schedule 4 Management Complaints Policy and Procedure Clause 17

1 Scope of the Complaints Policy

1.1 The Complaints Procedure is available to any lawful resident of the Resident Management Organisation (RMO) who has a complaint against the organisation or those acting on its behalf and who has been unable to resolve the issue after discussion or correspondence with RMO staff.

1.2 RMOs must record all complaints made in person at the RMO's customer services points, via telephone, email or letter.

The RMO adopts the Council's corporate definition of a complaint which is as follows:

"A complaint is an expression of dissatisfaction with the service, however expressed, whether justified or not"

and as ...

"...an expression of dissatisfaction about a service (whether that service is provided directly by the RMO/ Council or by a contractor or partner) that requires a response".

1.3 What is a complaint?

The following points must be taken into consideration when assessing the complaint:

- whether the RMO has been given the opportunity to resolve the issue;
- whether the complainant has stated that they want to make a complaint;
- the nature of the issue and whether the complaints procedure is appropriate in the circumstances; and
- what the complainant would like to happen next.

The above list is not exhaustive, and each issue should be considered individually. For assistance in ascertaining what constitutes a complaint please contact the Business Support Team in the (email: HRDirectorate@richmondandwandsworth.gov.uk) Housing and Regeneration Department.

A complaint may include one or more of the following:

- The RMO has done something which the complainant considers should not have been done
- The RMO has failed to do something that they consider should have been done
- The service provided by the RMO was not good enough; the complainant received poor quality of service or there was poor communication
- There has been a failure or a delay in providing a service
- Mistakes were made in the way a decision has been reached or a case has been handled
- The RMO has given incorrect or misleading information
- Staff have been rude or unhelpful or behaved inappropriately

For a comprehensive list of what does and does not constitute a complaint please see the [Corporate Complaints Procedure on The SharePoint](#)

2 Procedure for Making a Complaint

2.1 How to make a complaint?

Residents can raise a complaint via the following means:

- Convent25@aol.com
- Send an email to the person they have been dealing with or the service that they are not happy with (except where the complaint is about a person, in which case the manager can be contacted or more senior officer/ RMO Chair where there is no more senior officer)
- Write a letter to, or telephone, the person they have been dealing with or the service that they are not happy with

Details of the complaint – complaints should include:

- Contact details
- All the relevant points of the complaint. It would be helpful if they were in a numbered list

- Be clear about what is hoped to be achieved and what will put the matter right. The desired outcomes should be fair and proportionate to the issue raised

We understand that the complainant may feel strongly about the issue but would ask that they are polite and refrain from being aggressive.

3 Complainant's Rights

- 3.1 Once a complaint has been made the complainant has the right to remain confidential. The complainant also has the right to appoint representation and support and appeal any decisions so long as the appeal is brought within the timeframes stipulated in paragraph 4 below.

4 Procedure for Investigating and Deciding Complaints

4.1 Stage 1 – Investigation (20 working days)

When a complaint is raised, the person receiving it must refer it to the appropriate manager who will check to see whether it should be treated as a complaint under the complaints procedure. Details of the complaint and what outcome is required need to be clear to assist the RMO in resolving the complaint. In some cases, further information may be needed about the complaint for the RMO to fully consider the matter. If further details are required, the manager should contact the complainant and ask for more information. Once the complaint is received and there is no further information required, the process is as follows:

- The Manager must acknowledge receipt of the complaint by email, post or phone within 2 working days then log the following details:
 - a prescribed complaint type, and
 - a prescribed complaint reason
 - the date received and the date closed
 - the time (in days) taken to provide a full response
 - the complaint outcome (so we can learn from complaints) – upheld, partially upheld, not upheld.
 - the action taken to remedy the complaint
 - equalities information pertaining to the complainant
 - satisfaction information on how the complaint was handled
- A manager from the area being complained about will oversee an investigation and come to a decision about the complaint; except where the complaint is about the RMO manager, in which case the RMO's Chair will lead the investigation.
- A written response will be provided to a complaint within **20 working days** from receipt. If this timescale cannot be met, then the

complainant must be informed in writing (or by email) and a record kept on file.

4.2 Stage 2 – Review (15 working days)

If the complainant is still unhappy following the Stage 1 response, they should be advised to raise their complaint with the relevant Area Housing Manager and Business Support Team. They will collate the Stage 1 documentation and refer the complaint to the Corporate Complaints Team who will review Stage 1 and the handling of the complaint to ensure it has been thoroughly investigated and that an appropriate response was provided.

The complainant must submit their request for a review within 20 working days of receiving the Stage 1 response and will need to explain why the Stage 1 response has not resolved the complaint and what outcome they are seeking in order to resolve the matter at Stage 2. The process is then as follows:

- The Housing and Regeneration Department will acknowledge receipt of the complaint in writing within 2 working days. The recipient of the complaint must also notify the Corporate Complaints Team who will then liaise with the complainant throughout the Stage 2 process.
- The review will be undertaken by a Senior Manager or Head of Service
- The Council will provide a written response, with a decision on the complaint, following a review at Stage 2 within **15 working days** from receipt. If the Council are not able to meet this timescale, the complainant will be kept informed by the Corporate Complaints Team.
- Sign off is completed by a Senior Manager, usually the Assistant Director/ Chief Executive

This will be the Council's final decision and marks the end of the complaints procedure. At the end of the Stage 2 response the complainant will be provided with the contact details of the Housing Ombudsman Service, as that would be the complainant's next and final recourse if still dissatisfied.

4.3 Beyond Stage 2

If the complainant is still dissatisfied, they may contact the Housing Ombudsman Service (HOS).

The Housing Ombudsman will deal with all complaints about the Councils' landlord function from its tenants and leaseholders. The HOS can only consider complaints that have been referred by a 'designated person' or by the resident themselves if 8 weeks have passed from the completion of the landlord's internal complaints procedure.

NOTE: The role of the designated person may change following the enactment of the Building Safety Bill.

If contacted by the Ombudsman, the RMO and Department must provide all requested documentation within the given timescale. If it is not produced in time the Council will be at risk of receiving a complaint handling failure order. This will be co-ordinated through the Corporate Complaints Team.

Further information on the Ombudsman services is provided in section 6.0

5 Record Keeping and Review

The RMO will retain copies of the complaint, the acknowledgement, any holding responses and the final stage 1 response on file according to the retention policy. The RMO must also record information gathered, learning from the complaint, and monitor progress of stage 1 complaints. Complaints recorded will be fed back to the Business Support Team on a quarterly basis using the Quarterly Monitoring Reports detailed in the RMO Monitoring Process and Procedure.

The Co-op committee meets six times a year and complaints will be reported as appropriate.

5.1 RMOs are required to produce complaints data broken down by type and by length of time taken to respond.

Complaint types are as follows:

Service delivery failure

Examples include: Quality, delayed, not provided, insufficient, outside of timescales, system errors, no response given; includes poor performance

by contractor.

Outside service procedure

Examples include: Issues outside of legislation/policy/Law/Rights of Appeal etc. Also, outside of RMO's remit, repairs that are a tenant's responsibility.

Staff error or attitude

Examples include: Attitude, incorrect information, equalities issue, accuracy etc. on the part of a member(s) of staff; would also include those not in line with the RMO's values.

Disagreement with assessment/ assessment timescales not met

Examples include: Actions or assessment not carried out or delayed or agreed timescales not met.

Financial charges/ billing/ costs

Examples include: Disagreements with policy, payment delays, difficulty of process.

Poor/ incorrect information

Examples include: Poor information provided by staff, service/ website, or telephone menu.

- 5.2 RMOs should report complaints figures to the RPO every quarter via the quarterly monitoring reports which are passed to the Policy and Performance Support Officer (Policy and Performance Section), these reports are used for the Co-op Forum reports. The Business Support Manager will contact the RMO directly each quarter and the RMO will provide their stats. These stats are added into the departmental complaints tables which are used for corporate reporting and sent to the Policy and Performance Support Officer for reporting to the Area Housing Panels.

Details specific to how the RMO should deal with complaints are set out in the RMO's management agreement and the Resident Involvement RMOs Monitoring Process and Procedure.

6 The Housing Ombudsman Service

6.1 If a social housing tenant or leaseholder has exhausted the social landlords' internal complaints procedure but remains unhappy with the way in which their complaint has been handled, they can:

- a) Approach a 'designated person' to help resolve their complaint
- b) Wait 8 weeks and approach the Housing Ombudsman directly

6.2 'Designated persons' act as the 'democratic filter' introduced through the Localism Act 2011. While they have no legal authority over a social landlord's internal policies or procedures, the intention is that they should seek dispute resolution between different parties.

6.3 In Wandsworth the Chairperson(s) of the four Area Housing Panels act as the Council's 'nominated designated persons' for Council tenants and leaseholder complaints should the complainant choose to follow this route. MPs and Council members for the area where the aggrieved resident lives are also designated persons who can refer complaints to the Housing Ombudsman.

6.4 If a 'designated person' is approached by one of Wandsworth's tenants or leaseholders asking them to consider their complaint, they will first need to check whether the internal complaints procedure has been exhausted by contacting the HRD Business Support Team HRdirector@richmondandwandsworth.gov.uk. If it has completed the process, the designated person should then consider the complaint and select one of the following options:

- try to find a local resolution through discussions with the complainant and the Housing Service before referring to the Housing Ombudsman, if required.
- alternatively, they can conclude that there are reasons why it is not appropriate for them to consider the case. In such cases they will decline to consider the case and refer the complaint straight to the Housing Ombudsman **or**
- decline to consider the case and not refer it to the Housing Ombudsman.

The 'designated person' will inform the complainant in writing of the approach he/she has decided to take and the reasons for this.

6.5 The Housing Ombudsman Service will consider complaints about housing related issues including:

- leasehold services such as sales processes for leasehold properties, and general leasehold services provided by the landlord such as repair responsibilities under the lease
- moving to a property such as type of tenancy offered, mutual exchange or decision to renew a fixed term tenancy
- rent and services charges
- occupancy rights including succession, assignment and possession proceedings
- property condition e.g. repairs, major works or disabled adaptations
- tenant behaviour e.g. anti-social behaviour harassment or noise nuisance
- estate management e.g. cleaning or communal repairs, parking
- complaint handling e.g. delays in the process
- compensation e.g. home loss or disturbance payments or for tenant improvements

As of September 2020, a new HOS and Complaint Handling Code has been introduced, as part of this the Housing Ombudsman has strengthened powers to issue complaint handling failure orders where a landlord has breached the terms of the Code. In these circumstances the landlord will be given 3 months to rectify. The HOS can publish the failures and the names of the landlords in their annual report.

Where systemic issues are suspected, the Housing Ombudsman Service can investigate and refer to the Regulator for Social Housing who has strengthened powers to issue uncapped fines, Performance Improvement Plans and publish names of affected landlords.

6.6 The Housing Ombudsman Service will only consider complaints which have, in their opinion:

- a) exhausted the social landlord's internal complaints procedures; and
- b) are made 8 weeks after these procedures have been exhausted unless:
 - i. a 'designated person' has agreed to refer the complaint to the Housing Ombudsman and this is confirmed in writing; or
 - ii. a 'designated person' has refused to refer the complaint to the Housing Ombudsman and this refusal is in writing.

NOTE: As stated above, this may change following the enactment of the Building Safety Bill where it is proposed to remove these barriers.

6.7

The Ombudsman will not investigate complaints which, in the Ombudsman's opinion:

- are made prior to having exhausted a social landlord's complaints procedure, unless there is evidence of a complaint handling failure and the Ombudsman is satisfied that the social landlord has not acted within a reasonable timescale;
- are made within 8 weeks of having exhausted a social landlord's complaints procedure (unless a designated person has refused to refer the complaint to the Ombudsman or has agreed to the complaint being brought to the Ombudsman and the refusal or agreement has been confirmed);
- concern the operation, process or decisions relating to the designated persons referral system;
- were brought to the Ombudsman's attention normally more than 12 months after they exhausted the social landlord's complaints procedure;
- were not brought to the attention of the social landlord as a formal complaint within a reasonable period, which would normally be within 6 months of the matters arising;
- concern policies which have been properly decided by the social landlord in accordance with relevant and appropriate best practice, unless the policy may give rise or contribute to a systemic service failure;
- concern the level of rent or service charge or the amount of the rent or service charge increase;
- concern matters that are, or have been, the subject of legal proceedings and where a complainant has or had the opportunity to raise the subject matter of the complaint as part of those proceedings;
- concern matters where the Ombudsman considers it quicker, fairer, more reasonable or more effective to seek a remedy through the courts, a designated person, other tribunal or procedure;
- concern the terms and operation of commercial or contractual relationships not connected with the complainant's application for, or occupation of, a property for residential purposes;
- concern terms of employment or other personnel issues, or the ending of a service tenancy following the ending of contract of employment;

- concern matters raised by a complainant on behalf of another without their authority; unless the complainant does not have capacity to authorise representation;
- fall properly within the jurisdiction of another Ombudsman, regulator or complaint-handling body;
- are being pursued in an unreasonable manner including frivolous or vexatious complaints;
- seek to raise again matters which the Housing Ombudsman, or any other Ombudsman has already decided upon;
- are about matters which relate to the processes and decisions concerning a social landlord's governance structures;
- concern matters which, in the Ombudsman's opinion, do not cause significant adverse effect to the complainant; or
- concern matters where the complainant is seeking an outcome which is not within the Ombudsman's authority to provide.

If the designated person is approached to refer the complaint but is unsure if it is exempt, then they should contact the Housing Ombudsman and seek advice.

7 Useful Contacts

7.1 HRD Business Support Team –
Hrdirectorate@richmondandwandsworth.gov.uk

Western Area Housing Manager -
Danny.Edwards@richmondandwandsworth.gov.uk

Central Area Housing Manager –
Sharron.Lecky@richmondandwandsworth.gov.uk

Eastern Area Housing Manager –
Tom.Crawley@richmondandwandsworth.gov.uk

Southern Area Housing Manager –
Martin.Byrne@richmondandwandsworth.gov.uk

Corporate Complaints Team -
Corpcomplaints@richmondandwandsworth.gov.uk

8 **Templates**

8.1 [Template for Stage 1 – Acknowledgement email/ letter \(RMO\)](#)

[Template for Stage 1 – Acknowledgement Council Policy \(RMO\)](#)

[Template for Stage 1 – Complaint Response \(RMO\)](#)

[Template for Stage 2 – Acknowledgement email/ letter from the service \(LBW use only\)](#)

[Template for Stage 2 – Complaint Response \(LBW use only\)](#)

[Quarter 2 Monitoring Visit \(blank\) form](#)

[Quarter 4 Monitoring Visit \(blank\) form](#)

[Quarterly RMO Performance Report \(blank\) form](#)

[Annual Monitoring and Review Visit Report \(Blank\)](#)

[AGM Monitor \(blank\) Form](#)

[Corporate Complaints Information](#)

[Role of the Designated Person Executive Summary \(July 2020\)](#)

[Designated Persons Flow Chart](#)

HRD – Complaints Flow Chart