

# Complaints Policy and Procedure

# Contents

## Page

1. Introduction.....	2
2. Purpose and aim of the Policy.....	2
3. What is a Complaint?.....	2
4. Who can make a Complaint?.....	2
5. Matters that cannot be dealt with under this Policy.....	3
6. How to Complain .....	4
7. Time Scales .....	4
8. Complaint Stages .....	5
• Informal Complaints	
• Stage 1 - Investigation	
• Stage 2 - Review	
9. Monitoring responses and tracking promises made .....	6
10. Beyond the Complaints Process .....	7
11. Petitions .....	7
12. Learning from the Complaints .....	7
13. Consultation and Tenant Involvement.....	8
14. Reasonable Adjustment Policy.....	8

## 1. Introduction

Bancroft Tenant Management Cooperative (BTMC) was set up in 1992 by residents under the “Right to Manage” legislation of 1994. It has taken over the management of caretaking, repairs, cleaning and general upkeep of the estate. Bancroft TMC was formed to ensure the highest level of attention is focused on the needs of the residents. Bancroft TMC is the council’s management agent, for those housing functions that have been delegated to us under the terms of the Management Agreement. This policy sets out how Bancroft TMC will manage and resolve complaints.

## 2. Purpose and aim of the Policy

2.1 The purpose of this policy is to set out our approach to complaint and resolving disputes.

2.2 Bancroft TMC is committed to providing excellent levels of customer care and aims to deliver a positive customer experience. When things go wrong, we aim to provide any early resolution to prevent a formal complaint and respond speedily to put the issue right. This policy aims to provide customers, stakeholders and staff with clear guidance to ensure that the administration and management of complaints is fair and consistent.

As part of our complaints handling procedure, we will:

- Apologise
- Accept responsibility
- Put things right when they are in our control
- Use feedback from complaints to improve services.

## 3. What is a complaint?

Bancroft TMC uses the definition of a complaint as provided by the Housing Ombudsman. For the purpose of this policy a complaint shall be defined as:

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation (BTMC), its own staff, or those acting on its behalf, affecting an individual resident or group of residents”*

## 4. Who can make a complaint?

4.1 Anyone can make a complaint about the services they receive from Bancroft TMC. This includes services we may deliver directly or those delivered through partners working for us (e.g. Repairs Partner). The right to escalate to the review stage is restricted to complainants who have a legal relationship with us (applicant, tenant, leaseholder and licensee).

### ***Complaints through an advocate***

4.2 When receiving a complaint from someone acting on behalf of a service user, we will contact the service user to check that they are happy to be represented. There must be a signed consent on file if the service user wants Bancroft TMC to liaise directly with the support person or advocate.

4.3 Where we are contacted by an elected member, such as a MP or Councillor, we will advise the MP/Member that the service area will respond directly to the complainant.

4.4 Where a complaint is received through a legal representative, we will check to see whether this can be handled as a complaint. Where appropriate, we may seek legal advice. This could affect the stated timelines for providing a response. The service user will be formally notified if additional time is required.

**5. Matters that cannot be dealt with under this policy**

5.1 Bancroft TMC may refuse to accepted a complaint based on exclusions outlined below. If Bancroft TMC decides not to accept a complaint, we will provide a detail explanation to the service user setting out the reasons why the matter is not suitable for the complaints process. Complainants have the right to challenge this decision by bringing their complaint to the Housing Ombudsman.

<b>Exclusion</b>	<b>Description</b>
<b>Legal action and Disrepair</b>	<p>Where the London Borough of Tower Hamlets is taking legal action, the complainant will need to use the legal process to oppose the claim.</p> <p>Where the complainant is taking legal action against London Borough of Tower Hamlets, this will be dealt with under the Complaints Procedure.</p> <p>The Ombudsman’s jurisdiction does not extend to matters where the parties have started legal actions or matters relating to the level of service charge. In these circumstances a complaint will not be progressed through the complaint procedure. The complainant or their legal representative must follow the Court or First-tier Property Tribunal procedures as appropriate. In cases where a pre-action letter or letter of claim is received, the matter will be passed to the Council’s legal department to provide a response.</p>
<b>Service charge disputes</b>	These are managed through the Council’s Leasehold Arrears Recovery Procedure (Section 10).
<b>A service request</b>	Initial service requests made in the form of a complaint, such as reporting a repair or anti-social behaviour will not be treated as a complaint.
<b>Disputes between tenants</b>	Bancroft TMC will not address complaints relating to disputes between tenants unless this relates to how Bancroft TMC has provided a service or handled a dispute.
<b>The cause of the complaint is more than 6 months old</b>	Where a cause of complaint is more than 6 months old and is only reported after 6 months, this will not be accepted unless in the opinion of Bancroft TMC there is a good reason for the delay.
<b>Repairs</b>	Complaints about repairs which have been resolved within target times will not be considered unless this relates to quality or issues with the conduct of the contractor.

<b>Failure to provide a service that has been remedied through application of the Compensation Policy</b>	Issues where compensation for loss of service has been paid out will not be dealt with as a complaint.
<b>Rent increases</b>	The Tower Hamlets Homes Rent Accounting team deal with these and/or refer concerns to the Resident Property Tribunal.
<b>Insurance claims</b>	Matters related to claims on building or public liability insurance are dealt with by Tower Hamlets Council. Queries should be directed to the Council's Insurance Team.
<b>Act of God</b>	Incidents that can be regarded as unforeseeable – i.e. storm/flood/fire.
<b>Vexatious complaints</b>	We will initially agree one point of contact to deal with concerns in a consistent manner.
<b>Matters which have already been dealt with</b>	Bancroft TMC will not re-visit or log new complaints on issues which have been previously dealt with through the complaints, appeals or dispute procedures.
<b>Traffic Management Orders</b>	Representations received in regard to the roll out of Traffic Management Orders will be considered under the statutory Traffic Management Order consultation framework. Representations will be forwarded to the Council for review and will be fully considered by the Council prior to deciding on the scheme. It is BTMC/THH's role to collect these representations and forward them to the Council for review.

## 6. How to Complain

- 6.1 Bancroft TMC recognises the importance of offering a range of ways for service users to make a complaint. Complaints can be raised by using the following methods:

**Website:** [www.bancrofttmc.org.uk](http://www.bancrofttmc.org.uk)

**Email:** [enquiries@bancrofttmc.org.uk](mailto:enquiries@bancrofttmc.org.uk)

**Telephone:** 0207 265 8343

**Post:** Bancroft Tenant Management Co-operative, 12 Wickford Street, London, E1 5QN

## 7. Time Scales

<b>Acknowledgements</b>	Bancroft TMC will acknowledge receipt of a formal complaint within <b>48 hours</b>
<b>Queries/Informal Complaints</b>	We aim to respond within <b>5 working days</b>
<b>Stage 1 Complaints</b>	We aim to respond to Stage 1 complaints within <b>20 working days</b> . This is in line with Tower Hamlets Council's Corporate Complaints Policy with which Bancroft TMC is required to be in alignment.

	We will however endeavour to respond to as many complaints as possible within <b>10 working days</b> in line with the principles of the Housing Ombudsman’s Complaints Code. In more complex cases we may extend the timescales by a further <b>10 working days</b> in consultation with the complainant.
<b>Stage 2 Complaints</b>	Stage 2 complaints are responded by Tower Hamlets Council. These will generally be responded to within <b>20 working days</b> . In more complex cases, the Council may extend the timeline by a further <b>10 working days</b> .

## 8. Complaint Stages

### *Informal Complaints – (Queries)*

8.1 We record informal complaints as ‘Query’:

- **Within 24 - 48 hours** – The allocated case handler will phone the complainant to agree a plan of action to resolve the case informally, with the emphasis on delivering a quick resolution
- **Within 3 -5 days** – The case handler will send a response via email or letter, then close the case, and record any corrective actions needed which would be monitored by the case owner until the issue is resolved.

8.2 If we cannot resolve the problem informally within a timescale agreed with the service user, we will log a formal complaint, linking the query to the case.

### *Stage 1 – Complaint Investigation*

8.3 Each complaint is recorded and given a unique reference number. Once the case is assessed, an acknowledgement letter is sent, and the case assigned to the service area responsible for providing the service.

8.4 If the complaint covers more than one service area, responsibility will normally reside with the service that has a greater share of the complaint. The Council’s Customer Relations Team (CRT) will determine this. The CRT will request information from all service areas to ensure that all information required to provide a response can be collated. If more time is needed to provide a comprehensive response, the service area must discuss this with the Council’s Customer Relations Team and notify the resident before the team authorises an extension.

8.5 A Senior Officer or Team Leader will review the case and allocate a named case handler.

8.6 The case handler **must telephone the complainant within 48 working hours** where a valid number is available to agree a plan of action to resolve the problem and agree a timescale within which it should be resolved. Where we do not have a valid telephone number, we will try to contact by email.

8.7 Where a complaint can be resolved **within 5 working days** without the need for an investigation (subject to agreement from the complainant), the resolution will be confirmed

in writing, using the Stage 1 response template and can be authorised by TMO Monitoring Officer / Council Liaison Officer. Cases that needed an investigation and cannot be responded to within 5 working days will need to be approved by the Head of Service. This will be closely monitored by the Council's Customer Relations Team.

- 8.8 Responses should be an assessment and evaluation of the events that led up to the complaint being registered. The case handler should confirm what was agreed with the resident to put things right. Where this involves undertaking work which may take weeks or months to complete, they will provide a schedule and a time frame and the case owner will monitor progress and will continue to be the complainants key point of contact until the complaint is resolved or agreed otherwise in discussion with the TMO Monitoring Officer / Council Liaison Officer.

### ***Stage 2 – Review***

- 8.9 If the service user is not satisfied with our response at Stage 1, they can either contact Bancroft TMC via [enquiries@bancrofttmc.org.uk](mailto:enquiries@bancrofttmc.org.uk) so that we (BTMC) can consider what additional steps can be taken to ensure that the complaint is fully resolved. Alternatively, the complainant can ask the Council's Corporate Information Governance and Complaints Team to review their complaint. The complainant should state either verbally or in writing why they are dissatisfied with the Stage 1 response, the specific grounds on which they wish to escalate and the resolution they are seeking.
- 8.10 The case will be allocated to one of the Council's Senior Information Governance and Complaints Officers to investigate and review the complaint. The Officer will contact Bancroft TMC where the complaint originated from as part of the review to establish findings, conclusions and identify any learning. As part of the review, where there is scope for resolving the complaint, and where time permits, the Information Governance and Complaints Officer in conjunction with BTMC will attempt resolution.
- 8.11 The Council will send an acknowledgement within 48 hours and the Chief Executive of the Council will send a final response within 20 working days.
- 8.12 Should the Council consider that there is no merit in a Stage 2 review, a final response will be sent by the Corporate Complaints Team advising of any appropriate external escalation process.
- 8.13 The Customer Relations Team will monitor, audit and track high profile cases to ensure any follow-up actions agreed as part of the response are recorded, actioned and completed in the Council's complaint management system. Performance in following up on complaints will be reviewed on a quarterly basis by BTMC's Management Team and the Board.

## **9. Monitoring responses and tracking promises made**

- 9.1 The Council's Customer Relations Team will:
- Track responses are sent to residents on time and will prompt service areas to help prevent cases going overdue

- Track promises made in complaint responses so that we resolve complaints quickly, improve the customer experience and prevent escalations.

## 10. Beyond Bancroft Tenant Management Co-operative Complaints Policy

10.1 If a service user disagrees with the Council’s Chief Executive decision, they can contact either the Housing Ombudsman or the Local Government and Social Care Ombudsman.

Ombudsman:	Suitable for:	Example Subject Areas:
Housing Ombudsman <a href="mailto:info@housing-ombudsman.org.uk">info@housing-ombudsman.org.uk</a>  PO Box 152 Liverpool L33 7WQ	Tenants and Leaseholders of Bancroft Tenant Management Co-operative	<ul style="list-style-type: none"> <li>• Tenancy management</li> <li>• Estates</li> <li>• Repairs and Maintenance</li> <li>• Rent and recharges</li> </ul>
Local Government and Social Care Ombudsman <a href="http://www.log.uk/contact-us">http://www.log.uk/contact-us</a>  PO Box 4771 Coventry CV4 0EH	Tenants and Leaseholders of Bancroft Tenant Management Co-operative	<ul style="list-style-type: none"> <li>• Home choice Register administration</li> <li>• Housing Options</li> <li>• Right to Buy</li> </ul>

10.2 Complainants can take service charge disputes to the First Tier Tribunal (Property Chamber).

## 11. Petitions

11.1 We treat complaints received as petitions in the same way as all complaints. We are happy to meet the petitioners as a group. To help us handle the complaint efficiently, we will ask the group to nominate a single point of contact and we will work with this person to resolve the complaint. Petitions will be logged as a Stage 1 Complaint but marked as a Petition.

## 12. Learning from the complaint

12.1 We want to learn from complaints in order to help us improve our services. This could be:

- changing our processes
- reviewing our policies or
- training for staff.

To achieve this, the Council’s Customer Relations Team will play an active role in helping Bancroft Tenant Management Co-operative to identify learning and embed this in how they deliver services. The team will be responsible for:

- Monitoring complaints to ensure that response times are achieved
- Reviewing outcomes of complaints, identifying trends, best practice and highlighting lessons learnt in conjunction with BTMC
- Capturing feedback on the complaints handling process



- Supporting BTMC to track and deliver on commitments made, and explore options for the resolution with residents at the point of receiving a request for an escalation
- Producing reports highlighting performance trends, compliance with policy, causes for complaints escalations and learning which will be fed back to the BTMC Management Committee/ Board
- Publishing quarterly information on complaints and performance in Annual Reports
- Quality assessing a sample response to ensure that the policy is being applied consistently across the services
- Supporting the Council to swiftly resolve Stage 2 complains and monitor performance
- Act as key point of contact for the Housing Ombudsman on cases that have already or are yet to exhaust our complaints procedure. We will also be proactively monitoring decisions made by the Ombudsman and ensure BTMC is able to learn from them.

### **13. Consultation and tenant involvement**

13.1 We recognise the importance of working in partnership with our residents to develop and continuously improve our services. We will involve our residents in reviewing and learning from complaints.

13.2 Where appropriate we may invite residents to take part in focus groups and workshops to provide feedback and serve as case studies that can be used to assist with the review of our policies and working practices.

### **14. Reasonable Adjustment Policy**

14.1 Bancroft TMC is committed to ensuring disabled people are not disadvantaged in accessing our services. We will make reasonable adjustments for disabled people. Further details of our reasonable adjustment policy can be found in the Equality and Diversity Policy.