CTR TMO COMPLAINTS POLICY
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The Cliff Walk, Trinity Gardens Radley Terrace and Avondale Court. Tenant Management Organisation (CTR TMO) manages approximately 300 council homes under the Housing (Right to Manage) Regulations, although the existing rights of tenants and leaseholders of the Council remain. The TMO is run by an elected management committee known as the Board, with an elected Chair, Treasurer and Secretary who meet regularly. The TMO has its own local office at 17 Hermit Rd E16 and has 1 employee, the TMO Coordinator. The TMO commissions Pinnacle Group to provide professional housing services and typically has 2 dedicated staff assigned to the TMO office.

The TMO delivers a range of housing management functions as set out within the Modular Management Agreement (MMA) which is based upon a template in statutory guidance. TMO responsibilities include day to day housing management, repairs (up to the value of £3,000), grounds maintenance, estate cleaning and arranging viewings and sign-ups for new tenants.

The Housing Ombudsman's Complaint Handling Code 2024 states that landlords must have a single policy in place for dealing with housing complaints. As the CTR TMO effectively operates as a managing agent for the landlord, Newham Council, the TMO has adopted the council's interim Housing Complaints Policy dated April 2024. The TMO will therefore publicise the Newham Council 'Make a complaint' guidance to its residents and will refer any complaint that it receives to the Newham Council Complaints Team. The CTR TMO may then lead for any Stage 1 complaints relating to TMO activities or issues as appropriate.

The text of the council's interim Housing Complaints Policy is reproduced below. Some explanatory points are added within brackets.

CTR TMO contact details:

- By Post to CTR TMO TRIANGLE, 17 Hermit Road, London E16 4HP
- By telephone at 0203 3734644
- By email to info@ctrtriangletmo.org
- By visiting our office at the above address.

Newham Council
Policy & Procedures

Interim Housing Complaints Policy

April 2024

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1 INTRODUCTION

Newham Council are committed to putting Building a Fairer Newham. We aim to provide effective and efficient services for every citizen, whether they are residents in the borough, businesses or other service users. However, we recognise that things can go wrong. This interim Housing Complaints Policy sets out what residents can expect when they notify us that they aren't happy with the standard of service we have provided, and how we will learn, improve and put things right.

This interim Housing Complaints Policy aligns with the Corporate Complaints Policy, providing more detail on how it will be implemented with regards to Council housing. It also aligns with the Housing Ombudsman's Complaint Handling Code 2024, which becomes statutory from 1st April 2024. Under the Complaint Handling Code 2024, landlords are required to have a single policy in place for dealing with housing complaints covered in the code.

2 WHAT IS A COMPLAINT

2.1 Complaint definition

In line with the Housing Ombudsman's Complaint Handling Code 2024, a complaint is defined as "'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents".

In this policy, the landlord being referred to is the London Borough of Newham. Complaints covered by this policy are complaints about how the Council has undertaken its responsibilities as a social landlord. Information regarding complaints about the Council's other, non-housing functions can be found in the Corporate Complaints Policy.

The Complaints Policy covers issues such as:

- Repairs and maintenance
- Interactions with Council officers on matters of housing management this will include TMO staff.
- Housing applications
- Anti-social behaviour affecting Council tenants in their homes

It does not cover issues such as:

- Fly-tipping, waste and recycling
- Parking although car parks where access is controlled by the TMO by issuing car parking permits will be in scope.

- Libraries
- Planning applications

A resident does not have to use the word 'complaint' for it to be treated as such. The above definition will be used by the Council to identify expressions of dissatisfaction, and residents or third-party representatives can make a complaint in line with this policy.

2.2 What is not a complaint?

A service request is a request from a resident to the landlord requiring action to be taken to put something right. Examples of the type of demand often raised as a 'complaint' that may be considered 'first-time service requests' could be:

- Housing repair required
- A request to reschedule an appointment
- Anti-social behaviour issue on an estate being reported
- Notifying the Council or the TMO about a problem with a communal area in an estate like broken lifts or blocked drains.

An expression of dissatisfaction made through a survey is also not defined as a complaint but is treated as wider feedback about services. However, where possible, the Council and the TMO will include details of how a resident completing a survey can raise a complaint if they wish to.

2.3 Who can make a complaint?
Tenants and leaseholders of the Council are eligible to make housing complaints, as are third parties and representatives.

Examples of third parties are:

- Neighbours who are affected by the way in which the Council or its contractors carries out its work on an estate

Examples of representatives are:

- A local MP raising an issue on behalf of a Council tenant or leaseholder
- A family member who is not a Council tenant or leaseholder, raising an issue on behalf of their relative
- An independent adjudicator

This policy applies equally to tenants, leaseholders, third parties and representatives. This includes tenants and leaseholders in properties that are managed on the Council's behalf by a tenant management organisation (TMO) or private finance initiative (PFI). Residents will not be treated differently following a complaint, whether made directly or on their behalf.

3 EXPECTATIONS AND LIMITATIONS

3.1 Limitations
There are areas where we may be unable or limited in what we can do to investigate the complaint under the Housing Complaints Policy.

The Council must have a valid reason not to accept a complaint that is made, and in such cases will be required to evidence their reasoning. The resident will retain the right to take the decision to the Housing Ombudsman. The circumstances of each complaint will be considered before it is excluded.

In line with the Council's Corporate Complaints Policy may also place limitations when the complaints policy is misused.

3.2 Complaints outside of the Council's responsibilities
There may be times when we are unable to investigate your complaint. Check your complaint does not fit any of the following criteria:

- We usually cannot consider events that occurred more than 12 months ago, or which the resident was made aware of more than 12 months ago

- Cases where legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Cases where there is a statutory appeal or arbitration process in place.
- Cases where the complaint has already been heard by a Court of Law
- Matters that have previously been considered under the complaints policy
- Complaints that involve matters that would usually be investigated by the Police; for example, allegations of theft, racial harassment, sexual harassment or where the matters being complained about have already been, or are being, investigated by the Police.
- Complaints about live procurement processes
- Allegations of fraud cannot be considered - these would be dealt with by the Council's Fraud Team.
- We cannot consider matters subject to an insurance claim.
- We cannot consider matters about procurement processes that are subject to the Public Contracts Regulations 2015.

4 COMPLAINTS HANDLING PROCEDURE AND TIMESCALES

4.1 Stage one

The complaints process allows opportunity for early resolution of non-complex issues as quickly as possible without requiring a formal investigation or detailed written response. Many residents just require a quick solution to a very simple issue. We will liaise with the relevant service or partners to quickly resolve what went wrong to give a satisfactory outcome for the resident.

In line with the Housing Ombudsman Complaint Handling Code, complaints to the housing service will be acknowledged, defined at logged **within five working days** of the complaint being received.

A response and required actions will be confirmed **within 10 working days** of the complaint being acknowledged. This timescale may be extended up to 10 further working days if the Council has a good reason for why it cannot respond within the initial timescale. In such cases, a clear explanation as to why is provided to the complainant within the initial 10 working day period, along with the contact details of the Ombudsman.

A complaint response will be issued as soon as the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Any outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

The complaint response will address all points raised in the complaint definition and set out the reasons for any decisions. The relevant policy, law and good practice will be referenced where appropriate.

Any Stage 1 complaints received about a contractor working for the Council will either be led by the appropriate manager responsible for commissioning the contractor, or by the contractor themselves, as indicated by the contractual arrangements in place. Stage I complaints related to the TMO area or its activities may therefore be led by the TMO.

Where residents raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are related and the Stage 1 response has not yet been issued.

Where the Stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as anew complaint.

The Council's written response at the end of Stage 1 will contain the following:

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

4.2 Stage two

If a complainant does not agree with all or part of a Stage 1 complaint response or is unhappy with the results of an early resolution process, the complaint is progressed to Stage 2. The complainant is not required to explain their reasons for requesting an escalation to Stage 2.

A request for a Stage 2 complaint will be acknowledged, defined and logged **within five working days** of the escalation request being received.

The Complaints Officer considering the complaint will be different at Stage 2 to Stage 1. The purpose of the Stage 2 process is to conduct a thorough review of any new information provided and to consider if the original decision was fair.

A final response to the Stage 2 complaint will be issued **within 20 working days** of the complaint being acknowledged. The outcome will include options

and advice on further actions the complainant may consider. If the complainant is not satisfied with the outcome, they will be advised of their rights to raise the matter with the Housing Ombudsman.

If an extension to the initial 20 working day timescale is required, the resident will be informed and reasons for this will be provided. The resident will be provided with the contact details of the Ombudsman.

As in Stage 1, a complaint response will be issued as soon as the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Any outstanding actions will be tracked and actioned promptly with appropriate updates provided to the resident.

The response will address all the points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

The Stage 2 final written response will include:

- the complaint stage;
- the complaint definition;
- the decision on the complaint;
- the reasons for any decisions made;
- the details of any remedy offered to put things right;
- details of any outstanding actions; and
- details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

5 REMEDIES

Where something has been found to have gone wrong the Council will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- Apologising, with a written apology from a senior member of staff where appropriate;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

The remedy offered will reflect the impact on the resident that resulted from the issue identified in the complaint. The resident will be informed of what remedy will be made and when.

In some circumstances compensation or a goodwill payment could be appropriate. This will be a careful, considered decision limited to the merits of the case. While monetary value cannot be clearly defined for all cases, it can be seen as symbolic of the effect on a person(s) and used to highlight the true costs of complaints to services to emphasise the need to get it right, first time.

A decision to pay compensation is usually only a result of a formal investigation, and only if it is relevant to the case, and there has been clear service failure, delay, injustice, effect or costs incurred.

6 CONTACTING THE OMBUDSMAN

6.1 Residents' rights

Residents can bring a complaint to the Housing Ombudsman Service for investigation if they have completed the Council's complaint process and the issues have not been resolved. They can also contact the Ombudsman if they have found that the Council has been unresponsive to a complaint(s).

6.2 Local Government and Social Care Ombudsman

In some cases, the Local Government and Social Care Ombudsman (LGSCO) might be the appropriate body to consider an issue, rather than the Housing Ombudsman. The LGSCO deals with complaints around the Council's wider activities, which might include:

- how it handles a homelessness application;
- its statutory duty to provide homelessness advice and, in some cases, accommodation
- the operation of a council's housing allocation scheme and policies, including assessments of priority or banding given to an applicant;
- housing benefit applications;
- bin collections;
- planning applications; and
- social care.

More information can be found on the Local Government and Social Care Ombudsman's website.

6.3 The Housing Ombudsman

The Housing Ombudsman Scheme is approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by

the Localism Act 2011, the Building Safety Act 2022 and the Social Housing (Regulation) Act 2023.

The Housing Ombudsman investigates complaints from residents about landlord's housing management – for example property condition and repairs, charges, complaint handling and antisocial behaviour affecting residents in their home.

The Ombudsman requires evidence the issues have been raised and considered via the landlord's complaint process to begin its investigation of an issue.

More information, including how to raise an issue with the Housing Ombudsman, can be found at the Housing Ombudsman's Website. The Housing Ombudsman can also be contacted via the contact details below.

Email: info@housing-ombudsman.org.uk
Phone: 0300 111 3000
Address: Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

7 THE COMPLAINT HANDLING CODE

The Social Housing (Regulation) Act 2023 (the Act) empowered the Housing Ombudsman to issue a code of practice about the procedures members of the Scheme should have in place for considering complaints. It also placed a duty on the Ombudsman to monitor compliance with the code of practice and allows the Ombudsman to assess landlords even where no complaint has been referred to the Ombudsman for investigation.

The statutory Code and duty to monitor compliance take effect from 1 April 2024.

8 LEARNING FROM COMPLAINTS

8.1 Learning

Complaints are opportunities to put things right and learn lessons to prevent similar mistakes from reoccurring. They are a catalyst to make other service improvements, and most importantly improve the resident's experience. We will look beyond the circumstances of the individual complaint and consider whether service improvements can be made because of any learning from the

complaint. Wider learning will be shared with key stakeholders such as resident panels and internal working groups.

In the resolution of a complaint, both the Complaints Officer and the relevant service including the TMO may find that there are Recommendations and Actions for improvement that can be agreed upon, with follow-on actions that can be put in place, and monitored.

If this is the case, these recommendations will be captured within the conclusion of the complaint, confirming actions the service will take. These can be monitored in service partnership meetings between the Complaints and Member Services Team and the relevant service area, to track actions and improvements.

8.2 Record-keeping

A full record will be kept of the complaint, and the outcomes at each stage. Details which will be recorded include:

- The original complaint and the date received
- All correspondence with the resident
- Correspondence with other parties
- Any relevant supporting documentation such as reports or survey

9 GOVERNANCE AND OVERSIGHT

Complaints performance is monitored through our corporate delivery plan that reports regularly to Cabinet. The Council produces an annual complaints performance report which is presented to the Council's Audit Committee and Cabinet. This will include an annual self-assessment of the Housing Complaints Policy.