



Stage 3 Complaints Procedure and Fact Sheet – Grenfell

Independent Adjudicator

1. Introduction

The Independent Adjudicator (IA) deals with complaints at the third and final stage of the Council's complaints process and provides a free, independent and impartial service. The IA deals specifically with complaints about Grenfell services. If she finds something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the IA aims to get it put right by recommending a suitable remedy.

2. Who is the Independent Adjudicator?

The Independent Adjudicator is Mrs Katrina Robinson MBE. She is appointed by the Council to carry out an independent investigation of all Grenfell related Stage 3 complaints. She has over 20 years' experience as a solicitor specialising in housing law for social tenants and social landlords as well as investigating complex complaints.

She is an employee of the Council but is completely independent of any influence or service area. She has no connection at all to the borough and works remotely.

3. What sort of complaints can't the IA consider?

There will be situations where the IA can't consider your complaint and examples of these are:

- Claims for compensation because of personal injury or death as these are dealt with by our insurers
- A complaint about a decision our insurers have made
- Complaints which have not gone through the Stage 1 and Stage 2 Grenfell Complaints process first
- Where your complaint includes the same facts as those that you have instructed solicitors to start a court claim or one is already in progress
- Any complaints not related to a Grenfell service
- Any perceived failure by the Benefits Agency or DWP regarding Housing Benefit or other welfare benefits

- About the contents of a policy and or procedure, but you can complain about how the Council used those documents to make a decision
- Matters relating to the management of the Lancaster West Estate (including repairs to properties)
- Mainstream housing not linked to Grenfell survivors
- The suitability of interim or permanent accommodation offered which is covered by the Rehousing Review Fact
- Fraud unless your complaint is that a Council owned property is illegally sublet, and the Council have not investigated it properly
- Councillors/co-opted members
- School admission decisions
- Statutory Children and Adults
- Subject Access Requests, Freedom of Information requests and data breaches
- The IA will not usually consider complaints more than 12 months old, but each decision will be made on a case by case basis.

4. What sort of complaints will the IA consider?

Here are some examples of complaints that the IA will consider:

- Complaints about a Key Worker
- Issues regarding the Assistance Centres (The Curve or the Friends and Family Assistance Centre)
- Complaints about the suitability of interim or permanent accommodation offered are dealt with by a different procedure (see the Rehousing Review Fact Sheet). The IA will consider other rehousing complaints such as the length of time it has taken to make an offer
- Financial payments
- Taxi provision
- Volunteers
- Repairs to properties acquired for Grenfell residents
- Decisions made on a case because of policy (but not a challenge to the policy itself)
- Points awarded by the Council for rehousing
- The use of discretion.

5. What does the IA look for when dealing with the complaint?

The IA must find out two things: was there fault by the Council and did this fault affect you personally?

The IA might find fault if the Council:

- Made a mistake
- Took too long to do something
- Did not follow their own rules or the law
- Treated you unfairly
- Broke promises to you
- Failed to meet expected standards of service
- Gave you wrong information.

The IA might find that you were affected personally if you: did not get a service, benefit or concession that you should have had and at the time you should have done; suffered financial loss; or suffered a lot of avoidable expense, trouble, inconvenience and distress.

While the IA is looking at your complaint, she can also look to see if the things that went wrong for you are part of a wider service failure that might affect others.

6. How do I make a Stage 3 Complaint?

If you remain unhappy after exhausting the Stage 1 and 2 complaints process, you can proceed to Stage 3. When the Grenfell Complaints Team receive your Stage 3 complaint, they will send it to the Independent Adjudicator and she will then contact you directly (or the person acting on your behalf) to further explain the process to you.

Make sure that you provide as much information as possible with your Stage 3 Complaint, including any relevant documents, why you think the Council have acted incorrectly and how it has affected you. Remember that if someone is making a complaint for you, then the Council and the IA will need your consent to be able to discuss it with them.

7. How will the IA investigate?

The Grenfell Team will provide the IA with several documents including your Stage 1 and 2 complaints and responses. She will also ask the Council to comment on your complaint and will ask you for your views. If at any time during the process you send documents to the IA, then she will also send copies to the Council.

Usually the IA will interview Council staff to seek further information and clarification where necessary as well as visiting a site if it is relevant.

The IA may also wish to meet with you and this would be at a place and time convenient for you.

The IA will continue looking into your case until she has enough information to allow her to come to a view and that will be within 15 working days of the case being referred to her.

If the IA's report is likely to find fault with a specific member of the Council's staff, then the draft report will be sent to that person beforehand to allow him/her the opportunity to respond.

8. What can the IA recommend as a remedy?

If the IA finds in your favour and that this did affect you, personally, then she will usually ask the Council to act to resolve the matter. Sometimes the Council itself will suggest this. If the IA thinks that the proposed action is fair, the IA will tell you so and close the complaint. There are many different possibilities to list here, but the IA might ask the Council to:

- apologise to you
- provide a service, or make a decision that it should have done before
- reconsider a decision that it did not take properly in the first place
- pay you compensation
- improve procedures or conduct staff training so that similar problems do not happen again to you or anyone else.

9. Is the recommendation binding?

Yes. The Council must carry out the recommendation of the IA and within the timeframe suggested in her report.

10. Can I go to court as well?

The IA cannot investigate complaints against the Council where you have already asked a solicitor to make a claim in court for you (or appeal to a tribunal or a Government Minister about) unless she thinks that there are good reasons why you should not have to do that. If you have already gone to court, an appeal or Government Minister, it is very unlikely that the IA could look at your complaint. If you go to court while the IA is already looking at your complaint, she will have to stop her investigation.

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