

Lead Officer: Executive director of adult services, health and housing

Wards: All

Agenda Item: 12

Subject: - Housing Complaints Panel

1. RECOMMENDATIONS

- 1.1 The Panel is asked to comment on the proposed arrangements for housing complaint handling being introduced in response to the Localism Act 2011.

2. SUMMARY

- 2.1 This report outlines a proposal to create a housing complaints panel with a membership of Croydon council tenants and leaseholders to review complaints by tenants against the council when they have been through the council's formal complaints procedure. It is also proposed that the panel will be responsible for the monitoring of complaints and customer access.

3. BACKGROUND

- 3.1 The Localism Act 2011 provides that tenants of local authorities, housing associations and ALMOs will be able to ask for their complaints to be considered by a "designated person" when their landlord's internal complaints procedure is finished.
- 3.2 Designated persons were introduced by the Government to improve the chances of complaints about housing being resolved locally. The idea behind 'localism' is that local people know best how to decide local issues. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues.
- 3.3 It follows on from this that there is no central control or regulation of the development of local resolution mechanisms. It is therefore left to the council, together with tenants, to develop arrangements for Croydon's tenants.
- 3.4 A report was considered by this panel in January 2013 when it was agreed that a tenant working group be established to explore the options for a tenant panel. The working group has met a number of times with the resident involvement team and the council's Complaints Resolution Manager, Pete Ward to develop this proposal.

4. DETAIL

4.1 Who can be a designated person?

A 'designated person' can be an MP, a local Councillor, or a Tenant Panel. Landlords do not have to set up tenant panels but they are expected to support their formation and activities if their tenants want them. To be effective the tenant panel must be 'recognised' by the landlord.

4.2 What does the designated person do?

When the landlord's internal complaints procedure has finished a tenant can refer their complaint to the designated person. A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Ombudsman. If they refuse to do either the tenant can contact the Ombudsman directly.

4.3 The designated person can try to put things right in which ever way they think may work best. If the problem is still not resolved following the intervention of the designated person either they or the tenant can refer the complaint to the Ombudsman.

4.4 Complaints to the Ombudsman do not have to be referred by a designated person, but if they are not there must be at least 8 weeks from the end of the landlord's complaint process before the Ombudsman can consider the case. The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

4.5 What is the impact of designated persons on complaints procedures?

Designated persons have no direct impact on a landlord's internal complaints procedure. MPs and local councillors have always been involved in complaints procedures as advocates for tenants. They will continue to have that role. Their specific role as designated persons is different as they play a more specific part in the procedure. The detail of that role is not spelt out in the Localism Act, but a part of it is to refer complaints to the Ombudsman.

4.6 In practice this means that if a complaint is not resolved at the end of the landlord's complaints procedure, the tenant can:

- refer the matter to a designated person OR
- wait 8 weeks and refer the matter directly to the Ombudsman.

A designated person has no legal authority over a landlord's policy or procedure.

5. THE PROPOSAL

- 5.1 The tenant working group favour the development of a housing complaints panel with a membership of up to 15 tenants or leaseholders. This panel would provide an additional option for complainants who have been through the council's formal complaints procedure and are not satisfied with the outcome. The proposed terms of reference for the panel is attached as appendix A.
- 5.2 In addition to reviewing individual complaints it is proposed that the panel would also meet quarterly to review performance data in relation to complaints management and customer access. This latter role would meet one of the objectives agreed following the scrutiny of the customer access service, namely, to involve tenants in the monitoring of that service.
- 5.3 The membership of the panel will be open to any tenant or leaseholder, subject to them demonstrating that they meet the person specification through the completion of a self-assessment form and short interview.
- 5.4 Training will be provided for panel members and administrative support for the panel will be provided by the resident involvement team.
- 5.5 Recruitment to the panel will take place during the autumn and it is envisaged that the panel will be up and running early in the New Year.

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