

CROYDON HOUSING COMPLAINTS PANEL

TERMS OF REFERENCE

1.0 Introduction

- 1.1 The Localism Act 2011 made provision for tenants of local authorities, (and other social landlords) to be able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure is finished. This came into effect from 1 April 2013.
- 1.2 This provision only applies to complaints related to housing management services provided to council properties, whether they are tenanted or leasehold and includes such issues as repairs, occupancy rights and estate management.
- 1.3 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.
- 1.4 Croydon Council are working in partnership with a group of council tenants and leaseholders to establish and maintain the Croydon Tenant Panel, known as the Croydon Housing Complaints Panel (CHCP) which will undertake the role of the 'designated person'.

2.0 Role of the Croydon Housing Complaints Panel

- 2.1 The Croydon Housing Complaints Panel (CHCP) is a resident group recognised by Croydon Council with the purpose of:
 - a) Being the designated person that will consider complaints about housing management services, or other matters where Croydon Council is the landlord.
 - b) Hearing complaints that have been through Croydon Council's corporate complaints procedure and have not been resolved to the complainant's satisfaction.
 - c) Reviewing such complaints (as defined in 2b above), to advise if the Panel considers that policies and procedures have been followed, establish if all relevant issues related to the complaint were raised and properly investigated at the earlier stages of the complaints procedure and to constructively challenge both parties to work towards satisfactory resolution where the Panel agrees this is relevant.

- e) Forwarding complaints on to the Housing Ombudsman Service, where satisfactory resolution cannot be reached between the parties, or where it is otherwise correct to do so.
- f) Being consulted by the council on key policies and procedures that impact on the delivery of the complaints service.
- g) Working with the council's complaint resolution team to share learning from complaints under review, in order to improve how the council deals with complaints, including making recommendations about service improvement and reviewing staff training.
- h) Receiving and reviewing performance information related to the council's complaints handling and resolution and to undertake benchmarking with other landlords etc. with view to improving the service.
- i) Monitoring the performance of all customer service functions related to the provision of the housing service and to undertake benchmarking with other landlords with view to improving customer service.
- j) Helping the council to promote the complaints service to other residents and encouraging other residents to join the Panel.

3.0 Membership and method of appointment

3.1 Membership of the CHCP will be open to anyone who meets the following criteria: -

- a) They are a tenant or leaseholder of, or freeholder who pays service charges to, Croydon Council
- b) They are a British citizen, a citizen of an EU country with no restrictions as to their residency, or a person who has been granted indefinite leave to remain in the UK
- c) They are aged eighteen or above
- d) They do not have rent arrears with a value of four weeks or more rent/service charge unless an agreement is in place and they are making payments in line with it or the arrears are due to housing benefit issues
- e) They do not have an outstanding Notice of Seeking Possession (NOSP)
- f) They have not been identified as a persistent complainant and had restricted contact measures put in place as to how they may contact the council.
- g) They are not the subject of a breach of tenancy currently being investigated by Croydon Council.

3.2 The maximum number of residents who may become members of the panel at any one time is 15. When this level of membership is reached, membership applications will close

- 3.3 CHCP members will be recruited via advertisements to all tenants and leaseholders of Croydon Council and applicants will be asked to self assess themselves against an agreed person specification. The recruitment process will be administered by the resident involvement and scrutiny team.
- 3.4 Applicants will be shortlisted and interviewed by a panel made up of officers, residents and/or voluntary sector personnel, who will select those who they feel best meet the role profile.
- 3.5 Members must sign an undertaking to abide by the relevant guidance relating to procedures and behaviour. Any breaches of this guidance will be investigated and dealt with firmly and promptly.
- 3.6 All members of the Panel will be expected to participate fully in the work of the Panel and will be offered relevant training to ensure they are suitably qualified and have the required understanding. Some training may be compulsory. (also see section 14.0)

4.0 Selection and the role of Chair and Vice Chair

- 4.1 Every year, the members of the Panel will approve the selection of two Panel members who will take on the role of Chair and Vice Chair. In order to be eligible for either of these positions the individual must be present at the meeting at which voting takes place.
- 4.2 In the event of more than one member being nominated for either position, voting will take place to select the successful candidate. Where a vote is required, each resident Panel member present at the meeting, will have one vote.
- 4.3 The position of Chair or Vice Chair may not be held by the same individual for more than three consecutive years. After three years, the individual must stand down and not put themselves forward for re-election to the same position for a period of one year.
- 4.4 The chair will lead the business of the quarterly meetings and the vice chair will take over this role in the absence of the chair.
- 4.5 The Chair and Vice Chair will be invited to participate in setting the Agenda for the forthcoming quarterly meetings.

5.0 Quarterly panel meetings

- 5.1 Meetings will be scheduled in advance and arranged to take place approximately every three months by the resident involvement and scrutiny team. The team will invite all members of the CHCP to these meetings and will also invite officers and other guests as required.
- 5.2 The resident involvement and scrutiny team will produce minutes of the quarterly panel meetings within ten working days of the meeting being held, which will be approved by the Chair, before being distributed to members.

- 5.3 The resident involvement and scrutiny team will be responsible for producing the agenda with the Chair and Vice Chair, who will agree the items in advance. All Panel members may suggest items for the agenda in advance of the meeting, or raise them under 'Any other business'. The team will circulate the agenda and relevant background papers to all members of the Panel, whether attending the meeting or not, at least one week before the meeting is to take place.
- 5.4 Standard items for discussion at each quarterly CHCP meeting will include: -
- a) Considering complaints handling and customer service performance indicators
 - b) Considering benchmarking data relating to complaints and customer services
 - c) Reviewing and quality checking procedures related to complaints handling and customer services
 - d) Receiving updates on complaint hearings that the Panel are, or have been, involved in
- 5.5 Officers and representatives from the council and other relevant service providers will be invited and expected to attend these meetings to inform discussions, respond to residents queries and agree actions where appropriate.
- 5.6 Due to the confidential nature of the work of the CHCP, minutes of the quarterly meetings will not be made public but briefing notes and / or updates will be prepared and agreed at the quarterly meetings in order to inform other residents, groups and officers about the work of the Panel and progress made. These will include reference to numbers and broad nature of complaints handled by the Panel and brief details of performance figures, actions agreed and improvements made to the procedures relating to complaints and customer services.
- 5.7 A quorum is the minimum number of members required to attend in order for decisions to be made. A quorum will exist when more than 50% of members of the CHCP are in attendance. e.g. if membership is 12, a quorum will be 7. Inquorate meetings should be noted and decisions ratified at the next quorate meeting.
- 5.8 If it is felt a decision must be made but this cannot be reached through open discussion, voting by secret ballot can be arranged and administered by the officers from the council.

6.0 Powers of the Panel in relation to individual complaints

- 6.1 Following discussion at the Tenant and Leaseholder Panel meeting of **DATE**, the CHCP has been recognised by Croydon Council to act as a designated person for the purposes of referring complaints to the Housing Ombudsman where the relevant criteria are satisfied. The CHCP is listed on the Housing Ombudsman's Register of Tenant Panels, as required by law.

- 6.2 Tenant Complaint Panels, local councillors and MPs, acting as a designated person are empowered to work with the complainant and the landlord in an attempt to resolve complaints locally, once the landlord's complaints procedure has been exhausted.
- 6.3 The role of the CHCP as a designated person, is to help resolve the complaint in one of two ways:
 - a) Work with both the complainant and the council to identify a satisfactory solution themselves, by using local knowledge and providing a fresh and independent perspective.
 - b) Refer the complaint to the Housing Ombudsman.
- 6.4 In either case, the Panel must consider the wishes of the complainant and the details of each case that has been referred or passed to them, before making recommendations as to what they consider would be a satisfactory resolution, or referring the case to the Housing Ombudsman.
- 6.5 If the complainant asks that the Panel refers the complaint directly to the Housing Ombudsman, (prior to the Panel investigating the matter) and the Panel agrees to do so, this referral must be confirmed in writing.
- 6.6 The Panel may choose to refuse to refer the complaint directly to the Housing Ombudsman. If that rejection is confirmed in writing, the complainant may then refer their complaint to the Housing Ombudsman themselves.
- 6.7 Alternately if the Panel feels unable to provide any suggestions or recommendations regarding the complaint, the Panel may choose to refer the case directly to the Housing Ombudsman.
- 6.8 If the complaint cannot be satisfactorily resolved following the intervention of the Panel as a designated person, either the Panel, or the complainant, can refer the complaint to the Housing Ombudsman.
- 6.9 Complaints do not have to be referred to the Housing Ombudsman by a designated person. If the complaint is not referred by a designated person, at least 8 weeks must have elapsed from the completion of the landlord's complaint process, before the Housing Ombudsman can consider the case. However, a complaint can be referred before 8 weeks have elapsed under the circumstances shown in 6.6, above.
- 6.10 The CHCP is obliged by law to ensure that any referral of a complaint to the Housing Ombudsman, is made in writing and with the authority of the complainant.
- 6.11 The Panel have authority to carry out a detailed and full review of each case that has been placed before them. They can interview the complainant and others involved and examine paperwork (letters, emails, file notes, policies, etc.) relevant to the case.
- 6.12 Following their review, the Panel may identify a different approach or find something that was not considered previously. They may then make recommendations or suggestions

to the council, or the complainant, as to how the case may be satisfactorily resolved, or they may feel the council has acted correctly.

- 6.13 However, the CHCP does not have authority to make decisions, or to force either the council, or the complainant to act or behave in any way.

7.0 Complaint Hearings

- 7.1 Complaint Hearings will be arranged by the resident involvement and scrutiny team as and when required. Hearings will be convened in response to all requests made to the resident involvement and scrutiny team, for the CHCP to consider a complaint.
- 7.2 Such requests can come either directly from residents, or by a referral being made by a councillor, a member of the complaints resolution team, or another council officer. The complainant shall provide written consent for the matter to be considered by the CHCP. Hearings should be arranged to take place within 15 working days of the referral being received by the resident involvement and scrutiny team.
- 7.3 In order to be eligible to participate in a Complaint Hearing, Panel members are required to attend a minimum of two quarterly Panel meetings each year.
- 7.4 A rota will be agreed in advance between all members of the CHCP. Three Panel members will be selected by the resident involvement and scrutiny team, from the rota (subject to being eligible as in 7.2 above) to sit on each Complaint Hearing. Where a Panel member is unavailable, or if there is a conflict of interest, the next member will be invited and the unavailable member placed back on the rota to be invited to the next Hearing. New members may also attend, as observers, to view the Hearing, in order to improve their understanding of the process, providing the complainant is in agreement.
- 7.5 The three panel members will form a 'Hearing Panel' to attend and participate in the Hearing to consider each complaint. The resident involvement and scrutiny team will arrange for the Hearing Panel to see the details of the complaint within 3 working days of the referral being received. This could include a chronology of the complaint, relevant file notes, copies of letters, etc.
- 7.6 A facilitator will also be appointed for each Complaint Hearing on a rota basis. The facilitator for the Hearing will be responsible for managing the business of the Hearing and will not have any additional authority to make decisions or recommendations, over and above the remaining two Hearing Panel members.
- 7.7 The resident involvement and scrutiny team will also arrange for the complainant to attend the Complaint Hearing, as well as other council officers, as relevant or where requested by the members of the Hearing Panel. Where officers are required to attend, the Hearing Panel must notify the resident involvement and scrutiny team at least 6 working days prior to the Hearing, in order that arrangements can be made.
- 7.8 If they wish to do so, the complainant may bring an advocate or other independent third party to the Complaint Hearing, in order to provide support, or act as a witness to the Hearing on their behalf. The third party cannot be a solicitor or other legal advisor and

they will not be permitted to speak unless invited to do so by the Hearing Panel. The complainant must inform the resident involvement and scrutiny team of the name and role of the third party in advance of the Hearing.

- 7.9 Any documentary evidence or information of relevance to a Complaint Hearing will be provided in advance of the Hearing, to the Hearing Panel members concerned. Where it is not possible to gather such information in time, the Hearing will be postponed by the resident involvement and scrutiny team. Should the three Panel members consider the information provided is insufficient to enable a decision to be reached, the appointed facilitator will contact the resident involvement and scrutiny team confirming what additional information is required.
- 7.10 Where a Complaint Hearing has been postponed as in 7.7(above), the council will gather and provide all additional evidence or other information to the Hearing Panel members and the Hearing will be re-convened at the earliest opportunity by the resident involvement and scrutiny team.
- 7.11 The resident involvement and scrutiny team will take notes at the Complaint Hearings which will then form part of the case file. The notes must record the details of any decisions reached and in particular any proposed actions or alternate resolutions. These notes will then be provided to the members of the Hearing Panel, who will ensure they reflect the discussions accurately, before copies of the notes are sent to the complaints resolution team and the complainant.
- 7.12 Where, at the end of the original Complaint Hearing, the Hearing Panel members are unable to reach a decision due to lack of information, evidence, etc., or the need for further interviews with other parties, the Hearing may be adjourned and re-convened with the same Hearing Panel at the earliest practicable opportunity. Where this is the case, the additional information will be gathered as a matter of urgency and the Panel members who sat on the original Hearing will be asked to return.
- 7.13 If all three Hearing Panel members who are selected to sit on a Hearing, agree that the documentary evidence alone is sufficient to enable a clear decision to be made without inviting the complainant or other parties to the Hearing, the members must inform the resident involvement team of their decision, in writing / email and at least 5 working days before the hearing. If the complainant is not happy with this approach, the complainant will be entitled to attend the Hearing to share their views on the matter.
- 7.14 Where required, to help inform discussions at the quarterly panel meetings, et.al., summarised notes from Complaint Hearings may be supplied to Panel members, with details of any personal information removed.

8.0 Support and co-operation from the council

- 8.1 The resident involvement and scrutiny team will attend both the quarterly meetings and the Complaint Hearings, in a supporting role, i.e. as non-members. They will provide advice where requested, on matters of procedure, the role of the Panel etc.

- 8.2 The resident involvement and scrutiny team will service the quarterly meetings and Complaint Hearings, booking meeting venues, producing agendas and minutes or notes as required. The team will also invite officers, complainants or other relevant guests to meetings and Hearings.
- 8.3 The resident involvement and scrutiny team will also perform a liaison role between the council and the Panel to obtain relevant information, such as that related to individual complaints being heard at a Complaint Hearing, or performance statistics, current procedures, benchmarking information, etc. for the quarterly meetings.
- 8.4 Representatives from both the complaints resolution team and the customer services team will also attend quarterly meetings on a regular basis, in order to inform discussions on performance and procedures and to ensure comments and suggestions are fed back to the respective teams.
- 8.5 Other officers of the council will be expected to co-operate fully and promptly with any requests for their attendance, or the provision of information, as required by the CHCP and related to the business of the Panel. Officers would normally be expected to respond to such requests within 10 working days. Further details are provided in the Access to Information Protocol (available separately).
- 8.6 The council are committed to supporting the work of the Panel and failures to meet these commitments should be reported to the resident involvement and scrutiny team who will liaise with the member(s) of staff who has failed to respond as shown above.
- 8.7 Should the CHCP remain dissatisfied, a senior officer from the resident involvement and scrutiny team will pass the matter to the relevant line manager, or head of service and will report back to the Panel within ten working days.
- 8.8 The council and in particular, the resident involvement and scrutiny team and the complaints resolution team, will promote the existence of the CHCP and its' role and inform residents who are making a complaint aware of the opportunity to have their complaint heard by the CHCP. This will include general information on the council website and in local housing magazines etc. as well as references to the Panel in literature and letters regarding complaints relating to the housing service.
- 8.9 The resident involvement and scrutiny team will also encourage and support residents in becoming Panel members through the promotion of the CHCP, arranging or providing suitable and relevant training, arranging and paying for meeting venues, meeting out of pocket expenses for members attending meetings e.g. transport, childcare costs etc.

9.0 Conflicts of interest

- 9.1 Panel members should not hear complaints where there could be a conflict of interest, which could bring into question their impartiality. For example if the Panel member is known to the complainant, or a close relative of the Panel member works with the council officer who is the subject of a complaint. It is the responsibility of the Panel member to advise the resident involvement and scrutiny team as soon as they become aware of such a conflict of interest.

- 9.2 If a Panel member has made a complaint to Croydon Council which is being dealt with through the complaints procedure, they should not sit on any complaint Panel hearings until their own complaint has been closed.

10.0 Confidentiality and data protection

- 10.1 CHCP members will have access to confidential and sensitive information during the course of their duties and it is essential that Panel members do not divulge or discuss such information with anyone outside of the Panel. All Panel members are required to adhere to the guidance in the Access to Information Protocol (available separately).
- 10.2 The Access to Information Protocol is a detailed agreement between the Panel and others involved in the process (including officers) to ensure that any information requested by the Panel is provided in a timely and appropriate manner. In addition the Protocol details how such information must be managed in accordance with relevant data protection policies and other legal frameworks and ensure that confidentiality is maintained during all points of the process.

11.0 Behaviour of members

- 11.1 When carrying out their duties relating to the Panel, or other activities that involve direct interaction with members of the public or council staff, members are expected to observe the Appropriate Behaviour Policy (available separately) which provides detailed guidance relating to the behaviour of members of the Panel.
- 11.2 Particularly, members of the CHCP (and observers where agreed) will follow the key guidance below when taking part in meetings: -
- a) Prepare for the meetings by reading all relevant papers and bringing them to the meeting
 - b) Give their apologies to the Chair if they cannot attend the meeting
 - c) Arrive on time to enable the proceedings to start promptly
 - d) Direct all questions or comments through the presiding Chair
 - e) Adhere to the subject matter being discussed at the time
 - f) Treat each other with respect and not shout, use abusive or other threatening or intimidating language or behaviour
 - g) Respect the views of others
 - h) Work together constructively to arrive at the best possible solution to the matter under discussion

12.0 Equality and diversity

- 12.1 The CHCP will recognise the existence and importance of the diversity of Croydon's resident profile and will strive to ensure that no group or individual will be disadvantaged as a consequence of the Panels activities.
- 12.2 The Panel will be committed to promoting equality of opportunity to all persons in every aspect of the activities the Panel carries out and in particular, must listen to and take account of, the views of all complainants and staff, during hearings.
- 12.3 The work of the Panel will have regard to the councils' respective Equality Impact Assessment and action plan and members must abide by the relevant section(s) of the Appropriate Behaviour Policy (available separately), which provides further guidance in relation to equalities.
- 12.4 In addition all members of the Panel must undertake mandatory equality and diversity training.

13.0 Breaches of the Appropriate Behaviour Policy and the Access to Information Protocol

- 13.1 It is important that members of the CHCP understand the guidance contained in both the Appropriate Behaviour Policy and the Access to Information Protocol, and ensure they abide by that guidance at any time whilst undertaking their role as a member of the CHCP.
- 13.2 Non-compliance with the guidance contained within either of these documents will be dealt with as detailed in the relevant sections of the documents concerned and where necessary, reported breaches will be investigated by officers from the council.
- 13.3 Should a member wish to appeal against any action or decisions arising from their alleged breach, both the Appropriate Behaviour Policy and the Access to Information Protocol contain details of the relevant appeals process.

14.0 Training

- 14.1 All new members of the CHCP will undertake an induction programme within 3 months of joining. Further training and capacity building requirements of members will be assessed and relevant training delivered on an ongoing basis, in order that members can contribute fully and competently to the work of the Panel.
- 14.2 Members of the Panel will work with officers from the resident involvement and scrutiny team to develop and review a training programme which will be arranged by the team. Training will be through sessions delivered by members of the team or by external trainers, or where relevant, Panel members may participate in online training or attend courses and similar events provided by other organisations.

15 Alteration to these Terms of Reference

- 15.1 Any changes or amendments to these terms of reference must be approved by a majority of the members of the CHCP at a Panel meeting and then the changes ratified by the Tenant and Leaseholder Panel.

Undertaking by members

Members of the Croydon Housing Complaints Panel will be expected to sign an undertaking relating to the various key documents associated with the work of the Panel, such as the Terms of Reference, the Access to Information Protocol etc.

By signing that undertaking, members will be confirming that they have read and understood the various key documents and acknowledge that failure to abide by the guidance or policies within them may result in permanent exclusion from the CHCP.