

**REPORT FOR: Tenants', Leaseholders'  
and Residents  
Consultative Forum**

---

**Date of Meeting:** 26 September 2012

**Subject:** INFORMATION REPORT -  
Housing Complaints handling

**Responsible Officer:** Lynne Pennington  
Divisional Director of Housing

**Exempt:** No

**Enclosures:** Appendix 1 – Harrow Council  
Complaints and Compliments Policy

## **Section 1 – Summary**

This report informs TLRCF about some changes for handling complaints relating to council landlord services, introduced by the Localism Act 2011.

From April 2013 the Housing Ombudsman will investigate complaints, rather than the Local Government Ombudsman, once they have exhausted the Council's internal complaints process.

In addition the Act requires complaints to pass through a 'democratic filter'. Harrow Council has a rigorous internal complaints procedure and this satisfies the requirements of the Localism Act.

TLRCF are asked to note the new arrangements and make any comments on proposed future actions.

**FOR INFORMATION**

## **Section 2 – Report**

### **New Housing Ombudsman for landlord complaints**

- 2.1** At present all housing complaints are investigated under the Council's Complaints procedure. There are three stages to the procedure (see Appendix 1 – summary at Appendix B). If the customer is still dissatisfied following the Council's response at Stage 3 then they can refer the matter to the Local Government Ombudsman (LGO), who will investigate and make a judgment as to whether the complaint is upheld or not.
- 2.2** From April 2013, complaints relating to landlord services can be referred to the Housing Ombudsman (HO) after they have been through the Council's complaints procedure. The HO previously only investigated complaints against registered providers (housing associations) so this change means that all complaints by social housing tenants will be considered via the same route.
- 2.3** Other housing complaints, such as complaints about housing needs issues, will continue to be dealt with by the LGO. In a response to the Parliamentary Committee receiving evidence on the new arrangements, we have commented that this may be potentially confusing for customers and complicated, where a complaint crosses landlord and non-landlord issues. In this situation the two ombudsmen would decide who takes the lead on investigation.
- 2.4** The HO is working with all partners and central government to implement the changes, and is expected to publish further information and guidance from October 2012.

### **Requirement for a local 'democratic filter'**

- 2.5** The Localism Act also requires that complaints pass through a 'democratic filter' before the Housing Ombudsman starts an investigation. The 'democratic filter' could take the form of either Members of Parliament, elected councillors or a tenants panel reviewing complaints.
- 2.6** The requirement that complaints pass through a democratic filter does not apply where there are internal procedures in place for dealing with such complaints. This was to restore the tenant's right to directly complain to the Housing Ombudsman. Harrow Council has a corporate complaints (and compliments) policy and procedure (see Appendix 1) under which complaints about Harrow's landlord services are considered. Provided the complaints procedures are first exhausted a complaint can be made directly to the Housing Ombudsman. The complaint must be made within eight weeks of exhausting the complaints procedure.

- 2.7** In commenting on the new arrangements in 2011, former housing minister Grant Shapps said the aim should be for complaints to be resolved locally as far as possible, meaning that only a few complaints should be escalated to the HO. Under the current system, a relatively small number of complaints about Harrow's landlord services are referred to the LGO for consideration and, if necessary, investigation.
- 2.8** In 2011/12, 7 complaints about landlord services were sent to the LGO. Of these, 4 related to repairs (Asset Management) and 3 related to the management of council tenancies (Resident Services).<sup>1</sup> The outcome of these is set out below.

<b>Outcome of landlord services cases sent to LGO in 2011/ 12</b>	
3 cases	Local settlement reached – LGO discontinued the investigation
3 cases	LGO concluded there was insufficient evidence of maladministration
1 case	LGO decided not to use his exceptional powers to investigate
7 cases	TOTAL cases

## **Comments about the new arrangements**

- 2.9** At the present time we have no experience of the Housing Ombudsman, and therefore it is difficult to say what difference the new arrangements will make to the outcome of complaints being referred on, after the Council's procedure has been exhausted, other than to say that the 8 week deadline for referrals to the HO is tighter than current arrangements (where there is no time limit). It is suggested that we should wait until the new arrangements have bedded in, before reporting back to tenants and leaseholders, as necessary.

## **Other issues relating to complaints**

- 2.10** Complaints provide a useful form of feedback from tenants and leaseholders on the service they have received. It is important that any service provider reviews complaints made and learns lessons/ makes adjustments where appropriate. In Housing we do this quarterly at Improvement Board and HFTRA challenge panel meetings.
- 2.11** During 2010/11 the Council convened a group of tenants who had made complaints to form a Tenant Complaints Feedback Panel. This group met periodically and looked at the complaints, the content and style of responses being made, and made comments on where improvements could be made to procedures relating to complaints that had already been resolved/ closed. (It did not decide on the outcome of complaints.) The Complaints Panel ceased when there was a change of personnel in

---

<sup>1</sup> Context: A total of 190 complaints were received in 2011/12 relating to Asset Management and Resident Services.

the Housing Service, but we intend to reconvene the Panel shortly to look at complaint responses and learn lessons accordingly.

**2.12** At present we do not routinely survey people's satisfaction about their experience in making a complaint about housing. As part of the housing satisfaction (STAR) survey, which is reported elsewhere on this agenda, there are a set of questions relating to complaints handling, which might be a useful source of feedback. We could issue a short questionnaire to customers after their complaint has been resolved.

**2.13** Research into best practice by other social landlords (councils and housing associations) suggests that some only have a two stage complaints process and some adopt a stage zero (whereby they aim to resolve the complaint with an early phone call/ visit to the complainant rather than making a formal written response). This is something that we may wish to consider at a later date. Any departure from the corporate complaints policy would have to be a decision taken by Cabinet.

**2.14** TLRCF are invited to comment on any aspect of the new or existing arrangements.

### **Section 3 - Financial Implications**

**3.1** There are no budget implications arising from this report.

### **Section 4 - Corporate Priorities**

**4.1** The proposals in this report incorporate the corporate priority: United and involved communities.

Name: Roger Hampson	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 11 September 2012		

### **Section 5 - Contact Details and Background Papers**

**Contact:**

Jane Fernley  
Housing Partnerships & Strategy Manager  
Tel 020 8424 1283  
[Jane.fernley@harrow.gov.uk](mailto:Jane.fernley@harrow.gov.uk)

**Background Papers:** Housing complaints file