

REPORT FOR: Tenant, Leaseholder and Resident Consultative Forum

Date of Meeting: 31 October 2012

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

Responsible Officer: Lynne Pennington
Divisional Director of Housing Services

Exempt: No

Enclosures: Housing complaints Localism Act Changes Flowchart

Section 1 – Summary

This report is an update to the 26th September 2012 TLRCF report on the changes for handling complaints relating to council landlord services, introduced by the Localism Act 2011.

It gives a definitive position on the application of parts of the Localism Act that were unclear at the time of the September report following a meeting with the Housing Ombudsman Service and several London Local Authorities. The report also provides details of other key points raised at this meeting.

TLRCF are asked to take note of the amendments as well as the updates from the Housing Ombudsman meeting and to make any comments on the proposed next steps, in particular on 2.15

FOR INFORMATION

Section 2 – Report

Amendments to the 26th September 2012 Report

- 2.1** It was reported in paragraph 2.6 of the 26th September report that the ‘democratic filter’ would not apply where the landlord has internal procedures in place to handle complaints. The Housing Ombudsman (HO) has now made clear that the ‘democratic filter’ will apply to **all landlords of public rented housing** regardless of whether a landlord has internal procedures. This means that the ‘Democratic filter’ will apply to complaints about the council’s housing landlord functions.
- 2.2** Also in paragraph 2.6 it was stated that the complaint had to be referred to the HO within 8 weeks of exhausting the landlord’s complaints procedure. The HO has said this will not be the case and that if the complainant does not involve a ‘*designated person*’ (DP) in the course of their complaint, then s/he must wait for 8 weeks after the end of the final stage of their Landlords complaint policy before approaching the HO.
- 2.3** In paragraph 2.9 it was stated that referrals had to be made within 8 weeks of exhausting the landlord’s complaints procedure. The HO has clarified this and stated that the period within which complaints must be referred to his office is 6 months. This is tighter than the current 12 months LGO timeframe for complaints referrals.

Updates from the Housing Ombudsman meeting

The Role of the Democratic Filter (Designated Person)

- 2.4** The introduction of the ‘democratic filter’ in complaints investigation is designed to give greater choice to the complainant (see appendix 1 flowchart); encourage complaints to be resolved locally and rarely pass to the Housing Ombudsman for investigation.
- 2.5** Under these changes, from April 2013 any MP (in England) or any Harrow Councillor is defined as a Designated Person and can approach the landlord in their role as a Designated Person (DP).¹ A ‘*designated Tenants Panel*’ can also act as a (DP) subject to being recognised by the Landlord.
- 2.6** The Localism Act does not define the role of the DP apart from that of referring complaints to the Housing Ombudsman. What else the DPs may do is left up to the landlord and the DPs to decide and reach a local consensus on. However, **the DP can not decide on the outcome of a complaint but can make recommendations** (not just to the landlord but also to the complainants), which can either be taken on board or rejected by either party.

¹ Councillors can only act as a DP within the administrative boundaries of the local authority to which they are elected.

- 2.7** The complainant can approach the 'Designated Person' at any stage of their landlord's complaint procedure and does not have to wait for the exhaustion of the landlord's complaints policy before doing this. This means that a complainant could approach the DP at stage 1, 2, or 3 of their complaint.²
- 2.8** The London Borough of Richmond have appointed a councillor as a 'Tenants' Champion.' The HO views this as a possible model for other landlords to follow or adopt.

'Designated Tenant's Panels'

- 2.9** Tenant panels are not given an automatic status as a 'designated person' under the Localism Act (as are MPs and Councillors) and must be 'recognised' by the landlord. The Act discourages landlords from actively setting up 'designated tenant panels' or putting in place a system to support their creation or set-up. The HO made clear that tenants are expected to take a lead and approach the landlord, if they wish to act as a DP. The HO does not expect landlords to have recognised tenant panels by April 2013 as these are not likely to be fully operational until 2015/16.

Harrow's former 'Tenants Complaints Feedback Panel'

- 2.10** Although not under the title of 'Designated Tenants Panel' or with the same remit, the council convened a 'Tenant's complaints feedback Panel' during 2010/11. This was made up of a group of tenants who had made complaints relating to the services provided by Housing. The group met to look at the contents and style of responses being made and commented on where improvements to responses could be made. The group ceased to operate in 2011, due to staffing issues within the Strategy and Performance Team. We intend to reconvene this group within the next few months, although we are seeking new members as the former members do not wish to resume the role. TLRCF are welcome to nominate representatives to join this Panel if they wish.

Other points from the HO meeting

- 2.11** The landlord can not refer a complaint to the HO it has to be via the DP or by the complainant.
- 2.12** The HO has to be informed by the landlord of any 'designated tenant's panel' and will maintain a national register.
- 2.13** The HO also commented that the 3 stage landlord complaints procedures as increasingly seen as being outdated and unduly

² The council's current Corporate Complaints Policy has 3 stages. Once a complaint has been responded to at stage 3, the council's internal procedure is exhausted. The next stage is for the complainant to take their complaint to the Local Government Ombudsman.

bureaucratic. The Council is reviewing its current Corporate Complaints Policy and may move to two stages.

Proposed Next Steps

2.14 The proposed next steps for housing in preparing for the changes prior to April 2013 include:

- a) Develop options to start work on developing a local consensus with DPs on the democratic filter; and
- b) Provide a progress report (with options) to the December TLRCF meeting.
- c) Work with corporate colleagues to review the corporate complaints procedure (as it applies to housing customers) and develop an action plan to communicate the changes across the council and to customers;

2.15 TLRCF are asked to:

- a) Make comments on the report.
- b) To join or put forward nominations for a working group to be set up to develop options.

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
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Date: 17 October 2012

Section 5 - Contact Details and Background Papers

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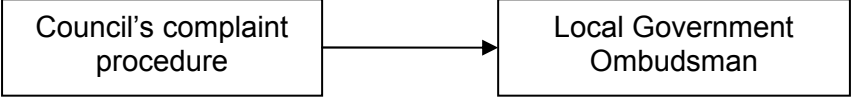
Background Papers:

Housing complaints Handling Report to TLRCF, 26 September 2012

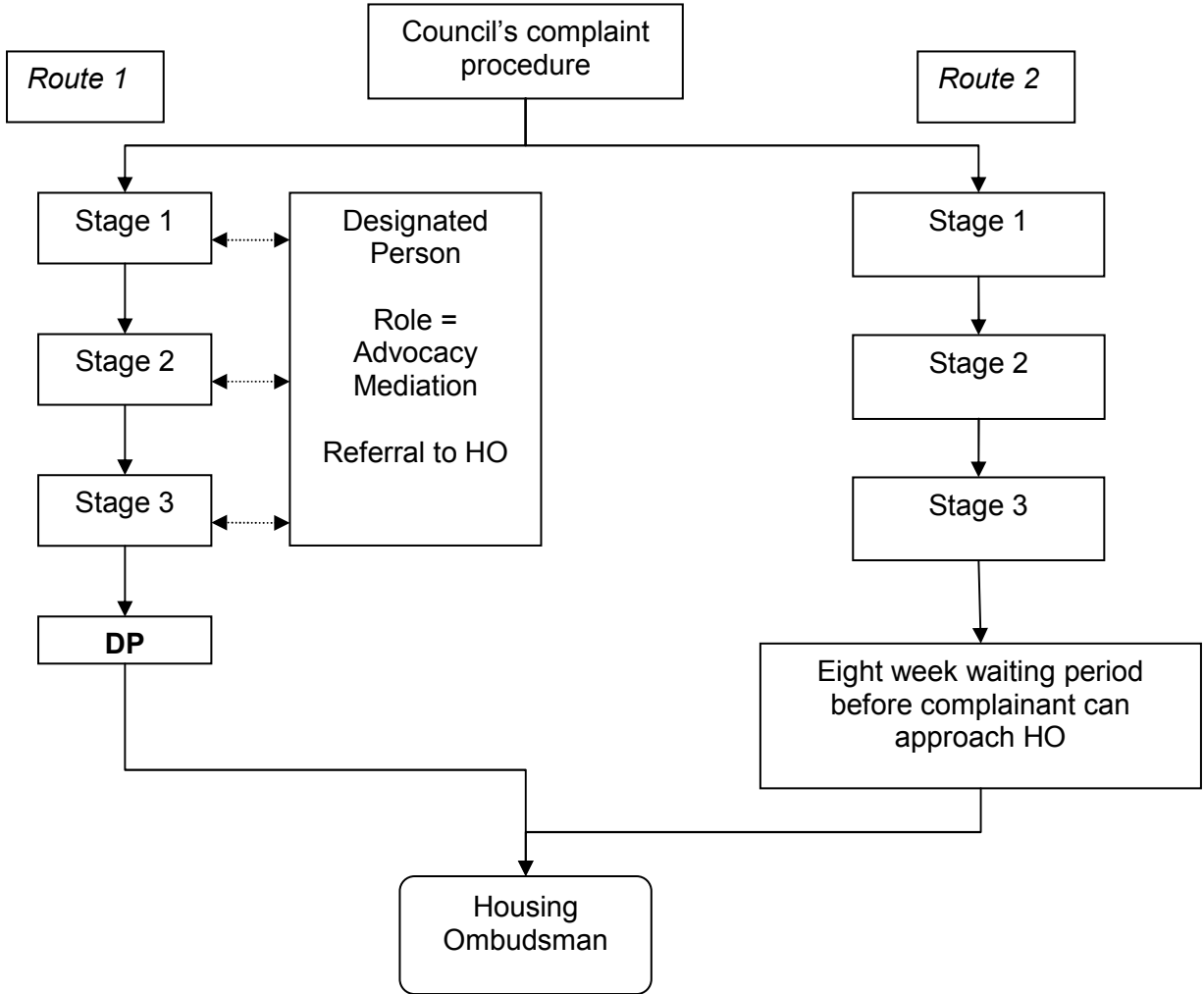
Appendix 1 – Housing complaints Localism Act Changes Flowchart

**Housing Complaints Localism Act changes flowchart –
From April 2013**

**Non Landlord
function Complaints**



Landlord function complaints



Stage 1 & MP/Cllrs = 10 working days
 Stage 2 = 20 working days
 Stage 3 = 20 working days