

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

Date of Meeting: 27 February 2013

Subject: Housing Complaints handling

Responsible Officer: Lynne Pennington
Divisional Director of Housing

Exempt: No

Enclosures: Draft new escalation paragraph
Flow chart for procedure

Section 1 – Summary

The Localism Act changes the way in which housing landlord complaints are handled from 1st April 2013. We have previously reported these changes to TLRCF. This report sets out the proposed next steps for the housing service to ensure it meets the requirements set out in the Act.

TLRCF are asked to note the report and make any comments on the proposals.

RECOMMENDATION:

That the report be noted

Section 2 – Report

Introduction & context

1. From 1st April 2013, the Housing Ombudsman will be the Ombudsman for all social housing providers in England. Taking over from the Local Government Ombudsman, complaints about housing landlord services will be referred to the HO once the landlords' own complaints procedure has been exhausted.
2. Alongside this, the Localism Act (the Act) introduced a new role for MPs, local councillors and tenant panels as 'designated persons' who may have a role in resolving the complaint.
3. Previous reports to TLRCF (26 September, 31 October & 19 December 2012) have outlined the changes brought about by the Act and how these are being interpreted by the HO and other boroughs. Appendix 2 illustrates the changes.
4. This report summarises the work that we have carried out to date, and sets out our proposals to meet our obligations as a social landlord from 1 April 2013.
5. In reality very few of our complaints have been referred to the Local Government Ombudsman's office. In 2011/12 out of a total 190 landlord related complaints relating only 7 were investigated by the Local Government Ombudsman. Currently, out of 166 complaints received to the end of December 2013 only 5 complaints have been investigated by the Local Government Ombudsman (3%).

The role of MPs, Councillors and Tenants Panel(s) in resolving complaints (*designated persons*)

6. The Act states that a designated person is:
 - a. An MP
 - b. A local Councillor (of the district in which the landlord operates)
 - c. A (recognised) Tenants Panel
7. The *designated person* role is not detailed in the Act, except that the *designated person* may help resolve the complaint in one of two ways;
 - a. they can try to put things right by recommending a solution to the landlord,
 - b. they can refer the complaint to the HO. If the *designated person* chooses the second route, then this must be in writing.
8. The HO has indicated that he will not publish detailed guidance and is encouraging landlords to proactively settle complaints locally, rather than escalate them to his office.

9. In carrying out their new role, MPs and councillors are expected to abide by the Parliamentary and/or Local Authorities codes of conduct. This will ensure that any potential conflicts of interest do not arise.
10. Landlords are expected to support any tenants' panels, as part of their wider activities on tenant involvement and empowerment, but not to actively create a tenant's complaints panel.
11. In Harrow housing complaints are managed within the council's corporate complaints policy which offers 3 stages of escalation if a complainant is dissatisfied with the service. And although we do have a complaints focus group (recently reconvened) this does not consider live complaints, but rather reviews and makes comments on how closed complaints might have been dealt with differently.

Preparing for the changes

12. In Harrow, we have been working with tenants and leaseholders, through TLRCF to engage, involve and communicate the changes. We have also spoken to registered providers, other London councils and the Housing Ombudsman in considering how to implement the new procedures.
13. Since the council has not received an expression of interest from tenants in pursuing a Tenant's Complaints Panel for complaints from April, we will proceed with implementing procedures in relation to the remaining requirements of the Act. (This does not prevent the setting up of Panels at a future date if tenants wish to do so.)
15. Responses to complaints will include a paragraph setting out the new escalation procedures (see attached example for comment) and we propose publicising the new arrangements via Homing IN, the website and other channels.
16. Landlords cannot restrict how MPs or Councillors carry out their role as *designated person*, as the Act does not allow this. During February/ March 2013, we propose to deliver a series of briefings to raise awareness of the changes amongst Councillors and MPs.
17. We will also continue to contribute towards reviewing the council's complaints policy alongside the timescale established by the corporate lead officer

Proposed next steps

The proposed next steps for housing are:

1. Ensure we communicate the key changes across the Council, to customers and MP offices prior to 1st April 2013.
2. To consider any future tenants panel request to be recognised, as per the Localism Act requirements, and to report back to TLRCF

TLRCF are asked to:

1. Take note of the report and its content
2. Make comments on the report.

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: 12 February 2013		

Section 5 - Contact Details and Background Papers

Contact:

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Strategy & Performance Manager

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Background Papers:

Housing complaints Handling Reports to TLRCF, 26 September 2012; 31 October 2012; 19 December 2012

Appendix 1 – escalation paragraph example

ESCALATION PARAGRAPH FOR STAGE THREE DECISIONS ON COMPLAINTS WHICH INCLUDE HOUSING MANAGEMENT ISSUES

‘WHAT TO DO IF WE HAVE NOT RESOLVED YOUR COMPLAINT’

The council has now completed its consideration of your complaint. If you disagree with our decision, you can ask the Housing Ombudsman to look at it for you. The Housing Ombudsman is independent of the Council, and can review your complaint and our final decision.

To send your complaint to the Housing Ombudsman:

1. You may ask a ‘designated person’ to write and refer your complaint to the Housing Ombudsman. A ‘designated person’ is any MP¹; or any Harrow councillor²; or a recognised tenants’ panel. If the designated person you choose refuses to refer your complaint, they must tell you this and you can then contact the Housing Ombudsman directly.
2. You can also contact the Housing Ombudsman directly without approaching a designated person if eight weeks have passed from the date of this letter.

You can find out more about the Housing Ombudsman, their contact details and how they deal with housing management complaints on their website at <http://www.housing-ombudsman.org.uk> or telephone 0300 111 3000.

¹ You can find a list of MPs at <http://www.parliament.uk/mps-lords-and-offices/mps/>

² You can find a list of your local councillors on Harrow’s website at: <http://www2.harrow.gov.uk/mgMemberIndex.aspx?bcr=1>

Appendix 2 – flowchart for complaints procedure (from April 2013)

