
**HOUSING COMPLAINTS REFORMS
(THE LOCALISM ACT 2011)**

**Responsible Cabinet Member - Councillor Stephen Harker
Efficiency and Resources Portfolio**

Responsible Director - Paul Wildsmith, Director of Resources

SUMMARY REPORT

Purpose of the Report

1. To seek approval for the introduction of the attached draft Housing Complaints, Compliments and Comments Procedure from 1 April 2013 (**Appendix 1**).

Summary

2. This report sets out the key changes introduced by the Localism Act 2011 (the Act) affecting the way in which the Council is required to consider complaints about social housing.
3. The report also details the actions taken by the Complaints and Information Governance Manager to ensure the Council will be compliant with the Act come 1 April 2013.

Recommendation

4. It is recommended that Cabinet approve the implementation of the attached Housing Complaints, Compliments and Comments Procedure.

Reasons

5. The recommendation is supported as the introduction of the attached Housing Complaints, Compliments and Comments Procedure will ensure the Council is able to comply with the requirements of the Act when considering complaints about our actions as a social landlord (as well as in respect of our ownership and management of leasehold housing). -

**Paul Wildsmith
Director of Resources**

Background Papers

Note: The Localism At 2011 and the Draft Housing Ombudsman Scheme were considered in producing this report.

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S17 Crime and Disorder	There is no specific impact on Crime and Disorder.
Health and Well Being	This procedure aims to ensure complaints about housing issues are handled effectively and service improvements are implemented as a result of learning from complaints. Settled and appropriate accommodation plays a role in an individuals health and well being
Carbon Impact	There is no specific impact on Carbon Impact.
Diversity	The procedure makes specific provisions to ensure the diverse needs of the people of Darlington are addressed. An Equality Impact Assessment has been carried out.
Wards Affected	All Wards.
Groups Affected	A wide range of groups with housing needs.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is not classed as a key decision and has not been included in the forward plan.
Urgent Decision	This does not represent an urgent matter.
One Darlington: Perfectly Placed	The new procedure supports the vision and outcomes of the One Darlington Perfectly Placed by seeking to make sure that those that have a housing need have access to decent housing that meets that need and contributes to sustainable communities.
Efficiency	Efficiency issues are highlighted through complaints.

MAIN REPORT

Information and Analysis

6. The Act introduces two key changes which will affect the way in which the Council is required to handle complaints about social housing.
7. Firstly as of 1 April 2013 the Local Government Ombudsman (LGO) will no longer be responsible for considering complaints about social housing, following investigation under the Council's complaints procedure. The Council as a local housing authority will become a 'registered provider', having the same legal status as housing associations and other bodies registered with the regulator of social housing. Complaints against the Council as a social landlord (as well as in respect of its ownership and management of leasehold housing) will be considered by the Housing Ombudsman (HO). The Act makes provisions for joint work between the LGO and the HO. Unlike the LGO the HO will have the power to enforce decisions via the courts.
8. The other key change is the introduction of a mandatory stage between the Council and the HO. This is referred to as the 'designated person' or 'democratic filter'. The designated person or democratic filter can be an MP, a local Councillor or a recognised Tenant Panel. This has to be decided locally and should be agreed as part of the Council's local offer with the Tenants' Board. Should a tenant remain dissatisfied with the Council's response to their complaint, they will be required to refer the matter to the designated person/democratic filter. The designated person/democratic filter may help resolve the complaint directly, refer the complaint to the HO or decide to do neither. If the designated person/democratic filter decide not to take any action the complainant will be entitled to refer the matter to the HO directly. The complainant will also be able to approach the HO directly in cases where eight weeks have elapsed since the Council's response to their complaint.
9. In preparation for the introduction of the designated person/democratic filter it was agreed with Jenny Chapman MP, Councillor Copeland, as the relevant portfolio holder, and the Tenants' Board that in Darlington this function would be performed by a recognised Tenant Panel (from here onwards referred to as the Tenants' Complaints Panel). The Complaints and Information Governance Manager has made the necessary arrangements to recruit the Tenants' Complaints Panel and provide training on best practice in complaints handling for panel members.
10. With regards to introducing an appropriate complaints procedure, key stakeholders were consulted and it was agreed that a third stage, detailing the designated person/democratic filter process, would be added to the Council's existing Corporate Complaints, Compliments and Comments Procedure; previously approved by the Tenants' Board prior to its introduction in April 2009. The Complaints and Information Governance Manager has drafted the Housing, Complaints, Compliments and Comments Procedure in accordance with the requirements of Section 180 of the Act and the Draft Housing Ombudsman Scheme (**Appendix 2**).
11. The Complaints and Information Governance Manager has also developed the Council's electronic complaints management system to manage record and report on complaints, compliments and comments made under the new Housing Complaints, Compliments and Comments Procedure. This will allow the Council to

continue to ensure that actions resulting from complaints are implemented, report on what the Council has learned from complaints and make further recommendations to improve services and increase efficiency.

Equality Impact Assessment

12. An assessment was completed in respect of the impact of the Housing Complaints, Compliments and Comments Procedure, attached at **(Appendix 3)**.
13. It is considered that the procedure will continue to ensure that those people who:
 - (a) are from different races (and whose people whose first language is not English),
 - (b) are disabled,
 - (c) are visually impaired,
 - (d) are hearing impaired,
 - (e) are learning disabled,
 - (f) experience mental health problems,
 - (g) have a long term limiting illness or
 - (h) have multiple impairments

are able to easily access the procedure. There are no perceived positive or negative impacts on the other identified target groups.

Legal Implications

14. Implementation of the procedure enables the Council to meet requirements of the Act in respect of housing complaints.

Outcome of Consultation

15. The procedure was approved by the Tenants' Board at their meeting of 16 January 2013.