

**CABINET  
8 NOVEMBER 2022**

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**HOUSING COMPLAINTS REFORMS**

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**Responsible Cabinet Member -  
Councillor Scott Durham, Resources Portfolio**

**Responsible Director -  
Elizabeth Davison, Group Director of Operations**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek approval for the adoption of an updated Housing Complaints, Compliments and Comments Procedure to reflect changes to when a complaint can be referred to the Housing Ombudsman Service.

**Summary**

2. After a complaint has been considered by the council at stage 1 (local resolution) and stage 2 (formal investigation) there is a third stage (democratic filter) before it can be referred to the Housing Ombudsman.
3. Legislative changes that have come in from 1 October now mean that the Housing Ombudsman can consider a complaint without requiring the democratic filter stage to be completed.
4. This report attaches an updated Housing Complaints, Compliments and Comments Procedure (**Appendix 1**) to remove the democratic filter stage from our procedure.
5. This will simplify the process and enable complainants who remain dissatisfied after the completion of stage 1 and stage 2 of the procedure to go direct to the Housing Ombudsman without further delay.

**Recommendation**

6. It is recommended that Cabinet note the proposed changes and approve the adoption of the attached Housing Complaints, Compliments and Comments Procedure.

**Reasons**

7. The recommendation is supported by the following reasons:-
  - (a) To ensure the Council's Housing Complaints, Compliments and Comments Procedure is consistent with the law and the revised Housing Ombudsman Scheme.

- (b) To make it easier for residents to access the Housing Ombudsman Service, if they remain unhappy with the Council’s final response to their complaint.

**Elizabeth Davison**  
**Group Director of Operations**

**Background Papers**

- (i) Cabinet Report, 5 March 2013, HOUSING COMPLAINTS REFORMS (THE LOCALISM ACT 2011);
- (ii) Revised [Housing Ombudsman Scheme](#);
- (iii) The Housing Act 1996;
- (iv) The Localism Act 2011; and
- (v) The Building Safety Act 2022 (the Act).

Lee Downey : Extension 5451

S17 Crime and Disorder	There no issues in relation to Crime and Disorder.
Health and Wellbeing	There are no issues in relation to Health and Well Being.
Carbon Impact and Climate Change	There are no issues in relation to Carbon Impact and Climate Change
Diversity	There are no issues in relation to Diversity.
Wards Affected	This report affects all wards equally.
Groups Affected	Persons who submit housing complaints.
Budget and Policy Framework	This report does not recommend any changes to the Budget or Policy Framework.
Key Decision	This is not a Key Decision.
Urgent Decision	This is not an Urgent Decision.
Council Plan	This report contributes to all the priorities in the Council Plan.
Efficiency	The complaints process will be simplified by the removal of the democratic filter stage.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers.

## MAIN REPORT

### Background

8. As of 1 April 2013 the Council as a local housing authority became a 'registered provider', having the same legal status as housing associations and other bodies registered with the regulator of social housing. Since that time complaints against the Council as a social landlord (as well as in respect of its ownership and management of leasehold housing) have been considered by the Housing Ombudsman Service.
9. Before referring a complaint to the Housing Ombudsman Service, the complainant was previously required to complete a mandatory stage, introduced by the Localism Act 2011. This mandatory stage referred to as the 'designated person' or 'democratic filter' was an MP, a local Councillor or a recognised Tenant Panel. The designated person/democratic filter could help resolve the complaint directly, refer the complaint to the Housing Ombudsman Service or decide to do neither. If the designated person/democratic filter decided not to take any action the complainant was entitled to refer the matter to the Housing Ombudsman Service directly.
10. Note - a complainant was also able to approach the Housing Ombudsman Service directly in cases where eight weeks had elapsed since the Council's response to their complaint.

### Information and Analysis

11. Following a change in the law, the Housing Ombudsman Services amended the Housing Ombudsman Scheme which was approved by the Secretary of State under section 51 of, and Schedule 2 to, the Housing Act 1996 as amended by the Localism Act 2011 and the Building Safety Act 2022.
12. The changes which took effect from 1 October 2022, removed the mandatory designated person/democratic filter stage, making it easier for residents to access the Housing Ombudsman Service if they remain unhappy with the Council's final response to their complaint.
13. The attached Housing Complaints, Compliments and Comments Procedure reflects this change, removing paragraph 11.3 and other references to the designated person/democratic included in the existing [Housing Complaints, Compliments and Comments Procedure](#).
14. Residents can still contact their MP, local councillor or tenant panel (where one exists) about a complaint, but the designated person/democratic filter role is no longer part of the formal process.