

EXETER CITY COUNCIL
SCRUTINY COMMITTEE – COMMUNITY
15 JANUARY 2013

HOUSING RELATED COMPLAINTS

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of changes to how Exeter City Council (ECC) will treat housing related complaints following the introduction of the Localism Act 2011. Within the new legislation it sets out the way landlord services must deal with complaints.

2. BACKGROUND

- 2.1 On 6 March 2012 Scrutiny Community and on 20 March 2012 Executive Members approved the Resident Involvement Strategy 2012-2015 and its action plan. Within the action plan officers were tasked with reviewing how introduction of a “democratic filter” for housing related complaints as set out in the Localism Act 2011 and how it should operate for ECC as a landlord.
- 2.2 Officers were asked to report back once further details were available and inform them how this would impact on and how housing service complaints would be managed.
- 2.3 The Housing Service manages over 6,000 properties. In 2011/12 ECC received 38 housing related formal complaints of which 8 progressed to Stage 2 of the process. Of these 8 complaints 2 escalated to the Local Government Ombudsman (LGO) for independent review and none were found to be justified. Considering the number of customer interactions carried out by the Housing Service (over 17,000 repairs raised and 700 reports of anti social behaviour per year received as examples) the number of complaints received is very low.

3. HOUSING RELATED COMPLAINTS

- 3.1 Currently once a tenant has exhausted the ECC corporate complaints procedure they have they right to ask the LGO to independently investigate and review their complaint. The LGO has the powers to reverse a decision and to impose fines where it considers maladministration has taken place.
- 3.2 From April 2013 the Localism Act 2011 requires the introduction of a ‘democratic filter’ to allow a further opportunity for housing complaints to be reviewed prior to the complainant escalating a complaint to the Ombudsman. As a stock retaining landlord currently a complaint would progress to LGO, from April 2013 they will be investigated by the Housing Ombudsman who currently performs this function for all other Social Landlords.
- 3.3 Tenants who have exhausted the complaints procedure have the choice to either approach a ‘designated person’ for help or they can also contact the Housing Ombudsman directly after eight weeks has elapsed from the complaints procedure being exhausted.

- 3.4 A designated person is defined as a tenant panel, which is recognised by the landlord for the purpose of referring complaints against the social landlord, a local councillor (this can be any Member of the authority, but is most likely to be the complaints ward representative) or an Member of the House of Commons (the legislation does not state that this must be the complainants representative). The role of the 'designated person' is to re-examine the case in an effort to reach a solution. They may agree with the Authorities assessment or provide reasoning on why the decision should be re-considered. The authority does not have to accept the recommendation made by the 'designated person'.
- 3.5 If the complaint remains unresolved the 'designated person' can refer the complaint to the Housing Ombudsman. It is the complainants' decision on who they make the referral to. The Housing Solicitor has examined the legislation and concluded that all three 'designated persons' are of equal standing and therefore mandatory elements of the scheme.
- 3.6 This change does not affect our current complaints procedure but it does introduce an additional stage that tenants and leaseholders have the option to use. The complaint is not required to use the 'democratic filter'. They can approach the ombudsman directly eight weeks from the date on which they exhausted the authorities complaints procedures.
- 3.7 This process only relates to complaints made against ECC in its function as a social landlord. This includes temporary accommodation.

4. ACTIONS

- 4.1 Although the number of complaints currently reach this stage is small it is vital that ECC is equipped and prepared to correctly deal with complaints that escalate to this stage. It is recommended that a number of actions take place in order to ensure this is the case, these are:
- Approach and invite the Housing Ombudsman to provide a members/MP/PIP with a briefing on their new responsibilities in this area,
 - Approach the Housing Ombudsman to provide staff briefings on the democratic filter.
 - Commission training for PIP in complaints handling
 - Produce new literature in the form of a leaflet to advise complainants who have exhausted the procedure on what they can do next under the new rules.

5. RECOMMEND that Scrutiny Committee – Community note this report.

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S:PA/LP/ Committee/113SCC1
3.1.13

Local Government (Access to Information) Act 1985 (as amended)
Background papers used in compiling this report

None

