

FAREHAM

BOROUGH COUNCIL

Report to Housing Tenancy Board

Date **28 October 2013**

Report of: **Director of Community**

Subject: **HOUSING SERVICE COMPLAINTS**

SUMMARY

This report outlines the current method of dealing locally with housing service complaints together with an option on the future dealing of complaints. It also provides information about the new Housing Ombudsman service.

RECOMMENDATION

That the Board note the contents of the report and request the Executive to extend the role and remit of the Housing Tenancy Board to act as a Tenant Panel for the purpose of receiving complaints from tenants and or leaseholders.

INTRODUCTION

1. In the event that a tenant or leaseholder wishes to complain about the housing service they receive, they can do this in a number of ways including:
 - Raising this directly with the Housing team responsible for service delivery;
 - Raising this with their local councillor; and
 - Raising this with their local M.P.
2. If for any reason the complaint cannot be resolved by any of the above, a complaint can be raised through the Council's Corporate Complaints Procedure.
3. The investigation of a complaint under the Council's Corporate Complaints procedure involves the following stages:

Stage 1

The Head of Service in the department responsible for the service will investigate the complaint.

Stage 2

The Director of the department will review the complaint.

4. In the event that the complainant is still not satisfied with the explanation or resolution, the complainant has the right to contact the Ombudsman service. Further details about the Ombudsman service are shown below.

HOUSING OMBUDSMAN SERVICE

5. A new Housing Ombudsman service was set up in April this year to deal with all complaints about social housing. Previously tenants had the right to refer complaints about housing to the Local Government Ombudsman.
6. The Housing Ombudsman service will investigate complaints about a local authority's landlord function. These include the following;
 - Leasehold Services;
 - Moving to a Property;
 - Rent and Service Charges;
 - Occupancy Rights;
 - Property Condition - Repairs and Improvements;
 - Tenant Behaviour;
 - Estate Management;
 - Complaint Handling; and
 - Compensation

LOCAL GOVERNMENT OMBUDSMAN

7. The Local Government Ombudsman will continue to consider complaints about local authorities' wider activities. These include:
 - Housing Allocations under Housing Act 1996 Part 6;
 - Homelessness under Housing Act 1996 Part 7;
 - General Housing Advice;

- Housing Benefit;
- Housing Improvement Grants;
- Anti-Social Behaviour;
- Noise Nuisance;
- Sale or Disposal of land on Housing Estates; and
- Planning and Building Control at properties owned by a social landlord

OTHER OPTIONS FOR HANDLING COMPLAINTS

8. From April this year, the Localism Act 2011 has put in place new arrangements for dealing with complaints by social housing tenants against their landlord. Through the Act, councillors, MPs and tenant panels ('designated persons') will be given the opportunity to play a more active role in resolving complaints at a local level.
9. It could be argued that in a number of cases local representatives are already involved in the process of resolving complaints.
10. The Government feel that local people understand the issues that matter locally and are often well placed to offer solutions. Furthermore they want to see more complaints resolved locally. To this end local representatives (councillors) and tenant panels (designated persons) would be given 8 weeks to use their local knowledge and expertise to try to resolve issues and secure redress if things go wrong.
11. In further empowering local representatives and tenants it is important to note that a number of complaints involve the handling of sensitive and personal information which would not be appropriate to disclose for reasons of confidentiality and infringement of human rights.
12. The regulatory framework for social housing makes reference to a requirement under the Tenant Involvement and Empowerment Standard that landlords support the formation and activities of tenant panels. At the present time there is no designated tenant panel set up in Fareham to refer complaints to. To meet the requirements of the new standard, it is proposed that the role and remit of the Housing Tenancy Board be extended to include the role of a Tenant Panel. This would provide tenants with the option to submit their complaint via the tenant representatives serving on the Housing Tenancy Board in addition to the options outlined in paragraph 1 above.
13. In the event that a complaint is referred to the Housing Ombudsman service it is possible that the Council may be asked to provide evidence that there has been some discussion with tenants regarding the setting up of a designated tenant panel to consider complaints.

RISK ASSESSMENT

14. There are no significant risk considerations in relation to this report

CONCLUSION

15. This report has provided board members with an outline of the current process for dealing with housing service complaints together with options for change that would involve tenants.

Background Papers: None

Reference Papers: Fareham Borough Council's Corporate Complaints Procedure and Letter from Department of Communities and Local Government 28 February 2013 regarding role of designated persons in complaints handling.

Enquiries:

For further information on this report please contact Jon Shore. (Ext 4540)