

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Safe and Attractive Neighbourhoods
2.	Date:	16th June 2014
3.	Title:	Publication of new Housing Complaint and Designated Person Procedures
4.	Directorate:	Neighbourhoods and Adult Services

5.0 Summary

On 18 December 2013 Cabinet agreed to change to RMBC's existing three stage housing complaints process in response to new statutory requirements (Localism Act 2011). In order to minimise any additional burden as a result of the new statutory requirements a two stage Housing complaint procedure has been created. In addition, the new statutory requirements include a right to have complaints heard by a designated person, either a MP, Councillor or a Tenant Complaint Panel.

This report, following on from the Cabinet report dated 18 December 2013, provides details of the agreements between the Council and the Designated Persons including further information regarding the creation of the Tenant Complaint Panel.

6.0 Recommendations

That Cabinet Member approves the following:

- **Protocol of understanding between the Council and MPs or Councillors in their role as designated person.**
- **Acceptance criteria to recognise a Tenant Complaint Panel and the Panel's Terms of Reference.**
- **Formally accept Rotherfed as the Council's Tenant Complaint Panel.**

7. Proposals and Details

Protocol of understanding between the Council and MPs or Councillors in their role as designated person

A protocol, of understanding will set out the process of dealing with customer complaints by Councillors and MPs in their designated persons' role.

It sets out what they are required to do in terms of considering a complaint referred to them, finding possible resolution, and how the Council will respond to their enquiries. It also suggests timescales for response.

It will be circulated to all Councillors and MPs through usual briefing channels.

Appendix 1 contains a copy of the protocol.

Acceptance criteria to recognise a Tenant Complaint Panel

The acceptance criteria is a list of requirements by the Council to ensure that any Tenant Complaint Panel recognised by the Council functions in a fair and equitable manner. The Council needs to be assured that the complaint will be considered correctly and the decision made is reasonable and lawful.

Appendix 2 contains the acceptance criteria.

Formally accept Rotherfed as the Council's Tenant Complaint Panel

The Rotherham Federation of Tenants and Residents are the only organisation so far to express an interest in operating a Tenant Complaint Panel in Rotherham. They have provided assurances that they can meet the Council's panel acceptance criteria and have been consulted on the proposed Terms of Reference for the operation of the Panel and are able to meet the proposed criteria.

Appendix 3, contains the terms of reference

8. Finance

The Tenant Complaint Panel will be resourced primarily by the Council. These costs will include the training of panel members and the operation of panel meetings. A budget of £1,000 has been set to meet these expected costs.

9. Risks and Uncertainties

This is a new way of working with new legislation; the full implications of the changes are unknown.

The Council should be wary of the potential implications of not being able to accept a decision requested by the designated person. It is now no longer a matter of not being able to agree an outcome with a customer, the Housing Ombudsman will want to know why we have not been able to reach an agreement with both the customer and the designated person.

10. Policy and Performance Agenda Implications

In line with the NAS Service Plan and the Corporate Plan the changes will allow us to work with tenants in a new and better way to improve services. It will improve perceptions around fairness and transparency and help maintain more accessible and efficient services.

For the first time how we would deal with complaints about housing is mentioned in legislation; Localism Act 2011, 180 (1) – Amend Schedule Two; Housing Act 1996 Designated Tenant Panels.

11. Background Papers and Consultation

- Appendix 1 – Designated Persons Protocol.
- Appendix 2 – Panel Acceptance Criteria.
- Appendix 3 - Panel Terms of Reference.

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