

**COUNCIL SEMINAR  
30th September, 2014**

Present:- Councillor Godfrey (in the Chair); Councillors The Mayor (Councillor John Foden), Andrews, Atkin, Clark, Cowles, Currie, Cutts, Ellis, Gosling, Jepson, Kaye, Pitchley, Reeder, Reynolds, Sansome, Sims, Swift, Watson and Wyatt.

Apologies for absence were received from Councillors Beaumont, Hoddinott, McNeely, Read and Roche.

**HOUSING COMPLAINTS - DESIGNATED PERSONS.**

Councillor M. Godfrey, Cabinet Member for Safe and Attractive Neighbourhoods, welcomed Stuart Purcell and Andrew Leigh from the Performance and Quality Unit to the Seminar.

Stuart and Andrew had prepared a presentation on the role of a 'Designated Person' as part of the system of housing complaints. Two hand outs entitled 'RMBC Designated Persons' Protocol of Understanding' and the 'Housing Complaint Procedure' were available for Elected Members explaining the role of Designated Person in the complaints process.

The presentation covered the following topics: -

- The Localism Act, 2011, introduced the new 'Designated Persons' role for local councillors, MPs and tenant panels;
- A new complaint procedure for housing complaints had been adapted: -
  - Following Stage One and Two of the complaints process, complainants who remained unsatisfied with their outcome had the right to approach a 'Designated Person' or wait throughout the 'cooling-off' period of eight weeks before having the opportunity to approach the Housing Ombudsman;
  - The complaint process must have ended at Stage One and Stage Two
  - The Designated Person's role was to help the Council and the complainant reach a mutually agreed outcome to the complaint;
  - The Designated Person would reach an independent judgment based on the facts which would be shared with both parties;

- Role of the Designated Person – a protocol of understanding and a contact diagram had been produced;
- If resolution could not be found the complainant would be advised of their right to refer their complaint to the Housing Ombudsman.
- A new role for the Housing Ombudsman;
- The process would only apply to housing landlord matters, which would usually cover leasehold services, rents, property condition or estate management;

The Performance and Quality Unit, alongside the Council's Directorates, undertook to learn from complaints.

It was not envisaged that many complaints would progress to the Designated Person stage. Previous years' numbers showed that the traditional third stage was not accessed very frequently: -

Complaint type	2012/2013	2013/2014
Stage One	319	305
Stage Two	21	9
Stage Three	3	1

**Some points of guidance for Elected Members who had been approached to act as a 'Designated Person': -**

- Check that the individual had been through Stages One and Two of the complaints procedure;
- Consider any potential conflicts of interest.

Discussion ensued on the presentation, and the following questions and answers were considered: -

- Did the complaints statistics include when issues were raised through Elected Members via surgeries and eCasework. A lot of the issues related to housing were complaints?
  - No, only issues raised directly as complaints and included the word 'complaint' were handled as complaints;
  - This was a way of ensuring that there was no double counting – as issues sometimes came in directly as a complaint and then again via an Elected Member and/or MP surgery.
- What types of conflicts of interest existed? Councillors work on behalf of their constituents and wanted to resolve issues when they arose: -

- Conflicts of interest may arise by a Cabinet Member acting as a Designated Person following taking a decision that related to the issue/complaint;
  - Further thought was required about whether a Councillor acting on behalf of an individual at an earlier stage of the complaints process would constitute a conflict of interest.
- The guidance referred to the Designated Person having had 'no previous involvement' in a complaint. The guidance provided was contradictory;
- Would Councillors have to ascertain how they were being approached in relevant cases, either as a Councillor or as a Designated Person;
  - Councillors should continue to respond to casework as they would usually.
- Would there be any personal liability on the Designated Person?
  - There were liability issues for tenant panels acting as Designated Persons. It is unlikely that there would be any liability for an individual acting as a Designated Person as they were not a decision maker, but an independent fresh pair of eyes.
- Elected Members were aware of the work undertaken at Stages One and Two of the complaints process to come to an outcome that parties to the complaint thought was fair and consistent.

The Officers in attendance were thanked for their informative presentation and contribution to the discussion.

Resolved: - (1) That the information shared be noted.

(2) That clarification be sought on issues relating to potential conflicts of interest and this be circulated to Elected Members when it was available.