

CABINET MEMBER DECISION REPORT FORM

1. Decision made

Cheltenham Borough Council recognition of the designated tenant panel of Cheltenham Borough Homes' tenants and leaseholders

2. Identity of the Decision Maker

Director of Commissioning, Jane Griffiths

3. Date of Decision

22 May 2013

4. Reasons for Decision

INTRODUCTION

On the 1st April 2013 the Localism Act 2011 put in place new arrangements for dealing with complaints by social tenants and leaseholders against their landlord. The aim is to have a preventative approach and resolve complaints informally before a formal complaints procedure is entered into.

Under the Involvement & Empowerment Standard¹ landlords must:

- Offer a range of ways for tenants to complain
- Set up clear service standards for complaint handling explain what complainants can do if they are unhappy with the outcome.
- Give tenants support to build their capacity to be involved
- Support the formation of tenant panels and other forms of participation.

This will result in the following improved outcomes

- Emphasis on local dispute resolution
- Improved internal complaints procedures
- Complainants choice to involve designated persons or to escalate to the Ombudsman

WHAT'S CHANGING

The main area of change is the way in which complainants will raise complaints with the Ombudsman:

A complainant will go through the landlord's complaints process².

- The complainant can contact a designated person to help resolve their complaint if they are still unhappy following the landlord's final decision. The designated person will assist the complainant through facilitation.
- If the complainant wishes to go to the Ombudsman directly without involvement of a designated person, they must wait 8 weeks after the final stage of the landlord's complaints' procedure has been completed.

¹ The Homes & Communities Agency standards can be found at <http://www.homesandcommunities.co.uk/ourwork/standards>

² Cheltenham Borough Homes' complaints procedure can be found at www.cheltborohomes.org/info/2/our_services/50/contact_us/3

The designated person can refer the complaint to the Ombudsman.

- The Housing Ombudsman Service will make sure complaints are handled consistently and will have powers to enforce decisions on landlords through the courts.
- Designated tenant panel (DTP)

Designated Tenant Panel: Cheltenham Borough Homes

A DTP is defined as "a group of tenants which is recognised by a social landlord for the purpose of referring complaints against the social landlord". A panel is not intended to be a tribunal, to carry out the role of the Housing Ombudsman or to be an additional stage of a complaints procedure. A DTP cannot override a decision that has already been made by CBH and cannot make promises on how the complaint should be resolved.

A group of tenants wish to be recognised as a designated tenant panel and terms of reference and code of conduct have been written. Support and assistance will be given to the Panel by CBH, although they are independent.

The contact details for the Panel will be offered to any complainant who wishes to take their complaint to the Ombudsman after exhausting the CBH complaints process. The Panel will meet with the complainant, consider the complaint and its current outcome and determine if it is willing to forward the complaint to the Ombudsman.

5.

Consultation undertaken

Cabinet Member Housing and Safety has been briefed and is comfortable with the proposals.

6.

Results of Consultation

7.

Alternative options considered and rejected

None/Not required

8.

Background documents

2013_05_22_officer_decision_Form_CBH_Designated_Tenant_Panel
2013_05_22_Background_doc_Designated Tenants' Panel April 2013
2013_05_22_Background_doc_Designated Tenants' Panel April 2013_App1
2013_05_22_Background_doc_Designated Tenants' Panel April 2013_App2
2013_05_22_Background_doc_Designated Tenants' Panel April 2013_App3

9.

Conflict of Interests declared

10.

Dispensation

Was a dispensation given by the Standards Committee in respect of any declaration of interest listed at 9.?

Date of dispensation