

OFFICER / CABINET MEMBER DECISION REPORT FORM
(NB. all decisions should comply with Article 13.2 of the constitution)

1. Decision made

Cheltenham Borough Council recognises the designated tenant panel of Cheltenham Borough Homes' tenants and leaseholders, otherwise known as the Complaints Designated Tenants' Panel, which will operate in accordance with Part 7, Chapter 6 of the Localism Act 2011.

2. Identity of the Decision Maker

Jane Griffiths, Director of commissioning

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.

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

- 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. 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. Alternative options considered and rejected

None/ Not required

6. Background documents

- Report to the Board: Cheltenham Borough Homes Limited 24th April 2013
- Code of Conduct Complaints Designated Tenants' Panel
- Terms of Reference Complaints Designated Tenants' Panel

7. Any Consultation undertaken

Cabinet member housing and safety has been briefed and is comfortable with the proposals

8. Results of consultation (where undertaken)

N/A

9. Any Conflict of Interest declared by an Executive Member who is consulted on the decision

None

10. Dispensation

Was a dispensation given by the Head of Paid Service (Chief Executive) to Cabinet Members to participate in consultation on officer

(or Cabinet Member) executive decisions where they have a conflict of interest in respect of any declaration of interest listed at 9?
N/A

11. Supporting Report

None/Not required

12. Confidential or Exempt Information

None