



Complaints Designated Tenants' Panel Terms of Reference

Terms of Reference

Introduction

Once a complaint has been through CBH Complaints Policy, the complainant has a right to refer their complaint directly to the Housing Ombudsman as long as they have waited 8 weeks after the exhaustion of the landlord complaints procedure. In the meantime, complainants have a right to contact a 'Designated Persons'. The term 'Designated Persons' is defined as;

- An MP
- A Local Councillor
- Designated tenant panel

The purpose of the Designated Persons is to assist the complainant and try and resolve the complaint locally.

CBH is required through the Tenant Involvement and Empowerment Standard to support the formation and activities of tenant panels, including those set up for the purpose of dealing with complaints.

Aim of 'designated persons'

'Designated persons' are about empowering social tenants to contribute to resolving housing problems locally. It is about;

- Using local knowledge, contacts and relationships to work with tenants and landlords to find local solutions at the earliest possible occasion
- Being able to constructively challenge landlords and tenants so that they can sort things out for themselves wherever possible
- Being part of a local democratic framework providing support to tenant and being relevant to ordinary people and communities
- Building up local knowledge to give feedback to help landlords improve their complaints handling.

*Resolving complaints locally: Your role as a designated person
The National Tenant Organisations Written by Nic Bliss & Blasé Lambert*

- The aim of the Designated Tenants' Panel (DTP) is to assist complainants in resolving tenant's complaints. They will provide a fresh and independent perspective on problems and support the complainant as a critical friend by suggesting views and approaches that may not have been considered by the complainant, CBH or any other persons handling the complaint.

If the complaint cannot be resolved locally and if the complainant authorises the DTP to do so, then the DTP can consider referring the complaint to the Housing

Ombudsman. Complainants may approach as many designated persons as they wish about taking on their complaint.

Budget Criteria

- Any budgetary requirements will be taken out of the Customer Service budget account

Objective

- Resolve complaints locally
- Learn and improve the way CBH handle complaints

Roles and Responsibilities of the Designated Tenants' Panel Members

- Undergo training as required
- Adhere to relevant policies & procedures including confidentiality and equal opportunities
- Help and support any complainant that makes contact with the DTP ensuring that they have been through CBH complaints procedure by helping & supporting them through the procedure if required
- Once a complainant has made contact with the DTP, respond to the complainant within 5 working days
- The complainant should be invited to attend a meeting with the DTP. A minimum of 3 members of the DTP should be present at the meeting, unless a conflict of interest arises. A Designated Tenant Member should never meet the complainant on their own.
- The location of the meeting should be held within an area office of CBH. Only DTP members and the complainant (complainant friend or advisor can also attend with the complainant). No CBH staff member should be present at the meeting
- Any meeting between DTP and complainants will be recorded by Dictaphone, with actions ballot points written up at the end of the meeting with the DTP members and the complainants signing in agreement.
- DTP members cannot make any promises or override a decision that CBH has already made
- If the DTP feels CBH could have provided a different level of service, a representative of the DTP should make contact with a representative from the Stage 3 complaint panel. Contact should be made within 5 working days.
- DTP has the ability to refer cases onto the Housing Ombudsman on behalf of the complainant (only if the complainant gives consent in writing for the DTP to act on their behalf)
- The DTP may choose to ask questions to CBH staff members who have technical knowledge in that field.

Membership

The DTP group can be made up of CBH / CBC tenants and leaseholders (Appendix A). It must be recognised by CBH and CBC for the complaints purposes and will become 'designated' when CBH and CBC has recognised it for the purposes of DTP Terms of Reference (First Edition)

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supporting complaints. Once recognised, CBH will notify the Housing Ombudsman that it has a recognised panel. The DTP stops being 'designated' if CBH or CBC 'derecognises' the panel with the Housing Ombudsman.

- The Chair of the DTP must be a tenant or leaseholder of CBH/CBC and will be voted in by CBH/CBC tenants and leaseholders at a DTP meeting
- DTP members must attend at least 5 (8 meetings per year) Complaints Learning Group meetings per year
- DTP members must be voted in by the Chair of DTP
- DTP members must make themselves available to attend meetings with complainants within 5 working days of contact
- Administrative support of the group is provided by CBH
- The membership of the group will be reviewed every three years

Decision making process

The DTP role will be impartial, acting as honest broker and constructively challenging both sides of the complaint. The role may be to;

- Check the complainant has been through all stages of CBH complaints policy. Has the complaint been properly handled?
- If CBH has not followed procedures correctly or the procedure is inappropriate then CBH should acknowledge and do something about the mistake as soon as possible.
- Could the complainant or CBH have handled the complaint better and what could CBH learn from it?

The DTP members will

- Use a voting process to make decisions
- On each individual complaint, the panel should be made up of an odd number of members, with a minimum of 3 members looking at each complainants case
- Only DTP can vote on each complainants case

If the DTP consider that the complaint cannot be resolved locally and if the complainant authorises the DTP to do so, the role as a DTP is that they refer the complaint to the Housing Ombudsman (Appendix C).

Designated Tenants' Panel Cannot;

DTP is not intended to be a tribunal, carry out the role of the Housing Ombudsman or to be an additional stage of CBH complaints procedure. The role of the DTP is to facilitate the local resolution of the complaint.

- DTP cannot override a decision that has already been made by CBH
- DTP cannot make promises on how the complaint should be resolved

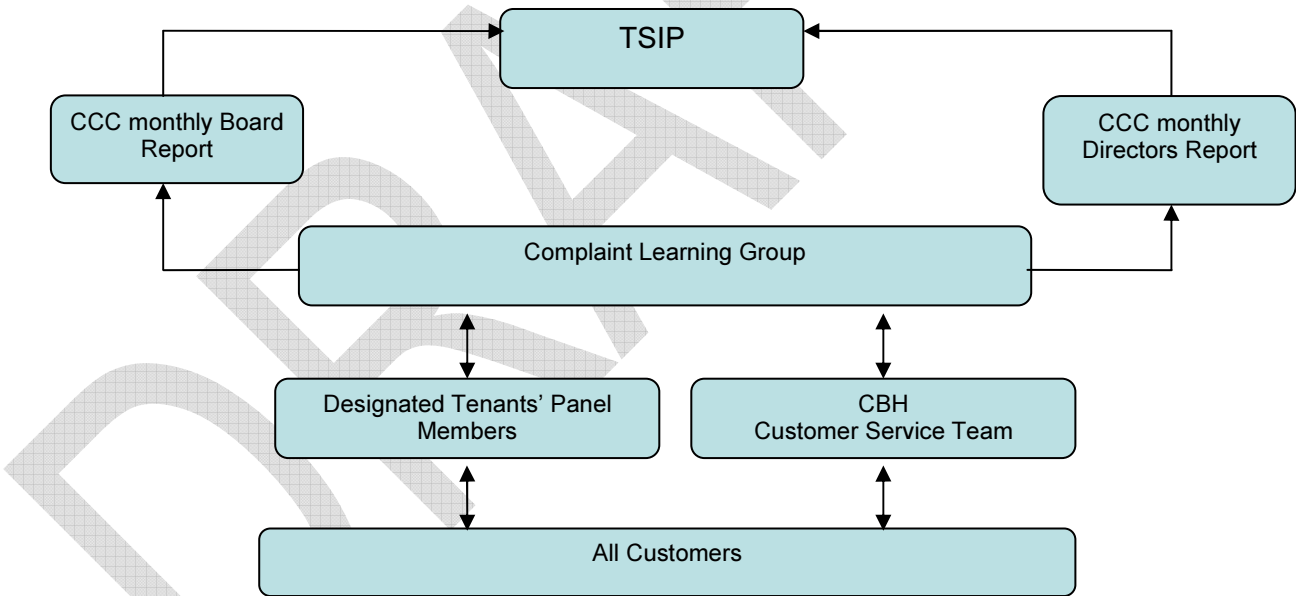
Meeting timetable

The Designated Tenants’ Panel Group will:

- Meet as a Designated Tenants’ Panel Group when required
- Attend at least 5 Complaints Learning Group meetings per year
- To return contact with a complainant within 5 working days
- To conduct a meeting with the complainant within 5 working days of making contact with the complainant (minimum of 2 DTP should attend the meeting)
- Once a complainant has been through CBH complaints procedure and a complainant makes contact with the DTP, the DTP should make a decision on whether to refer a complainant’s case onto the Housing Ombudsman Service within 4 weeks.

Reporting arrangements

The DTP will report to CBH Complaints Learning Group on each 6 weekly meeting. They will update the group with the number of complainants contacting them and the learning points CBH should address as a result of complaints received.



Declaration of interest

Any member who could be considered as having a personal interest in the complainant’s complaint or with a specific complainant must ensure that notification is given. To assist you with your declaration please complete a CBH declaration of interest form (Appendix B). Declaring a personal interest does not automatically exclude you from the decision making process.

Confidentially

Complainants must always remain in control of their complaint. The DTP can give advice to the complainant but shouldn’t take any formal action to progress a DTP Terms of Reference (First Edition)

complaint with anyone unless clear authorisation from the complainant has been secured (Appendix C). The complainant should be asked to sign the authorisation form before any action is taken. This is to protect the DTP and the complainant.

The authorisation form which the complainant has been asked to sign is authorising CBH to release personal information about their complaint to the DTP. If the DTP fails to do this, CBH legal data protection requirements may prevent them discussing and releasing information to the DTP.

Any information that is passed onto the DTP should remain confidential and should not be passed on.

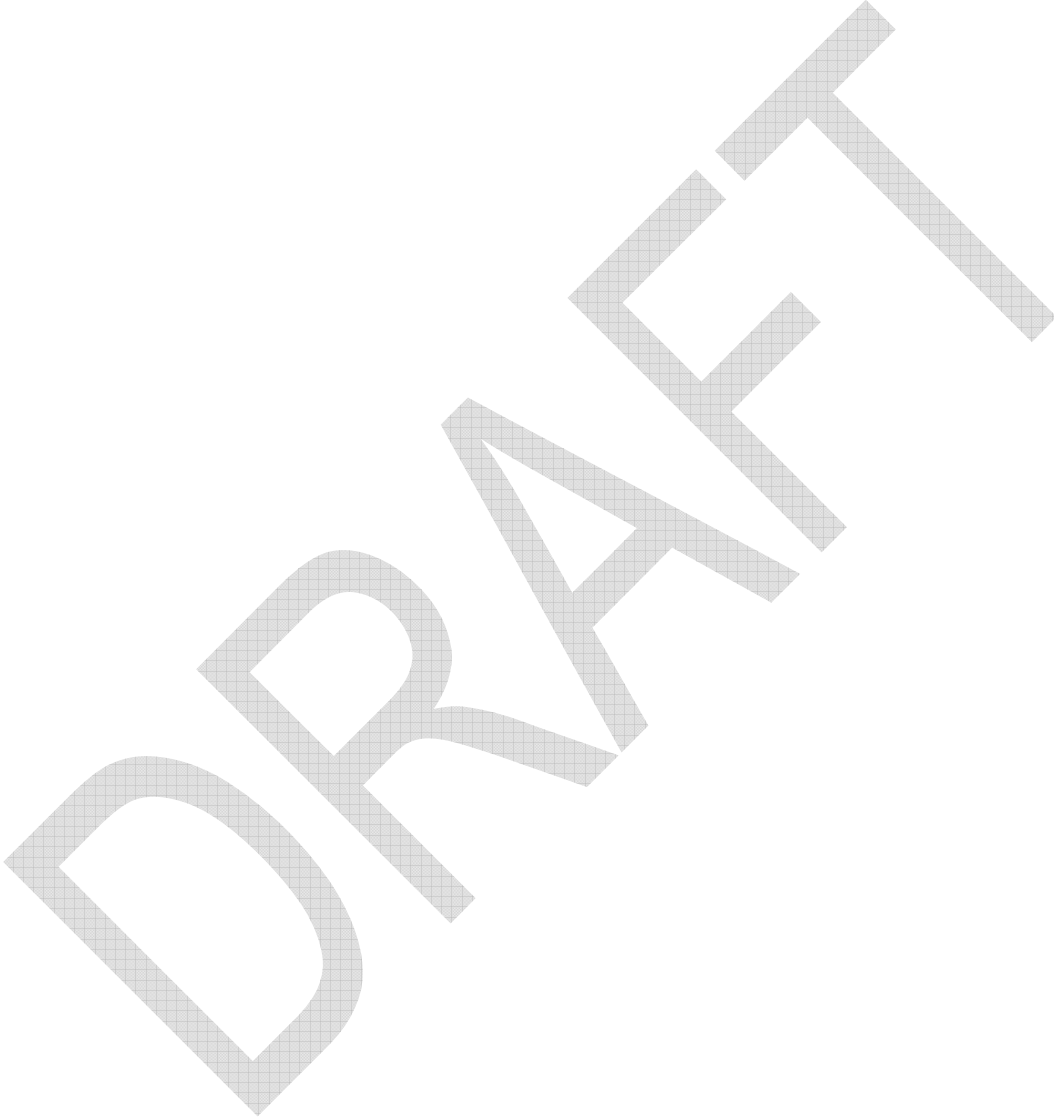
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Designated Tenant Panel Membership

Appendix A

Chair of the Designated Tenant Panel
Member of the Designated Tenant Panel
Member of the Designated Tenant Panel
Member of the Designated Tenant Panel

Mark Wright
Paul Bond
Mike Euston
Kay Wakefield



**Tenant Designated Panel Group****Declaration of Interest**

You are asked to complete this form if you intend to declare an interest in connection with a specific complainant or complaint. Your information will be held by CBH and will be taken into consideration when carrying out complaint feedback.

Please hand any completed forms to the meeting administrator at the meeting.

Your Name	Property Address/Area	Details of Interest

Print Name:

Signed:

Date:

Your Unique Reference Number is CBH CCC _____

COMPLAINT

I, _____, confirm that I wish to make an official complaint to Cheltenham Borough Homes and that I wish for the following points to be investigated as part of my complaint.

[Empty box for complaint details]

I WOULD LIKE THE SUPPORT OF THE DESIGNATED TENANT PANEL TO BE INVOLVED IN MY COMPLAINT

By agreeing to allow the Designated Tenants' Panel to be involved in my complaint, I consent in Cheltenham Borough Homes disclosing my personal information relating to my complaint to this tenant panel.

I understand that a Designated Tenant Panel member will make contact with me and help mediate between myself and Cheltenham Borough Homes.

If the complaint cannot be resolved the Designated Tenants' Panel would consider referring the complaint to the Housing Ombudsman Service on my behalf.

Signature of Complainant: _____

Date: _____