

<b>REPORT TO:</b>	<b>Housing and Community Services Committee</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>18<sup>th</sup> April 2013</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>Mark Alflat Director of Operations</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Bob Ledger 5975 Bob.ledger@south-derbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Designated Persons</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE: HCS01</b>

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## **1. Recommendations**

- 1.1 That members note the 'Designated Persons' legislation contained within the Localism Act 2011. Councillors and the local MP are automatically designated persons.
- 1.2 That members approve the Performance & Scrutiny Panel as a 'designated panel' for tenants to utilise as an option when they wish to make a complaint about the Housing Service.

## **2. Purpose of Report**

- 2.1 To outline to members the changes in the way complaints about Housing Services are handled following the introduction of the Localism Act 2011.
- 2.2 To approve the proposal for the Performance and Scrutiny Panel to be recognised as a Designated Panel, for the purpose of complaint handling.

## **3. Detail**

- 3.1 The Localism Act 2011 introduces the concept of a Designated Person or Panel (DP). This new concept requires local politicians and people to act in resolving local complaints and issues.
- 3.2 Councillors and MP's are automatically recognised as Designated Persons during their time of office. Under the terms of the new legislation the tenant has the option of approaching either a councillor, MP or the designated tenant panel with their complaint.

- 3.3 When any complaint is received in future, it is proposed that Housing Services continue to progress it through the Council's formal complaints procedure. Once this has been exhausted, and if the complainant does not feel their complaint has been resolved, they will be offered the opportunity for the complaint to be referred to a local councillor or the tenant panel.
- 3.4 The Housing Service receives a relatively low number of formal complaints. 9 formal complaints were received in 2012. All 9 of these complaints were resolved at stage one. In the same year the Ombudsman received one complaint relating to the Housing Department. This complaint was not investigated by the Ombudsman on grounds that it was outside of their jurisdiction.
- 3.5 The remit of the Designated Person or Panel is to provide an 'independent' perspective on complaints, potentially to use persuasion and negotiation to help resolve the complaint. The DP could provide advice and support to complainants by discussing matters with Council staff, engaging with other DP's, and suggesting views and approaches that may not have been considered by the Council. The DP would assist in resolving complaints locally at the earliest possible opportunity, seeking to achieve consensus between the complainant and the Council.
- 3.6 DPs, in this regard, do not have any formal "powers" other than the right to refer complaints to the Ombudsman. A DP does not have any power over an organisation's policies and procedures, although they may suggest ways that they could be improved. A DP would not be expected to make a formal judgment about the merits of a complaint, but if they do, their judgment would not be binding. Their role is to facilitate resolution of tenant complaints.
- 3.7 As per the legislation the tenants need to be consulted on how Designated Panels should be formed. Tenants within various current tenant groups were consulted on 23<sup>rd</sup> January, 6<sup>th</sup> February and 5<sup>th</sup> March 2013 to ascertain their views on the structure of such a panel. Tenants unanimously proposed/agreed to Housing Service's current Performance & Scrutiny Panel undertaking the responsibilities.
- 3.8 The Performance & Scrutiny Panel is made of up of 12 tenants appointed following a selection process. Their current remit is to scrutinise the ongoing performance of Housing Services and to carry out mini scrutiny projects on policies and initiatives. The Panel produce reports of recommendations for discussion with Housing Services.
- 3.9 It is proposed that the Performance and Scrutiny Panel's new additional role be publicised in order for it to be accessible to all tenants. The Panel would

have a new group email address set up to be used for the referral of complaints as well as direct queries from the public.

3.10 The Designated Person or Panel would have the power to refer a complaint directly to the Ombudsman in the following circumstances:

- The DP considers that a complaint cannot be resolved locally and considers that there is merit in referring the complaint to the Ombudsman
- The complaint falls within the Ombudsman's remit
- The Landlord's complaints procedure has been exhausted
- The complainant wishes the complaint to be referred to the Ombudsman

3.11 At all times the tenant's right to complain to their local ward councillor at whatever stage, over whatever issue is not affected and is maintained.

#### **4. Financial Implications**

4.1 Costs may be incurred for the additional training and development of panel members. These costs are likely to be minimal and can be met by existing budgets.

#### **5. Corporate and Community Implications**

5.1 Councillors, the local MP and the tenant Performance & Scrutiny Panel will act as the Designated Persons/Panel for just over 3000 tenancies across the district.

### **Background Papers**

Performance and Scrutiny Terms of Reference