

# STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 3 April 2013 at the Town Hall, Royal Leamington Spa at 6.00 pm.

## **PRESENT:**

Councillor Mrs Sawdon (Chairman); Councillors Brookes, Mrs Bunker, Ms De-Lara-Bond, Ms Dean, Mrs Falp, Pratt, Mrs Syson and Williams.

Parish and Town Council representatives: Councillors Cooke, Mrs Gordon, Owen and Smart.

## **ALSO PRESENT:**

Independent Persons: Mr C Purser and Mr P Willers.

Officers: Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer)

Apologies for absence were received from Councillors Mrs Syson and Wilkinson.

## **7. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **8. MINUTES**

The minutes of the meeting held on 30 October 2012 were taken as read and signed by the Chairman as a correct record.

## **9. WARWICK DISTRICT COUNCIL CORPORATE COMPLAINTS POLICY**

The Committee considered a report from the Democratic Services Manager that brought forward an amendment to the Council's Corporate Complaints Policy to bring it in line with requirements of the Localism Act 2011.

Under the Council's Constitution, the Standards Committee was responsible for the approval and monitoring of the Corporate Complaints Policy.

The Localism Act 2011 changed the process for the consideration of complaints from residential Council tenants and lease holders. It moved the final determination from the Local Government Ombudsman to the Housing Ombudsman along with all complaints concerning Registered Social Landlords. These arrangements came into force from 1 April 2013 and therefore the Council needed to confirm its process as soon as possible.

The intention behind the changes was to encourage local dispute resolution, at a low level, and to reduce complaints made to the Housing Ombudsman Service.

The Act provided a requirement for an independent challenge to a Council investigation prior to the complaint being considered by the Housing

## **STANDARDS COMMITTEE MINUTES (Continued)**

Ombudsman. This came in the form of a "Designated Person" and if the Council was minded to, the option of a designated tenant panel filter.

At present, a comprehensive review was being undertaken looking at how the Council handled complaints. Therefore, any amendments to the process had to be mindful of this and taken into consideration as part of the wider review of the complaints process. It had been hoped to complete the review in time to bring it forward along with the revisions from the Localism Act, but this had not been possible because the review had not progressed as quickly as first anticipated. The review was due for completion in August 2013.

With this in mind officers had decided at this stage not to introduce a designated tenant's panel and only to recognise Warwick District Councillors and any MPs as the Designated Person. This was because officers recognised that Councillors regularly acted as advocates for complainants and this was a formalisation of that work at a specific stage of the process.

The current process and proposed approach for the consideration of complaints from residential Council tenants and leaseholders was as follows:

<b>Current arrangements</b>	<b>New arrangements</b>
Complaint received	Complaint received
Stage 1 Investigation (by service area)	Stage 1 Investigation (by service area)
Stage 2 Investigation (by officer from outside Service Area)	Stage 2 Investigation (by officer from outside Service Area)
Local Government Ombudsman	Democratic Filter / Designated Person Housing Ombudsman

NB: under the current arrangements the Local Government Ombudsman could consider a complaint at any time although normally this would not be until the Council's complaint process had been exhausted. In addition, under the new process if 8 weeks had passed since the conclusion of the landlord's complaints procedure, a tenant was able to submit their complaint directly to the Housing Ombudsman.

In the role of Designated Person, when a complainant was not satisfied with the outcome of their complaint investigation they were permitted to contact a Designated Person. The Designated Person could then either mediate with the complainant's landlord to reach an acceptable outcome for both parties; decide if the complaint needed to be referred to the Housing Ombudsman; or decide that the complaint should not progress to the Ombudsman. However they could not enforce a change in the decision made by the landlord.

It was important to be aware that a Councillor or MP would not be allowed to review the case as Designated Person if; they had been involved in the

## **STANDARDS COMMITTEE MINUTES (Continued)**

landlord's internal complaints procedure; they were connected to the complainant (e.g. relative, close friend, business partner etc); or the outcome of the complaint would have a personal impact. In such circumstances the complainant had to be referred to another Warwick District Councillor or Member of Parliament.

Before accepting a complaint for consideration the Designated Person would need to check that the tenant had exhausted the Council's internal complaints procedure. If satisfied, the Designated Person then had to contact the Council (via the Chief Executive's Office) and request a copy of the complaint case paperwork. They would then review the complaint and consider if mediation could help resolve the complaint or decide if the complaint should be referred to the Housing Ombudsman. They would then notify the tenant and the landlord of the decision. However, the Designated Person would be expected to meet with the Chief Executive to discuss any concerns and allow a reasonable time for response, prior to issuing their decision.

The information contained within the complaints information pack had to be treated and handled within the principles outlined in the Data Protection Act and therefore a signed letter of authorisation to disclose this information to the Designated Person had to be produced before the file was disclosed.

The Designated Person would be expected to consider the following three factors when reviewing a complaint:

- Had the landlord acted in a legally correct way?
- Had the landlord correctly followed their policies and procedures?
- Had the landlord acted in a 'fair and reasonable' way?

The complaint had to be reviewed promptly and a decision made within eight weeks from the date of request for a review.

The Committee was disappointed that the report had not been brought before it earlier to allow a more robust challenge to the approach and Members were also concerned that the report had clearly been rushed in order to bring it before the Committee. The Committee therefore expressed hopes that the full review of the complaints system would be more detailed and allow greater time for consideration before the need to introduce any changes in the arrangements.

In addition, the Committee had concerns over the suggested training date within the report and, while supporting the need for the Designated Person it was felt this should be after the election when Members were likely to have more free time.

### **RESOLVED** that

- (1) all District Councillors and any MP can act as a Democratic Filter under the role of Designated Person for complaints from residential tenants and leaseholders after a complaint is considered at Stage 2 and prior to referral to the Housing Ombudsman;

**STANDARDS COMMITTEE MINUTES (Continued)**

- (2) the Council's complaints policy be amended, to reflect the amendments approved at paragraph 2.1. in the report; and
- (3) the Committee encourages all Warwick District Councillors and local MPS to attend the training session being arranged on this matter.

(The meeting ended at 6.27 pm)