

You are requested to attend a meeting of the Tenant Services Management Board to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 16 March 2015 at 18:00.

Agenda

- 1 Welcome
- 2 Apologies.
- 3 Minutes of the meeting of the Tenant Services Management Board held on 16 February 2015 (attached)
- 4 Public Question Time.
- 5 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 6 Housing Revenue Account Capital Expenditure (verbal update) – Assistant Director - Property and Development.
Reporting Officer: Kene Ibezi
- 7 DLO Performance and IT System Update (verbal update) – Assistant Director - Operational Delivery.
Reporting Officer: Chris Hall
- 8 Draft Corporate Complaint process report of the Corporate and Strategy Performance Manager (attached)
Reporting Officer: Paul Harding
- 9 Regeneration of Weavers Arms, Rockwell Green (verbal update) – Housing Development and Enabling Manager and Housing Development Project Lead.
Reporting Officers: Caroline White
Jo Humble
- 10 External Wall Insulation (verbal update) – Housing Development and Enabling Manager and Housing Development Project Lead.
Reporting Officers: Caroline White
Jo Humble

- 11 Photovoltaic Systems (verbal update) – Housing Development and Enabling Manager and Housing Development Project Lead.
Reporting Officers: Caroline White
Jo Humble
- 12 Right to Buy Social Mobility Fund (verbal update) – Housing Development and Enabling Manager and Housing Development Project Lead.
Reporting Officers: Caroline White
Jo Humble
- 13 Opening of Vale View Development, West Bagborough (verbal update) - Attendees from Tenant Services Management Board.
- 14 Somerset Tenant Conference Feedback (verbal update) - Attendees from Tenant Services Management Board.

Bruce Lang
Assistant Chief Executive

16 June 2015

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors or Tenant Services Management Board Members begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



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For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Tenant Services Management Board Members:-

Mr R Balman

Councillor R Bowrah, BEM

Mrs J Bunn

Ms M Davis

Mr M Edwards

Mr D Etherington

Mr D Galpin

Mrs J Hegarty

Mr K Hellier

Mr I Hussey

Mr R Middleton

Councillor Miss F Smith

Minutes of the meeting of the Tenant Services Management Board held on Monday 16 February 2015 at 6pm in JMR, The Deane House, Belvedere Road, Taunton.

Present: Mr D Etherington (Chairman)
Mr R Balman, Mrs J Bunn, Ms M Davis, Mr D Galpin, Mr K Hellier, Mr I Hussey, Mr R Middleton, Councillor Bowrah.

Officers: Rachel Searle (Housing Development Project Lead), Rosie Reed (Housing Development Project Officer), Paul Hadley (Lettings Manager), Lucy Clothier (Housing Accountant), Simon Lewis (Assistant Director of Housing & Community Development), Kene Ibezi (Assistant Director – Property and Development), Jo Humble (Housing Development & Enabling Manager), Phil Webb (Housing Manager – Property Services), Martin Price (Tenant Empowerment Manager)

Others: Councillors Adkins and Mrs Smith

(The meeting commenced at 6.00pm)

1. Apologies

Mr M Edwards, Mrs J Hegarty and Councillor Miss Smith

2. Public Question Time

No questions received for Public Question Time.

3. Declarations of Interests

Councillor Bowrah declared personal interest as members of his family were Taunton Deane Borough Council Housing Tenants.

Mr R Balman, Mrs J Bunn, Ms M Davis, Mr D Etherington, Mr D Galpin, Mr K Hellier, Mr I Hussey, and Mr R Middleton declared personal interests as Taunton Deane Borough Council Housing Tenants.

4. Verbal Update on Additional Car Parking on Taunton Deane Borough Council Estates

The Housing Development Project Lead provided an update and presented PowerPoint slides regarding the work undertaken on providing additional car parking.

Below was a summary of the information covered during the presentation:

- The officer explained that initially 12 sites were examined and a shortlist of 5 sites has been created. After analysis with departments such as Legal and Highways 2 sites have now been identified:
 1. Taunfield Close – TDBC owns the land. 1 additional disabled car parking space will be created and 5 standard spaces. Consultation will take place on

the 25th February 2015, showing local residents plans of the proposal. Ward Councillors have seen the plan and their reaction has been positive.

2. Bulford - TDBC owns the land. 1 additional disabled car parking space will be created and 6 standard spaces. Consultation will take place on the 20th February 2015, showing local residents plans of the proposal. Ward Councillors have seen the plan and their reaction has been positive.
- The Tenants' Forum has seen the plans and were supportive.

During the discussion of this item, board members made the following comments and asked questions. Responses were shown in italics:

- What are the reasons for Robin Close not being considered for additional spaces?
Specific details were not available at the meeting, but the site is still on the list of areas for improvements.
- Are the spaces for residents only? There is a pay car park on the other side of the street that could be used for non-residents.
The management of the car park will be undertaken by Estate Management.
- The Tenants' Forum paid for car park spaces in Bulford
- How does the semi permeable surface work?
It is a stone layer, not tarmac that water cannot run through

Resolved that the Board noted the Officer's report and supported the scheme. The board noted that it was important that the local residents are happy with what is being proposed.

5. Homefinder Somerset and Allocation of Sheltered Properties

The Lettings Manager provided an update regarding Homefinder Somerset and how sheltered properties are allocated. He also provided board members with a Frequently Asked Questions document.

- Homefinder Somerset was introduced 8 years ago and consists of 44 partners. There are presently 10,781 active applicants (2,855 in Taunton Deane), a 10% reduction from February 2014 as those with no local connection are excluded from the scheme.
- The scheme is based on need, and applications are assessed and then placed in bands – Emergency, Gold, Silver and Bronze.
- The scheme in TDBC adopts the following process
 - Tenant gives 4 weeks' notice when leaving a TDBC property
 - Property is advertised on Homefinder Somerset for 1 week – text can be added to advert to prioritise e.g. preference to TDBC tenants who are downsizing
 - Applicants bid for property (can only bid for a property that meets their needs)
 - At end of cycle (midnight Wednesday to midnight Sunday) Lettings Team shortlists those who have bid (system lists in order of priority)
 - Top person on list contacted to verify their application
 - Applicant taken to property to view it

- If applicant is happy with property a formal offer is made – applicant has 24 hours to decide whether to take property
 - If accepted applicant signs all paperwork with Estate Management
 - 6 weeks after moving in new tenant is visited by Estate Management to ensure there are no problems
- The age profile of applicants in Taunton Deane is 73.5% 16 to 59 years old and 26.5% aged 60+
 - In terms of amount of stock versus number of applicants the chances of being successful in securing a supported housing property are better than general needs
 - When advertising a sheltered housing property the 60+ criteria is advertised clearly and it is exempt from Right to Buy

During the discussion of this item, board members made the following comments and asked questions. Responses were shown in italics:

- How many of sheltered properties are on the ground floor? Can there be a register? Can there be close working with the Supported Housing Officer?
Mobility needs are taken into account and try to let the property to the most appropriate person
- Can applications be checked to verify disability?
Verification takes place after bidding and evidence is seen from Doctor, Occupational Therapist, and Consultant
- TDBC needs to build more bungalows
- This presentation needs to be made to Councillors, especially after the May 2015 elections when there could be new Councillors
- It was suggested that the presentation could be made to Group Meetings and the Frequently Asked Questions should be given to every Councillor
- *About 480 tenants have been effected by the Bedroom Tax. 102 want to downsize, of which 57 have downsized. The Transfer Removal Grant has helped as an incentive to move. This budget has been increased over the last 2 years.*
- How much information do Lettings staff have about the advertised properties?
Staff should get to know properties/areas better
Knowledge of properties is good but could be better. Lettings staff are very experienced and knowledgeable
- How long does it take to register on Homefinder Somerset?
It should take 30 days for application to go live
- How many lettings are there per year?
376 so far in 2014/15 – 10 new lets per week plus 60 mutual exchanges.

Resolved that the Board noted the Officer's report.

6. Housing Revenue Account Scorecard Quarter 3 2014/15

Considered the financial figures table previously circulated, concerning the Housing Revenue Account Financial Monitoring for Quarter Three 2014/15 accompanied by a verbal update given by Housing Accountant. The spreadsheets detailed the breakdown of overall performance outturn of Quarter Three 2014/15 split between capital and revenue.

The Revenue Account Performance included such headings as Right to Buy, Income, Expenditure and HRA Revenue.

The following points were covered during the update on Housing Revenue Account Income, Expenditure and Revenue;

- HRA was showing an overall projected overspend of £91,580. This was a variance of 0.3%.
- Voids had a pressure and the costs were currently higher than budget. This was being monitored by Housing Management.

The following points were covered during the update on Housing Revenue Account Capital Programmes;

- HRA Capital Programmes had £1,815,900 reprofiled into 2015/16.
- HRA Development projects were currently expected to complete on target. With Phase One to complete in 2014/15 and Creechbarrow Road in 2015/16.

During the discussion of this item, board members made the following comments and asked questions. Responses were shown in italics:

- Will the overspends have an impact on budgets for next year?
No.
- Only 26% of Repairs and Maintenance – Planned has been spent so far this year. If this is planned why has this not been spent?
Some contracts are out to tender.
- Are voids costs high because of the repairs that have to be made because tenants wreck the properties?
Sometimes – but TDBC does a recharge for such repairs. TDBC is also reviewing the voids process and looking at the Lettable Standard and doing pre-void surveys.
- If a tenant wrecks a property will they continue to be a tenant of TDBC?
If they remain a tenant TDBC has a better chance of recovering the money.
- Quarter 3 Capital has a low expenditure figure of 25%, is there confidence that there will be such a high level of expenditure in the last quarter of the year?
Some invoices to be paid have not yet been received, some can be 2 months behind. Paying of invoices will catch up by the end of March.
- It seems the true figures will not be known until June or July 2015. At what stage will we actually spend what we have actually budgeted for?
Much more work will start in the new financial year.
- If contracts are planned and there is a recognised lead in period why is it taking so long to get the contracts sorted?
Other priorities have made the process longer and there has also been legal issues. The procurement process is laborious.

- Need more detail than just financial figures, e.g. doors – what does this mean?
How many doors?
Need to look at presenting the information differently.
- If we get invoices 2 months late how do we know if we are over or under spent?
- Are all contracts having to be renewed at once?
HRA Self-financing has changed the landscape of what we can spend on our stock, there is more money to invest in properties.
- How do we know the Creechbarrow Road development will not overspend?
The project is closely managed and we keep track of staged payments.
- The Housing Manager – Property Services stated that he would bring a report to the next TSMB detailing progress against contracts.

Resolved that the Board noted the Officer's report. The board wanted it noted that it was concerned that only 25% of capital expenditure had been spent at Quarter 3 and that it questioned why improvements to properties that had been budgeted for had not been carried out.

7. Performance Indicators Quarter Three 2014-15

Considered the Performance Scorecard tables previously circulated, concerning the Housing and Communities Quarter Three performance Scorecard.

Looking at each section of the performance scorecard for Quarter Three, the figures and percentages as follows:

- Managing Finances (housing) - There were 9 measures of which 56% Green, 44% Amber, 0% Red and 0% were N/A.
- Service Delivery (Service Delivery (Satisfaction) – There were 11 measures of which 55% Green, 36% Amber and 9% were N/A.
- Service Delivery (Decent Homes) – There were 2 measures of which 100% were Red.
- Service Delivery (Manage Housing Stock) – There were 18 measures of which 33% were Green, 11% were Amber, 33% were Red and 23% were N/A.

Below was a summary of the planned actions that were off course:

- 2 Measures for Decent Homes are off course. Average SAP (energy efficiency) rating is below target. Dwellings with a valid gas safety certificate – 99.89% - 5 properties were not serviced (tenant passed away, two were in hospital, two will be serviced in Jan 2015).
- Housing Services Diversity Information. We hold 77.5% of diversity information. The Diversity Information survey has been redesigned and we are developing processes to collect incomplete data so this figure should continue to improve.
- 3 Repairs and Maintenance measures are off course. 93.83% of emergency repairs were completed on time against a target of 98%. 90.97% of urgent repairs were completed on time against a target of 94%. 83.71% of non-urgent repairs were completed on time against a target of 85%. The COSY replacement went live at the beginning of September, and there have been a number of problems including ticket closure. Once these are resolved it should enable us and the DLO to report completions more accurately and establish where there are issues or not.

- Local Authority Major Aids and Adaptions – 35 applications have been completed and 50 are predicted against a target of 84. The target will need to be reviewed as 84 may be unrealistic given the complex needs of many clients.
- Average Re-let Times - 26.25 days against a target of 21 days. Data for Q3 incomplete, a number of properties that should have been recorded as major works have been recorded as minor works, therefore performance figure is showing higher average than it should.

Below was a summary of the planned actions that had uncertainty in meeting them:

- Aids and Adaptions (2 measures) – expenditure on both major and minor Aids and Adaptions are unlikely to reach budget, these are both demand led.
- Estate Management Team – rent arrears at the end of week 39 are £440k against a target of £360k, due to the Christmas period. Last year similar levels of debt were reported in Q3 and arrears were back on target by Q4.
- Housing Debt – the debt level for December has increased slightly since September due to Housing debt.
- Housing Services – 4 Satisfaction measures. The 2013 Star survey (conducted every two years) reported satisfaction figures for general needs tenants and sheltered housing tenants which were below target. Council national rankings show that we are in quartile 2 for housing measures and lower quartiles for supported housing. These measures will not change until 2015 when the Star Survey is conducted again.
- Lettings Team – the % of dwellings vacant but unavailable are slightly over target. The historic trend of our performance in this area is on or below target. We don't feel this is anything to be concerned about as performance just fall back in line with our targets in the coming months.
- Local Authority Major Aids and Adaptions. Performance for end to end completion time is 27 weeks, 5 cases were completed within the 22 week target, and 7 were delayed due to clients.

Below was a summary of the planned actions that were on course:

- Managing Finances – 5 measures are on target.
- Satisfaction – 6 measures are on target.
- Housing Stock – 6 measures are on target.

Below were measures under development, not reported or without alerts.

- % of tenants satisfied with the Extra Care Housing service – a survey has not currently been completed
- Repairs and Maintenance – 3 measures are under development.
- Community Development – tonnage removed measure not reported.

During the discussion of this item, board members made the following comments and asked questions. Responses shown in italics:

- Aids and adaptations is demand led and will be near target at the end of the year.
- Lettings – major voids recorded incorrectly and no work done over Christmas period.
- Diversity Information – those tenants where we hold no information will receive a reminder and form to complete next week.
- SAP rating will be improved by External Wall Installations
- Gas safety – 5 not completed, 1 tenant passed away, 2 in hospital and 2 were done in January.
- Repairs times – issue with IT system
- Can we let tenants know when appointments will not be kept
- 1 in 10 tenants not getting an emergency repair done within target time and performance is getting worse, as well as target has never been achieved. The target should be 100%, not 98%.
- Why are we not meeting the repairs targets?
The information is not accurate and Property Services is meeting with the DLO and will have a plan of action.
- If the figures are not accurate why have they been presented to the TSMB?
The information gives an indication.
- When will the IT system work correctly? Have we bought the right IT system?
The problems of the system are being rectified but do not know when they will be fixed.
- There are problems with IT projects and resources are a problem with all the projects that are taking place.

Resolved that the Board noted the Officer's report.

8. **Tenant Services Management Board Annual General Meeting**

Considered verbal update from Tenant Empowerment Manager.

Resolved that the Board's Annual General Meeting would take place on the 20th April 2015, replacing the usual board meeting.

9. Somerset Tenant Conference

Considered verbal update from Tenant Empowerment Manager on event to be held on 14th March 2015 at Somerset County Cricket Ground.

Attendees from the board will be:

- Marion Davis
- Robert Middleton
- Richard Balman
- Ivor Hussey
- Kevin Hellier
- Dennis Galpin

Any Other Business

The Chairperson read out an e-mail sent by the Vice Chair of the Tenants' Forum congratulating Dennis Galpin for the work he has undertaken to support the procurement of new contracts

The Chairperson informed board members that drop in sessions would be held at the new developments at Bacon Drive and Vale View

The Chairperson on behalf of the board congratulated Emma Hill on the birth of her daughter.

(The meeting ended at 8.45pm)

Declaration of Interests

Tenant Services Management Board

- Taunton Deane Borough Council Housing Tenants;
 - Mr R Balman
 - Mrs J Bunn
 - Mr M Davis
 - Mr M Edwards
 - Mr D Etherington
 - Mr D Galpin
 - Mrs J Hegarty
 - Mr K Hellier
 - Mr I Hussey
 - Mr R Middleton

- Family Member(s) are Taunton Deane Borough Council Housing Tenant;
 - Councillor Bowrah
 - Councillor Miss Smith

Taunton Deane Borough Council

Tenant Services Management Board– 16 March 2015

DRAFT Corporate Complaints Process

Report of the Performance Lead

(This matter is the responsibility of Executive Councillor Vivienne Stock-Williams)

1. Executive Summary

This paper outlines the proposal to make changes to, and improve, the complaints procedure for Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC) and to bring these together as one process. Whilst the councils now share a single workforce and in a number of cases share the same customers both Councils currently have different complaints procedures. This can be confusing for both staff and customers.

We aim to ensure there is a consistent approach to complaints across the councils and that all complaints are treated seriously and sympathetically and are resolved at the earliest possible stage.

These draft procedures also seek to incorporate the requirements of the Localism Act 2011 and the Regulatory Framework for Social Housing in England 2012 with regard to how housing-related complaints should be handled, where the Council is the Landlord (this element will be TDBC specific as WSC does not have its own housing stock).

Your comments concerning the attached draft are sought in order to shape the final draft.

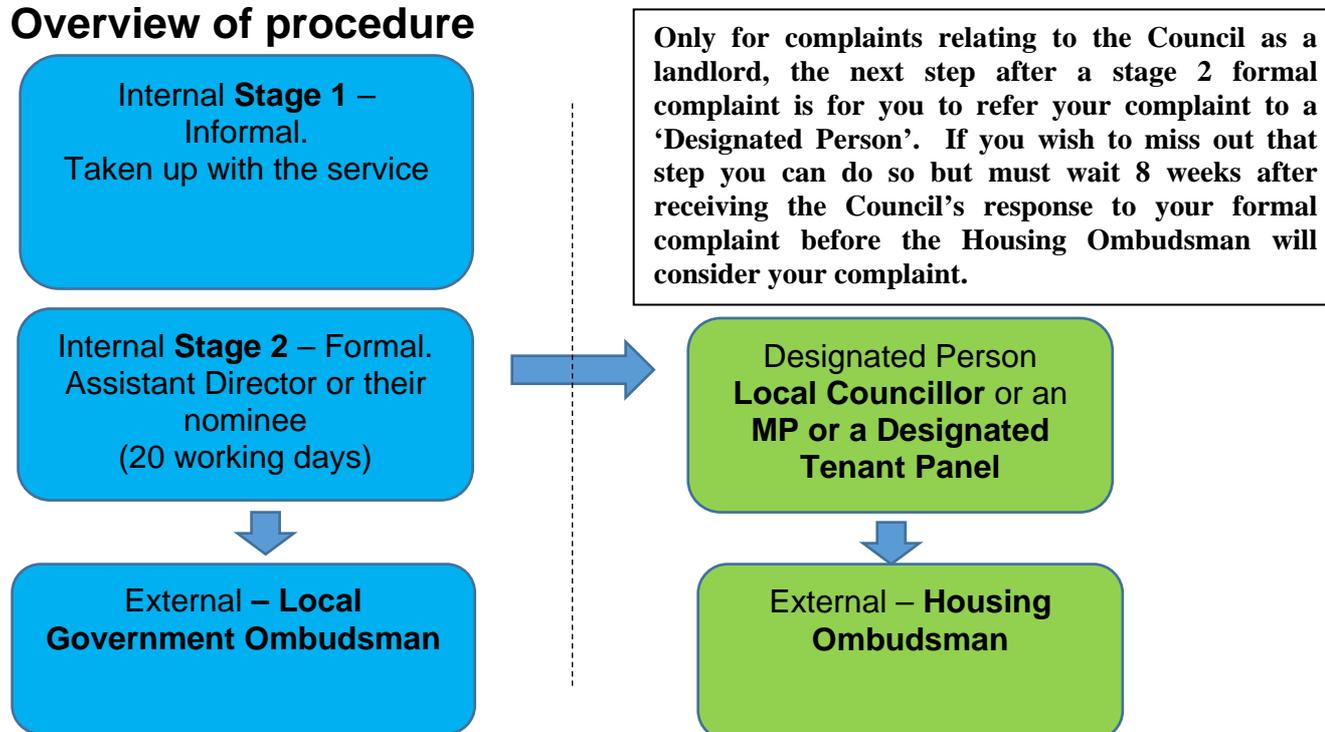
2. Introduction

- 2.1 Since 1st February 2015 Taunton Deane Borough Council and West Somerset Council have shared a single workforce under a single Chief Executive and management team.
- 2.2 Currently both Councils have separate complaints procedures, neither of which have been reviewed for several years.
- 2.3 The Councils in many cases share the same customers (e.g. businesses trading in both areas and customers owning properties in both areas).
- 2.4 The Localism Act 2011 and Regulatory Framework for Social Housing in England 2012 introduced specific requirements regarding the handling of housing-related complaints which were introduced from 1st April 2013 but which are presently not reflected in the current TDBC procedure.
- 2.5 We aim to develop a common complaints procedure for both councils which properly reflects the requirements of the Localism Act 2011 and ensures there is a consistent approach to complaints across the councils.
- 2.6 The new procedure defines a complaint as *“When someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them”*.

3. Summary of Procedure

- 3.1 The full procedure is described in the accompanying document. However, an overview of the process is described below.

Overview of procedure



- 3.2 The stages on the right hand side (shaded in green) are new stages introduced by the Localism Act.
- 3.3 We have also taken the opportunity to review the timescales within which complaints are responded to.
- 3.4 TDBC have previously aimed to provide a substantive response (not just an acknowledgement) to a complaint within 10 days. It has become clear that this target is in many cases unrealistic, for example in complex matters, where a number of officers need to be consulted or where a key officer is away from the office on leave or through sickness absence for example.
- 3.5 The proposed procedure seeks to introduce a more realistic timescale and bring it into line with the statutory timescale for responding to Freedom of Information requests, the timescale for which is 20 working days. That is not to say that all responses to a formal complaint will take 20 working days, often the response will be much quicker, but it simply sets a hard stop date.
- 3.6 Response times to corporate complaints will be monitored and reported to JMT, Scrutiny and the Executive/Cabinet at both councils quarterly as part of our performance management framework. Response times to housing related complaints will be monitored and reported to the Tenant Services Management Board and will be published to all tenants on an annual basis.

4. Localism Act

- 4.1 From 1 April 2013, the Localism Act 2011 (The Act) put in place new arrangements for dealing with complaints by social tenants against their landlords.

- 4.2 The Act also introduces 'designated persons', sometimes also known as 'the democratic filter'.
- 4.3 A designated person will help resolve the complaint after it has been through the Council's internal process but before it passes to the Ombudsman. Designated persons were introduced by the Government to improve the chances of complaints about housing being resolved locally.
- 4.4 Designated persons are:
1. A member of the House of Commons;
 2. A member of the local housing authority for the district in which the property concerned is located (eg TDBC Councillor)
- Or it can be a designated tenant panel for a social landlord. Landlords do not have to set up tenant panels but they are expected to support their formation and activities if their tenants want them.
- 4.5 Relatively few landlords have set up a tenant panel for this purpose. Nationally only around 70 have been registered with the Housing Ombudsman as at 9th March 2015 when their website was checked (these are listed at Appendix A). To put this number in perspective this equates to 3% of social landlords. It should also be noted that some panels have been disbanded at the request of tenants as they were found to be infrequently used and ineffective in terms of time and resources needed compared to what they actually achieved. The Tenant Empowerment Manager in discussions with other Somerset based social landlords has found that no other local provider has a tenant panel, they identify their designated person as a Councillor or MP.
- 4.6 If TDBC tenants chose to set up a Tenants Panel for complaints based, on the figure for number of Ombudsman complaints referred to Housing Services in 2013/2014, it would appear that a Panel could potentially deal with 3 complaints a year.
- 4.7 Also from the 1 April 2013 The Housing Ombudsman Scheme was established.
- 4.8 A designated person will help resolve the complaint in one of two ways; they can try and resolve the complaint themselves or they can refer the complaint straight to the Housing Ombudsman Service.
- 4.9 If they refuse to do either the tenant can contact the Housing Ombudsman themselves.
- 4.10 The designated person can try to put things right in whichever way they think may work best. If the problem is still not resolved following the intervention of the designated person either they or the tenant can refer the complaint to the Housing Ombudsman Service.
- 4.11 Complaints to the Housing Ombudsman Service do not have to be referred by a designated person. The complainant can refer their complaint to the Housing Ombudsman Service but only after exhausting the landlords own complaint procedure and once at least 8 weeks has elapsed from the end of the landlord's complaint process.
- 4.12 The Housing Ombudsman is keen to see all complaints resolved locally and makes the following recommendations:

"Early and local resolution is the best possible outcome to a complaint. We will encourage positive relationships between landlords and tenants and the designated persons to achieve this. We will also provide information and advice to support designated persons in improving the methods and approaches they might use to resolve a dispute." (Housing Ombudsman

Service Dec 2012 Designated Persons).

5 Links with Regulatory Framework for Social Housing in England 2012

- 5.1 The regulatory framework for social housing places specific expectations on registered social housing providers of which, of course, TDBC is one. The Consumer Standard contained the Tenant Involvement and Empowerment Standard which includes provisions for more local resolution of complaints and disputes.
- 5.2 Under the new arrangements for regulation MPs and elected councillors have a more prominent role in scrutinising landlords overall, hence the Localism Act drawing these MPs and Members into the complaint resolution process.
- 5.3 In relation to complaints, the framework requires social housing providers to:
- **offer a range of ways for tenants to express a complaint** – the draft procedure provides a number of ways in which to make a complaint. These are set on pages 4 and 5 of the draft procedure;
 - **set out clear service standards for responding to complaints** -the draft sets out the timescales in which complaints will be handled;
 - **details of what to do if they are unhappy with the outcome of a complaint** - the draft provides this information.
 - **accept complaints made by advocates authorised to act on a tenant's/tenants' behalf** - this is part of the draft procedure and is described on page 4 of the draft.
- 5.4 **Providers shall also inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints** – in order to support the complaints process an improved central complaints management system will be put in place. This will enable statistics relating to the number and subject of complaint to be recorded and extracted so that any trends can be identified and any mitigation necessary can be put in place. Details about complaints are also published in the Annual Report that is sent and available to every tenant.

6. Finance Comments

- 6.1 There are no direct financial implications linked to this report. However, poor handling of complaints and poor service delivery can lead to the Ombudsman recommending financial redress to the complainant.

7. Legal Comments

- 7.1 The Localism Act 2011 places certain obligations upon the Council in its capacity of social landlord in relation to complaint handling, described earlier in this report.

8. Links to Corporate Aims

- 8.1 This report has no direct link to corporate aims.

9. Environmental and Community Safety Implications

9.1 There are no direct implications.

10. Equalities Impact

10.1 Equalities impact has been considered in relation to this report. A wide range of methods of complaint have been included within the draft procedure including by advocates authorised to act on a tenant's in order to remove as many barriers as possible.

Should this draft procedure ultimately be adopted, work will have to be undertaken by the housing team to ensure tenants are made aware of the complaints process, specifically including the role of the Housing Ombudsman and the Designated Persons. As is usual, any written communications will be available in other languages as well as in Braille should that be requested by the complainant.

11. Risk Management

11.1 There is the risk that if the Council fails to have an appropriate complaints process in place it will not identify areas needing improvement and public support for the organisation could weaken.

12. Partnership Implications

12.1 The complaints procedure would include complaints made about services delivered by partners and contractors on our behalf and would apply after the partnership or contractor had been given an opportunity to respond to the matter.

13. Recommendations

13.1 The board is recommended to:

- Support the approach set out in the draft complaints procedure;
- Consider whether to form a tenants panel (should a panel be formed at a later date the complaints procedure can be updated to reflect this);
- Comment as necessary on any areas of the draft procure which require modification as part of the creation of the final draft.

Contact:

Paul Harding

Corporate Strategy and Performance Manager

01823 356507

Ext: 2616

p.harding@tauntondeane.gov.uk

Tenant panels registered with the Housing Ombudsman as at 9th March 2015.

Tenant Panels	
Member Landlord	Tenant Panel Name
Adactus Housing Group	Adactus Housing Group Tenant Panel
Adur District Council	Adur District Council Designated Tenant Panel
Anchor Trust	Anchor Trust Customer Complaints Panel
Ashfield District Council's Alms Length Management Organisation, Ashfield Homes Ltd	Ashfield Federation of Tenants & Residents Association (AFTRA)
Aster Communities/Synergy Housing	Designated Tenants Complaints Panel
B3 Living Ltd	B3Living Designated Tenants Panel
Barnet Homes	Barnet Homes Tenant Panel
Barnsley Metropolitan Borough Council	Barnsley Federation of Tenants and Residents
Bromford Housing Group Limited	Bromford Housing Group Tenant Panel
Cheltenham Borough Homes	Cheltenham Borough Homes Tenant Panel
Churches Housing Association of Dudley District (CHADD), Harborne Parish Lands, Lench's Trust, Redditch Friends Housing Association, St Peters Housing Association, Nehemiah UCHA	The Central Resident's Complaints Panel
Circle Housing Wherry	Way Ahead With Wherry Tenant Panel
City of Stoke on Trent	City of Stoke Complaints Panel
Coast & Country Housing Ltd	Coast & Country Designated Review Panel
Cobalt Housing Association	Independent Complaints Panel for Cobalt Tenants
Community Gateway Association	Complaints Action Group
Cross Keys Homes	Cross Keys Homes Scrutiny Panel
Croydon Council	Croydon Council Complaints Panel
Darlington Borough Council	Darlington Complaint Tenant Panel
Daventry & District Housing	Daventry & District Housing Tenant Complaints Panel
Derby Homes	Derby Homes Customer Complaints Panel
Derwent Living (Tuntum Housing & Gedling Homes)	Independent Complaints Panel
Derwentside Homes	Derwentside Homes Scrutiny Panel
Durham Aged Mineworkers Homes Association	Durham Aged Mineworkers' Homes Association Independent Tenants Panel
East Devon District Council	East Devon District Council Designated Tenant Panel
Family Mosaic	Family Mosaic Tenant Panel
Futures Homescape	Futures Homescape Tenant Complaints Panel
Grand Union Housing Group	Grand Union Housing Group Designated Tenant Panel
Gravesham Borough Council	Gravesham Borough Council Complaints Panel
Guildford Borough Council	The Review Group
Hanover Housing Association	Hanover Tenant Panel
Haringey Council	Tenants Complaint Panel Homes for Haringey
Hastoe Housing Association/Hastoe Wyvern Housing Association	Hastoe Tenant Panel
Helena Partnerships	Helena Partnerships Customer Excellence Panel
Home Group Ltd	Home Group Independent Complaints Panel
Innisfree Housing Association Ltd	InnisFree Tenant Scrutiny Panel
Irwell Valley H A Ltd	Irwell Valley Designated Tenant Panel
Jephson Housing Association	Tenant Complaint Panel (South & West)
Jephson Housing Association	Tenant Complaint Panel (North)
Jephson Housing Association	Tenant Complaint Panel (Midlands)
Jephson Housing Association	Tenant Complaint Panel (East)
Kingston upon Hull City Council	Hull City Council Tenants Complaints Panel
Kirklees Council	Kirklees Federation of Tenants and Residents Associations (KFTRA)
Lincoln City Council	Lincoln Tenants Panel
Marches Housing Association	The Voice (Marches)
Medway Council	Medway Council Designated Person Panel
Mossbank Homes	Mossbank Tenant Panel
Mosscares Housing	Mosscares Tenant Panel
Nehemiah UCHA	The Central Resident's Complaints Panel
New Charter Housing Trust Group	Independent Tenant Solutions
Newark & Sherwood District Council	Newark and District Tenants Panel
Nottingham City Council	Tenant Complaint Panel
Nottingham City Homes	Nottingham City Homes Tenant Complaint Panel
Nuneaton and Bedworth Borough Council	Nuneaton and Bedworth Borough Complaints Panel
One Vision Housing (The Sovini Group)	Tenant Mediation Panel
Redbridge	Redbridge Housing Designated Complaints Tenants Panel
Riverside (The Riverside Group Ltd)	Riverside Tenants' and Residents' Panel
Rooftop Housing Group Ltd	Rooftop Housing Group Residents' Local Resolution Group Tenant Panel
Rotherham Metropolitan Borough Council	Rotherfed Designated Tenant Panel
Salford City Council	Independent Tenant Solutions
Sandwell Metropolitan Borough Council (SMBC)	SMBC Tenant Panel
Sheffield City Council	Sheffield Independent Tenant Complaints Panel
Shoreline Housing Partnership	Shoreline Housing Partnership Tenant Panel
Six Town Housing	Six Town Housing Tenant Panel
Soha Housing Ltd	Soha Housing Tenant Panel
Southway Housing Trust (Manchester) Ltd	Independent Tenant Solutions
Spectrum Housing Group	Spectrum Housing Group Tenant Panel
Stockport Homes	Stockport Homes Designated Tenant Panel
Suffolk Housing Society	Suffolk Housing Society Designated Tenant Panel
Swan Housing Association	Swan Housing Association Tenant Panel
Swindon Borough Council	Swindon Borough Council Tenant Panel
The Havebury Housing Partnership	The Havebury Housing Partnership Resident Complaint Group
Vale of Aylesbury Housing Trust	Vale of Aylesbury Housing Trust Designated Tenant Panel
Weaver Vale Housing Trust	Designated Complaints Panel
Westward Housing Group	Westward Housing Group Scrutiny Panel
Wrekin Housing Trust	Wrekin Housing Trust Designated Tenant Panel
Wythenshawe Community Housing Group	WCHG Tenants Complaints Panel



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Taunton Deane Borough Council
and West Somerset Council

Corporate Complaints Procedure

Applies from TBC

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1 Introduction

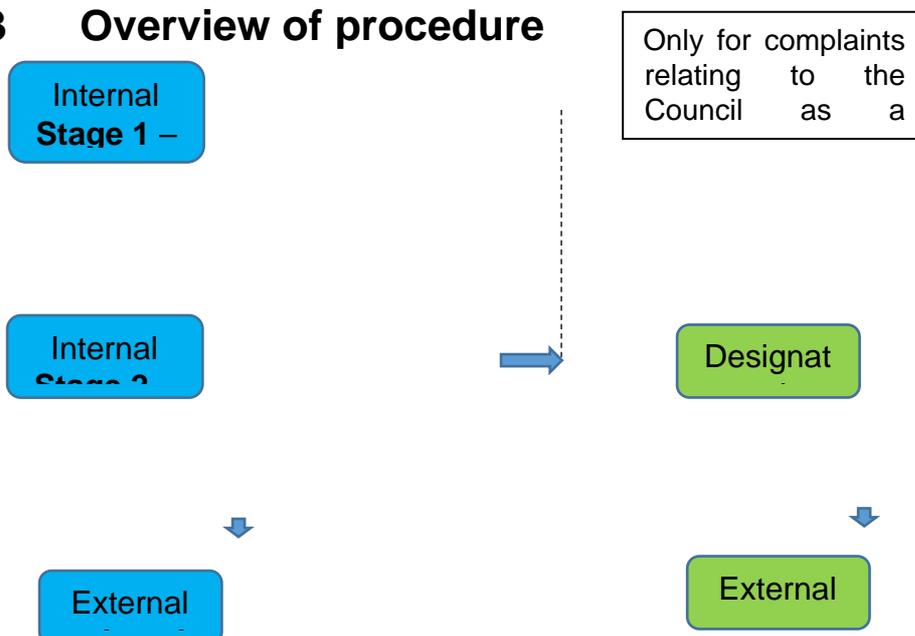
- 1.1 This procedure applies to both Taunton Deane Borough Council and West Somerset Council. Reference to 'Council' applies to either organisation.
- 1.2 Whilst both Councils are independent, we share a joint management team and officer structure. Having the same procedure for handling complaints ensures a consistent approach to dealing with complaints which is particularly important given we share a number of mutual customers (for example businesses applying for licences and paying rates in both areas).
- 1.3 An effective complaint management process is an essential part of providing a quality service.
- 1.4 Having an effective process for managing complaints not only benefits the complainant, it can have real benefits for the organisation:
 - It provides free feedback on service delivery
 - It identifies areas needing improvement
 - It presents an early chance to put things right
 - It strengthens public support for the organisation

2 What is a complaint?

2.1 We define a complaint as:

“When someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them”

3 Overview of procedure



4 Our Promise to you

4.1 We will:

- listen to you;
- investigate all complaints thoroughly;
- acknowledge and learn from our mistakes;
- say sorry when we get things wrong;
- do what we can to put things right quickly.

What we ask in return is that you treat our staff with respect.

5 What types of matters might a complaint be about?

- Failure by the Council or its contractors to provide the standard or quality of service promised by the Council.
- Dissatisfaction with the way the council policies are being applied or administered.
- Delays in responding to customer enquiries or requests.
- The treatment by, or unhelpful attitude of, a member of staff.
- Unlawful or unfair discrimination.

This list does not cover everything but provides a good idea of the kinds of complaints the Council might receive.

6 Areas not covered by our complaints procedure

- 6.1 Separate arrangements are in place for complaints about the conduct of Elected Members. To make a complaint about the conduct of a Taunton Deane or West Somerset Councillor, or a parish or town councillor within the areas covered by our two Councils, the complaint must be submitted in writing to:
The Monitoring Officer, The Deane House, Belvedere Road, Taunton, TA1 1HE.
- 6.2 Where a statutory right of appeal exists i.e. where there is a formal process in place to challenge a Council decision, these should be used rather than the complaints procedure. For example: appeals against planning decisions, housing benefit awards or car parking penalty notices. Customers disagreeing just with the decision itself should be advised to use the statutory appeals process and not the complaints system. Details of statutory rights of appeal will be available when decisions to which they apply are made. The only exception to this is a complaint made about the way in which the appeal process was handled, these should be dealt with by this process.

6.3 Complaints subject to legal proceedings

- a) If you have or intend to take legal action in relation to the substance of your complaint we may deal with your complaint unless we decide that consideration of your complaint will prejudice the conduct of those proceedings. We will take each decision based on the specific circumstances of the case.
- b) If we have started to look into your complaint we may put it on hold until after the legal proceedings have finished.

6.4 Insurance Claims

We will not usually look into your complaint if the issue is something which should be dealt with as an insurance claim against the Council.

7 Who can use the complaints procedure?

- 7.1 Anyone who is not happy about a service or something we have or have not done that has had an impact upon them.

8 Advocacy and representation

- 8.1 If you prefer a friend, relative or advocate to make the complaint on your behalf that is fine (this could include a District/Borough Councillor or a Member of Parliament). If someone is complaining on your behalf you must however tell us you have given your consent for them to act on your behalf (we will usually require this in writing). You need to be aware that we will share information with them necessary to deal with the complaint, as if we were dealing with you directly. This may mean sharing personal information with them.

9 How to make a complaint

- 9.1 Customers can make a complaint in any of the **six ways** described below. You should never be told '*you have to put it in writing*'; the choice is yours.

1

By filling in on-line complaint form on the website

Taunton Deane Borough Council: www.tauntondeane.gov.uk

West Somerset Council: <http://www.westsomersetonline.gov.uk/tellus>

2 By using the printed complaints leaflet available at the Councils offices

3 By email

Taunton Deane Borough Council:
enquiries@tauntondeane.gov.uk

West Somerset Council:
customerservices@westsomerset.gov.uk

4 By letter

Taunton Deane Borough Council

Customer Services, Taunton Deane Borough Council, The Deane House,
Belvedere Road, Taunton, TA1 1HE

West Somerset Council

Customer Services, West Somerset House, Killick Way, Williton, Taunton, TA4
4QA

5 By Telephone

Taunton Deane Borough Council: 01823 356356

West Somerset Council: 01643 703704

6 In person at the Councils offices.

10 Our Internal Complaints Process

STAGE **1 – Informal Complaint (Local Resolution)**

10.1 We will first try to deal with your complaint informally. If you are unhappy about the service you are receiving or have received, then the quickest way to let us know is by contacting the person or service you have been dealing with.

10.2 If you have not been dealing with one specific person, then ask to speak to someone in the service area you are concerned with.

- 10.3 You may then be referred to a line manager. You are entitled to speak to a line manager or supervisor and can ask to do this at any time. This person will then try to resolve the issue for you.
- 10.4 We aim to respond as quickly as possible to your concerns and normally within 10 working days. If we need to take longer, perhaps because the matter is very complicated or an officer who is best placed to respond to you is away from the office on leave for example, then we will let you know and keep you informed.

STAGE **2** – Formal Complaint

- 10.5 This stage is used if you are either not satisfied with the results of your informal complaint, or you wish to make your complaint formally from the beginning. If so, please make it clear that you wish your complaint to be treated formally.
- 10.6 What distinguishes a formal complaint from a matter that does not require escalation is not always easy to define. In many cases when a service failure is first reported we can simply rectify the mistake and resolve the issue without treating the case as a formal complaint, but we accept that some cases are serious enough to be treated as a formal complaint immediately. In some situations the case will be escalated because of the repeated failure of what would on its own be insignificant. If there is any doubt whether an issue should be treated as a complaint, the decision should lie with the customer.
- 10.7 Formal complaints will be investigated by the Assistant Director responsible for the service area to which your complaint relates, or by a senior officer appointed by him or her such as a service manager or team leader.
- 10.8 We will acknowledge your formal complaint within **3 working days** of its receipt. We aim to send you a full response within **20 working days**. We may need to agree to extend the timescales where key people are unavailable due to annual leave, sickness absence, or other commitments. However, this will be the exception and not the rule. If we can't give you a full response within the 20 working day target we will contact you and explain why.
- 10.9 Each complaint will be investigated in an open minded and impartial way. It is recognised that there can be no 'one size fits all' solution and responses will be proportionate to the complaint.

11 Putting things right

- 11.1 When you make a complaint we will ask you what you would like us to do to put things right.

- 11.2 If we uphold your complaint you can expect an apology and for us to put things right quickly. The aim is to put you back in the position you were in before the problem occurred. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.
- 11.3 Remedies may include a review of our practices and procedures to ensure that the same thing does not happen again.

12 What if you are still unhappy

- 12.1 Whilst we aim to resolve complaints through our internal procedure we recognise that there will be occasions where the customer remains unhappy and may wish to take the matter further.
- 12.2 After the internal complaints procedure, described above, has been completed you have the option to take matters further.
- 12.3 If you remain dissatisfied with how we have dealt with your complaint, you may contact The Local Government Ombudsman (**however for certain housing complaints, where the Council is the landlord see 12.5 below, as there is a different route to be followed**)
- 12.4 The Local Government Ombudsman is an independent, impartial and free service. The Ombudsman can investigate complaints about Councils.

You can contact the Local Government Ombudsman per the details below:

The Local Government Ombudsman
PO Box 4771 Coventry CV4 0EH

Tel: 0300 061 0614 (Mon-Fri, 8.30am-5pm)

Website: **www.lgo.org.uk**

- 12.5 For complaints relating to housing that is owned and/or managed by the Council, if the Council cannot put things right, after stage two of the Councils complaints procedure, the next step is for you to contact an MP or a local councillor - these are two types of 'Designated Person' as described within the Localism Act 2011.
- 12.6 Designated Persons are there to help to resolve disputes between tenants and their landlords. They can do this in whatever way they think is most likely to work.
- 12.7 If the Designated Person cannot help they can refer a complaint to the Housing Ombudsman.

12.8 Complaints to the Housing Ombudsman do not however have to be referred by a Designated Person, but if they are not there must be at least 8 weeks from the end of the Council's internal complaint process before the Housing Ombudsman can consider the case

12.9 You can find out who your local Councillor is online, by telephone or by enquiring at the Council's offices.

Taunton Deane

Call: 01823 356356

Online at: www.tauntondeane.gov.uk

West Somerset

Call: 01643 703704

Online at: www.westsomersetonline.gov.uk

12.10 You can find out who your local Member of Parliament is by enquiring at the Council's offices or by calling:

Taunton Deane

Call: 01823 356356

West Somerset

Call: 01643 703704

If you prefer to contact a different Member of Parliament, contact details are available from:

House of Commons, London, SW1A 0AA or by searching online at www.parliament.uk

12.11 The Housing Ombudsman can be contacted as below:

The Housing Ombudsman
Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Tel: 0330 111 3000

Website: info@housing-ombudsman.org.uk

12.12 Appendix A to this document gives examples of housing related matters that might be the subject of a complaint and which Ombudsman would ultimately deal with them.

12.13 In responding to you as part of our stage two complaint process we will advise you of the next external steps available to you.

13 Monitoring our performance

- 13.1 Our performance in handling complaints will be monitored and reported quarterly to the Council's management team, Scrutiny Committee and Cabinet / Executive as part of our performance management framework.
- 13.2 The three key measures we will use relating to complaints will be:
- The number of formal complaints received;
 - The percentage of complaints received where a full response is provided to the complaint within 20 working days;
 - The number of complaints upheld by the Ombudsman.

Appendix A

HOUSING RELATED COMPLAINTS AND THE OMBUDSMAN

Housing related complaints referred to the [Housing Ombudsman](#)

The Housing Ombudsman considers complaints about housing associations and local housing authorities relating to the matters below:

Leasehold services

- Shared ownership and sales processes for leasehold properties
- Shared ownership stair-casing
- Full ownership and sales processes for leasehold properties owned by housing associations
- Right to buy and right to acquire for tenants of housing associations
- Repair responsibilities under the lease
- Mortgage rescue schemes
- Leasehold services provided by the landlord

Moving to a property

- Transfer applications that are outside [Housing Act 1996 Part 6](#)
- Type of tenancy offered
- Mutual exchange
- Decision to renew a fixed tenancy
- Decants
- Mobility Schemes

Rent and service charges

- Rent or service charges

Occupancy rights

- Terms and conditions of occupancy rights
- Succession
- Assignment
- Ending a tenancy (eg notice periods)
- Abandonment of property
- Possession proceedings

Property condition – repairs and improvements

- Condition of the property when first let (eg void works)
- Responsive repairs

- Planned maintenance or cyclical works
- Improvement works carried out by landlord or tenant
- Rechargeable repairs
- Disabled adaptations

Tenant behaviour

- Anti-social behaviour
- Noise nuisance
- Harassment

Estate management

- Cleaning or repairs of communal areas
- Boundary issues
- Grounds maintenance
- Parking
- Use of communal areas

Complaint handling

- The landlord's handling of a complaint in their complaint process, including delays

Compensation

- Home loss or disturbance payments
- Improvements carried out by the tenant
- Payment for damage to property or tenants belongings
- Discretionary payments

Housing related complaints referred to the [Local Government Ombudsman](#)

The Local Government Ombudsman considers complaints about housing associations and local housing authorities relating to the matters below:

Housing allocations under [Housing Act 1996 Part 6](#)

- Applications for re-housing that meet the reasonable preference criteria (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Assessment of such applications, the award of points, banding or a decision that the application does not qualify for reasonable preference
 - Operation of choice based lettings schemes and about the suitability of accommodation offered under those schemes.

Homelessness under Housing Act 1996 Part 7

- Applications for assistance under the homelessness legislation (dealt with by the local housing authority or any other body acting on its behalf, which could include a housing association). Includes complaints about:
 - Homelessness advice and homelessness prevention activities
 - How applications are dealt with and decisions about eligibility for and allocation of interim and temporary accommodation.

General housing advice

- General advice from the local authority about housing options
- Handling of reports from tenants of private landlords about unlawful eviction, harassment and other matters

Housing improvement grants

- Applications for mandatory and discretionary housing improvement grants. Includes complaints about:
 - Provision of advice, processing of applications, preparation of schedules of work, payment of grant and other decisions on grant eligibility and entitlement
 - Actions of social services occupational therapy services with regard to assessment and eligibility for disabled facilities grant

Antisocial behaviour

- Antisocial behaviour which does not fall within the remit of a social landlord.

Noise nuisance

- Reports of statutory noise and other nuisance to environmental health services

Sale or disposal of land on housing estates

- Applications or requests to buy parcels of land owned by local authorities
- Sales processes for properties owned by local authorities
- Right to buy and right to acquire for tenants of local authorities

TDBC and WSC Complaints Procedure