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## Tenant Scrutiny Newsletter Issue 3: February 2011

### Localism Bill: proposed changes to complaints

In the last edition, I mentioned that the Department of Communities and Local Government (DCLG) had announced they were going to hold two workshops to seek views on how the Coalition Government's proposed changes to complaints handling might work.

The first workshop that was due to take place on 8<sup>th</sup> February 2011 in Leeds was cancelled. However, the second event in London on 22<sup>nd</sup> February 2011 did go ahead and I attended along with a few housing organisations and tenants for whom I had arranged invitations.

#### **Proposed changes**

The Government is proposing, through the Localism Bill, to make changes to complaints handling. Essentially, the changes proposed mean that once the Bill is enacted:

- Tenants will no longer be able to refer their complaints directly to the Housing Ombudsman once they have exhausted the landlord's complaints process

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- Instead, tenants will have to refer their complaint to a 'designated person' who would work with the tenant and landlord to resolve the complaint locally
- The 'designated person' will be a local councillor, MP or recognised tenants' panel
- Only if the designated person cannot facilitate a resolution to the complaint will it then be referred to the Housing Ombudsman. In essence, the 'designated person' will act as a **filter** for complaints to the Ombudsman i.e. **the 'democratic filter'**
- In addition, responsibility for complaints about local authority landlords will transfer from the Local Government Ombudsman to the Housing Ombudsman i.e. there will be only one Ombudsman for all social housing tenants
- Finally, the measures included in the Bill will give the Secretary of State a power to enable the Housing Ombudsman to apply to a court or tribunal to enforce determinations, if needed

### **Comments raised at the event**

There were many comments about the introduction of a 'filter' for complaints, as you can imagine. The overriding feeling of those attending the event was that it was not acceptable to introduce a further step in the handling of complaints and to remove tenants' choice to refer a complaint directly to the Ombudsman once they had exhausted their landlords' complaints process. However, it was made clear that this is not up for debate.

So we had to apply ourselves to raising practical considerations that the DCLG will need to take into account. The issues raised by the event participants were as follows:

- Arrangements for the 'democratic filter' should be agreed with tenants locally, e.g. through the development of local offers for complaints
- Capacity building will be required to ensure effective working of the 'democratic filter'. There will be resource implications – where will the money come from?
- There needs to be absolute clarity about the role of the 'filter' and measures to ensure



data protection and to avoid conflicts of interest arising

- The whole idea of a democratic filter is confusing – how will tenants know who to contact and when, etc? Communicating the changes will need care and there will no doubt be a cost to this – how will the DCLG facilitate this?
- There were concerns about councillor and MP involvement – some saw this as a backward step given the work that housing organisations have done to improve the relationship and communications with their tenants
- What happens if the ‘democratic filter’ is not working locally? Would the tenant then have the right to bypass it and go to the Ombudsman? This point was not answered directly, but it was clear from the event that there will be no other route to the Ombudsman other than through the ‘democratic filter’.

### **Next steps**

As you will gather, there were more questions and concerns than answers yesterday. The DCLG

representatives will be writing up all of the comments from yesterday’s event and circulating them to all participants. In addition, they will forward copies of the slides used yesterday and contact details should you wish to make your views known.

I will forward all of this information on receipt.

The Localism Bill is making its way through the Committee Stage at the moment, to the 10<sup>th</sup> March 2011. You can read the Bill and its explanatory notes and follow its progress through parliament at <http://services.parliament.uk/bills/2010-11/localism.html>

### ***National Tenant Organisations’ Paper***

In addition to the above discussions, the NTOs have prepared a paper about development of an accreditation scheme for tenant panels. A copy is being circulated with this newsletter. It sounds like this is at an early stage, but worth watching out for more details.



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## **Tenant Scrutiny Conference, 11<sup>th</sup> March 2011**

I am delighted to announce that Yvonne Davies and I will be holding a second conference in Liverpool on Friday 11<sup>th</sup> March 2011 about tenant scrutiny. Topics to be covered this time will include the proposed changes to complaints handling and more opportunities to hear scrutiny panels talk about their journey and experiences.

Once again, Graeme Foster will be speaking, this time about the Co-Regulatory Champions. I have also invited DCLG to talk about the complaints handling proposals in the Localism Bill.

Places are going quickly and there are not as many places available as at the last conference. Therefore, please do get in touch if you want to reserve a place (s).

### **Co-regulatory Champions**

In November 2010, the TSA invited housing organisations who involved tenants in the running of their business to apply for Co-regulatory Champion status. The TSA received 64 applications, which were assessed by a panel including representatives from the TSA, TPAS and the Centre for

Public Scrutiny. The ten organisations awarded champion status are:

**Wirral Partnership Homes**  
**Soha**  
**New Charter**  
**Helena Partnerships**  
**The Riverside Group**  
**Family Housing Association**  
**AmicusHorizon**  
**Community Gateway Association**  
**Wherry Housing Association**  
**Salix Homes**

Congratulations to all of the successful organisations and their tenants.

I would like to offer a special well done to Wirral Partnership Homes' Advisory and Scrutiny Panel members, who I have had the pleasure of working with since they started to set up their scrutiny arrangements.

**Four of the champions will be speaking at my next conference on 11th March 2011.** Come along and find out more from these trailblazing tenants.

To find out more about steps the champions will be taking to share their experiences and successes, follow the link to the TSA's website

<http://www.tenantservicesauthority.org/server/show/nav.14953>



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## **Scrutiny and Empowerment Partnership**

I recently circulated a brochure announcing the launch of our national scrutiny and empowerment network. I am delighted with the amount of interest we have received and look forward to announcing further details at the conference on 11<sup>th</sup> March 2011.

In particular, I am really looking forward to sharing the details of our plans for an online benchmarking and information exchange service. We are well on our way to making this service available to all of the **Scrutiny and Empowerment Partnership** members. If you have not registered an interest yet in becoming a member and you would like to join, please contact me or Yvonne Davies, or come along and speak to us at the conference in March.

***For more details about any of the articles included in this edition of our newsletter, please contact Linda on 07967 342436, by email [linda@lindalevin.co.uk](mailto:linda@lindalevin.co.uk) or Yvonne on 07867 974659, email: [daviesyvonne@btinternet.com](mailto:daviesyvonne@btinternet.com)***