



Terms of Reference

Homes for Haringey: Resident Complaint Panel

Revised – June 2016

1. Background and purpose

- 1.1. Following the passing of the Localism Act 2011, the role of a 'Designated person' has been introduced to help resolve complaints locally. This will reduce the need for escalation to the Housing Ombudsman Service (HOS)
- 1.2. The purpose of the Resident Complaint Panel (RCP) is to enable Residents¹ to play a role in helping to resolve complaints that are received from other Residents of Homes for Haringey (HfH)². They will do this by using their experience and knowledge to try and resolve complaints locally. Where such action proves unsuccessful, the RCP may choose to use its authority to refer complaints directly to the HOS
- 1.3. The Panel will form stage 3 of HfHs formal complaints process and will hear individual resident complaints once the stage two investigation is complete.
- 1.4. The RCP will meet 6 monthly (aside from individual review hearings) to network, discuss outcomes, review impact and receive training

2. Aims and Objectives

- 2.1. To use local knowledge and relationships to work with Residents and for the LBH and HfH to find local solutions to complaints and problems raised by Residents
- 2.2. To constructively challenge the Landlord and its agents and the complainant(s) so that they can resolve issues between themselves without reference to the HOS
- 2.3. To be part of a local democratic framework providing support to Residents and an alternative means of complaint resolution
- 2.4. To help achieve positive Resident engagement across the borough.

3. Intended outcomes of the work of the Resident Complaint Panel

- 3.1. Swift, effective and local resolution of Resident complaints (without the need to involve the HOS) to the satisfaction of Residents, HfH and LBH
- 3.2. Contribute to the improvement of services

¹ These terms of reference refer throughout to Residents as a collective term that applies to all persons who receive services from Homes for Haringey (HfH), including Residents and leaseholders. The term could also apply to other members of the public who could potentially receive services or who are affected by services provided by HfH or its partners (e.g. non-Residents living in neighboring properties).

² The London Borough of Haringey (LBH) is the Landlord; (HfH) is the arms-length management organization working on its behalf. Due to this relationship the names may be used interchangeably.

- 3.3. Develop positive and empowering relationships between the RCP members and HfH, and enable Residents to shape their housing service
- 3.4. Develop and maintain positive relationships between the RCP and other designated persons (e.g. Councillors or MPs)
- 3.5. Ensure that complaints outcomes and review hearing findings are used by HfH to review processes and initiate service improvements so that ultimately, over time, findings of service delivery failings by HfH are reduced.

To achieve these aims, objectives and outcomes, the RCP will work in partnership with LBH and HfH and its partners, and other Haringey Resident panels as required.

4. Structure, Membership and Roles

- 4.1. The RCP will be facilitated by the Complaints Champion (usually the Company Secretary) and HfH will ensure secretarial and other servicing functions. The Complaints Champion will report feedback from the RCP to the Board through an annual impact assessment due in April each year
- 4.2. The pool of Residents for the RCP will be selected through a recruitment process which refers to a competency framework. (Details on how to apply can be found on the application form.) These competencies are reviewed each year as part of the appraisals process
- 4.3. Panel membership shall be replenished by an on-going programme of recruitment of eligible Residents. The eligibility criteria excludes Residents that have previously been deemed to be vexatious and/or those that have not adhered to the terms of their tenancy agreement or lease requirements. The Governance Team will consider all cases on an individual basis
- 4.4. Panel members can serve a maximum term of 3 years, followed by at least a 2-year break before being eligible to be on the Panel again
- 4.5. An elected overall Chair of the Panel will be appointed through a secret ballot for a period of one year, after which time nominations and elections will take place (with the current Chair able to seek re-election). Individual reviews will have a rotating Chair appointed by the Panel on that day by voting (i.e. the Chair of the RCP does not chair every complaint review hearing)
- 4.6. There are two roles open to members - being a panel member only (contributing to policy reviews and commenting on review hearing outcomes etc); or being a panel member and complaint monitor (includes attending review hearings). All panel members should attend the 6 monthly meetings which look back at the hearings that have taken place in that period, and may also attend the training provided

- 4.7. For each review hearing, Complaint Monitors will be chosen from the pool of panel members. A minimum of 3 and a maximum of 5 Complaint Monitors will be required for each review. Complaint Monitors will feed back outcomes from reviews to the Resident Scrutiny Panel through the Complaints Champion
- 4.8. The RCP may choose, having consulted with and considered the views of HfH, to co-opt 1 additional member on a temporary basis who may bring particular skills or qualities. Co-optees must be Haringey Residents. In agreeing to a co-option, the RCP will clearly identify the reasons for the co-option and will choose whether the co-optee will have voting rights within Panel meetings
- 4.9. HfH will provide a programme of training and development to meet the needs of RCP members and will ensure that the individual and collective performance of members is periodically reviewed
- 4.10. The frequency of meetings is dependent on the number of complainants who want to make use of the RCP
- 4.11. The Audit and Risk committee may request that a member of the RCP is co-opted to represent the panel at the committee. If such a request is made then the panel will need to nominate members to be co-opted. The panel will then hold a secret ballot to ascertain which member should be co-opted. The co-option will last for a period of one year.

5. Remit and powers

- 5.1. The RCP has been recognized by LBH as a Designated Resident Panel for the purpose of referring complaints to the HOS. It is listed on the HOSs Register of Resident Panels.
- 5.2. The RCPs formal legal power is to refer complaints to the HOS. This has to be done in writing, and can only be done under the following circumstances:
 - 5.2.1. if the RCP considers that a complaint cannot be resolved locally and considers that there is merit in referring the complaint to the HOS
 - 5.2.2. if the complaint falls within the HOS defined remit i.e. it has been less than six months since the case completed the organisation's internal complaints process
 - 5.2.3. if HfH and LBH's complaints procedures have been exhausted
 - 5.2.4. if the complainant wishes the complaint to be referred to the HOS (complaints to HOS do not have to be referred by RCP, but if they are not, there must be at least 8 weeks from the end of HfHs stage 2 response before HOS can consider the case)
- 5.3. The RCP will review outcomes from complaints if and when referred to the HOS.
- 5.4. The RCP will also use its powers to make one of three decisions about a case at the meeting:
 - 5.4.1. **Refer** – if the complaint is believed to have merit and neither the Resident

nor LBH or HfH wish to change their position, or wish to accept the Panel's recommendations

5.4.2. **Reject** – if the RCP feels the case has no merit, or that HfH and LBH have been reasonable in what has been done and the RCP is satisfied that no further local solution is required

5.4.3. **Recommend** – to put forward to HfH and LBH a resolution if the RCP feels the landlord has not followed its own policies, procedures, processes and/or practices, written or otherwise and the RCP upholds the complaint

5.5. The RCP may make recommendations and suggestions to HfH regarding changes to the service offered that may prevent complaints arising, and regarding how future complaints could be handled

5.6. The RCP will have independent contact arrangements which will be publicised and accessible to all HfH Residents through e.g. HFH website, publications, governance email inbox, Residents' Associations; estate Notice Boards and other Panels

5.7. The Complaints panel will respond to all enquiries from Residents with a view to resolving relevant complaints at the earliest possible occasion working in partnership with, but independent of, HfH

5.8. The RCP will work to a quality control system with HfH that will measure the satisfaction of those who use or take part in the Panel and will comment on satisfaction surveys carried out by HfH in relation to the Panel's objectives.

6. Delegated authority

6.1. The RCP will have no authority and no decision-making powers delegated from HfH or LBH³

6.2. The RCPs role is to review cases and initiate discussions with HfH and any agents acting on its behalf and make recommendations as required. It has no legal authority over HfHs policy or procedure

6.3. The Company Secretary will be responsible for any liaison required between LBH/ HfH and the RCP and for referring specific complaints matters to the relevant parties. They will also ensure that strategic matters raised by the RCP are referred appropriately within HfH.

7. Communications and public relations

7.1. HfH are to publicise any outcomes to Residents and the LBH⁴

7.2. RCP decisions will be notified to the respective complainants

³ Within the London Borough of Haringey there will be particular staff who may have authority to implement changes or the ability to refer decision making matters to a level within Homes for Haringey where delegated authority rests.

⁴ Set at quarterly though this may change depending on how busy the Resident Complaint Panel becomes

- 7.3. HfH will make promotional information widely available to all HfH Residents that are designed to raise awareness and to encourage future RCP membership
- 7.4. HfH will produce an annual update on the Panel to be publicized through HfHs annual report
- 7.5. Panel members may have opportunities to attend external events to promote the Panel.
- 7.6. HfH will explore the use of online media to promote the Panel and provide updates on progress
- 7.7. HfH and the RCP will endeavour to set a leading example within the housing sector of best practice
- 7.8. HfH will consider value for money, equality of access and Panel diversity, and access to HfH services as they relate to the work of the RCP
- 7.9. The RCP will not arbitrate disputes between residents