



# A Guide to Making Complaints for Sheltered Housing Residents

## **The Chartered Institute of Housing**

The Chartered Institute of Housing (CIH) is the professional body for people involved in housing and communities. We are a registered charity and not-for-profit organisation. We have a diverse and growing membership of over 22,000 people – both in the public and private sectors – living and working in over 20 countries on five continents across the world. We exist to maximise the contribution that housing professionals make to the wellbeing of communities. Our vision is to be the first point of contact for – and the credible voice of – anyone involved or interested in housing.

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# Contents

<b>Ministerial Foreword</b>	<b>5</b>
<b>Section 1 Why and how to complain</b>	<b>7</b>
Introduction	7
The purpose of this guide	8
Why complain?	9
How to complain	10
Where do I go to complain?	12
<b>Section 2 Who to complain to?</b>	<b>15</b>
Where do I go next?	17
The Housing Ombudsman Service (HOS)	19
The Local Government Ombudsman (LGO)	22
Residential Property Tribunal Service (RPTS)	25
<i>Other agencies</i>	27
The Tenant Services Authority (TSA)	27
The Association of Retirement Housing Managers (ARHM)	29
Centre for Housing and Support (CHS)	30
National Tenant Voice (NTV)	32
<b>Section 3 Other ways of resolving problems</b>	<b>33</b>
<b>Section 4 Appendices</b>	<b>35</b>
Appendix 1: Safeguarding	35
Appendix 2: List of organisations with abbreviations	36
Appendix 3: Glossary of terms used	37
Appendix 4: Contact information of advice and complaints organisations	38
Appendix 5: Contact information for other organisations that may be able to give advice	40

**The ministerial working group on sheltered housing is chaired by Lord Bill McKenzie of Luton.**

The working group was convened by the Department in early 2009 to identify ways to make a positive difference to the lives of people living in sheltered housing, now and in the future. The working group brings together representatives of sheltered housing residents, providers and service commissioners. The following organisations are represented on the working group:

Age Concern and Help the Aged  
AIMS – Age Concern’s housing advice, mediation and information service  
Association of Directors of Adult Social Service  
Audit Commission  
Centre for Housing and Support  
Chartered Institute of Housing  
Department of Health  
Department for Work and Pensions  
Elderly Accommodation Counsel  
ERoSH – the Essential Role of Sheltered Housing  
FirstStop advice service  
Homes and Communities Agency  
Local Government Association  
McCarthy and Stone  
National Housing Federation  
Sheltered Housing UK  
Tenant Services Authority  
Tenants Participation Advisory Service

Thanks to the ministerial working group members and sheltered housing tenants on the focus group for your involvement, and to Pauline Vernon from AIMS and Gateway Housing Association for hosting the focus group.

## Ministerial Foreword

Sheltered housing has been a home of choice for many older people in our society for the last 30-40 years. Giving that little bit of extra help when needed and providing opportunities for ongoing social activity with peers, it has proved a valuable setting in which older people have been able to live safely and maintain their independence.

In our strategy for an ageing society, *Lifetime Homes, Lifetime Neighbourhoods*, we recognised that such specialised housing will continue to play a valuable role in supporting us as we grow older, and will be a positive choice for many older people in the future.

Sheltered housing has always included a range of different models of accommodation and support. The changing and increasing expectations of older people, and the age and nature of some sheltered housing, mean that those models need to be able to adapt to different requirements. At the same time, different ways of funding the support that is included with sheltered housing – traditionally provided by a warden or sheltered scheme manager – has also led to changes in how sheltered housing is delivered.

Sometimes these changes have been done very well, but the report by Help the Aged – *Nobody's Listening* – captured the concerns of a growing number of older people where changes hadn't been done well, leaving them feeling vulnerable, distressed and unsure where to go with their complaints.

We are very clear that the best services are developed together with the active involvement of those who use them.

The constraints of funding, the demands for different models of services are all things that sheltered housing residents are aware of, and can help providers and commissioners of services to address when they are fully involved.

So we brought together the ministerial working group on sheltered housing, drawing on the expertise of representatives of older people, sheltered housing residents, providers and service commissioners. Its task was to identify ways to make a positive difference to the lives of people living in sheltered housing, now and in the future. It was also required to address some of the explicit concerns made by older people about how the changes in sheltered housing were being introduced.

One of the very clear concerns of residents is confusion over where to go when their complaints have been directed at their landlord but the issues are still, in their opinion, unresolved. There are a number of agencies that have a role in helping but which do residents go to, when, with what information, and how might they assist? These are matters which this guide seeks to deal with.

We welcome this guide, which aims to make taking your complaint further easier to do – because we are firmly convinced that the opportunity to raise concerns and to have complaints properly addressed is a necessary part of changing services for the better in the future, and will help to make sheltered housing a positive choice for older people long into the future.

**Lord Bill McKenzie of Luton**

Parliamentary Under Secretary of State  
Communities and Local Government

# Section 1

## Why and how to complain

### Introduction

Complaints are an important way that providers of services of all types can judge whether or not they are providing good quality services that people want. A number of complaints about a similar problem is a good indicator that the provider needs to make changes, so it is important that people receiving a service do feel that they can complain.

Generally, most organisations welcome complaints and see them as a really positive way to improve the services they provide. However, there are times when a provider of a service may not respond as positively as they could to a complaint, or responds in a way that still leaves the person making the complaint dissatisfied. In some cases there are other routes that can then be taken to address the problem. The other routes considered in this guide include mediation, or the official Ombudsman services which will investigate the way landlords deal with complaints and respond to their tenants/owners. This guide is about what to do in those circumstances, in respect of sheltered housing and the support services that are provided within sheltered housing in England.<sup>1</sup>

Making a complaint can sometimes seem a difficult thing to do; many of the organisations described in this guide are happy to

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<sup>1</sup> It does not cover domiciliary/personal care services that you might receive to help with the daily tasks of living, such as making meals, or washing and dressing.

give advice on their services, and people should also consider whether they first want to talk through their problem, or get help to complain from friends, relatives or advice organisations such as Citizens Advice.

## **The purpose of this guide**

The main focus of the guide is complaints about housing and related support services provided in sheltered housing in England. Its purpose is to help sheltered housing residents and those supporting them:

- Decide whether to complain to an Ombudsman or other agency once they have exhausted the complaints procedure of their landlord or whoever provides the service they are dissatisfied with.
- Identify the right agency to complain to and how to contact them.
- Find out where to get further advice and information.
- Make their complaint effectively.

The guide does not cover in detail how to complain to the landlord in the first instance as their procedures vary. Landlords will have their own complaints procedure and guidance on how to use it, but the general advice in the section on making your complaint effectively will help you to make your complaint to the landlord, or to take it further with one of the agencies listed here, if you are still dissatisfied.

### ***Terms used in the guide***

Throughout the rest of this guide we refer generally to the landlord as the provider of housing and often of support



services as well. Sometimes the organisation providing support might be different from your landlord, but the same principles about making a complaint will apply. Where necessary sheltered housing residents are referred to as tenants or owners, otherwise the general term resident is used.

## **Why complain?**

You have the right to complain if you are dissatisfied with the services provided to you in sheltered housing. Making a complaint offers you a possible way to resolve your problem or for the landlord to make amends for poor service.

Complaints are also a valuable way of monitoring how landlords are doing and where they need to improve services. Complaints should be used in this way by landlords. Where housing is provided by councils and housing associations, the regulator, the Tenant Services Authority (TSA), uses complaints records to help assess the performance of landlords in delivering good services to tenants. The TSA does not investigate complaints about individual service failures (e.g. repairs not carried out) and does not monitor the performance of landlords in relation to other services they might give such as support services.

### ***What is a complaint?***

In this context a complaint can be defined as an expression of dissatisfaction with a service. Anyone providing a service to you should have a complaints procedure which usually includes a definition of a complaint. Similarly their procedure will make it clear how to make a complaint to them.

### *Who can complain?*

**Anyone using or receiving a service has the right to complain.** You can ask a friend, relative or representative to help you. If you want them to contact the service provider or other agencies on your behalf you will normally have to give written permission for them to do so. Think carefully about getting someone else to act on your behalf as some agencies will then only communicate with that person.

### **How to complain**

The starting point is to obtain a copy of the complaints procedure/guidance of the organisation you are complaining to. This applies whether it is a complaint to your landlord, or to one of the Ombudsman services. Follow the guidance issued. Contact them directly for advice. All those dealing with complaints would prefer to spend time initially explaining their service to you rather than rejecting complaints they cannot deal with.

Let them know if you need documents translated or an interpreter present at meetings or if you have any other communication or access needs.

### *Before you complain*

- Make sure you have reported the initial problem to the landlord and they have recorded your report.
- Consider whether a formal complaint will resolve the problem. Personality clashes between residents may lead to incidents that can legitimately be complained about but the complaint will not resolve the underlying problem.

Mediation services may be more appropriate for these types of disputes.

- Be realistic about what landlords and complaints agencies can achieve. Use the rest of this guide to find out which agency will deal with your complaint and what their powers are.

### ***Be clear about the nature of your complaint***

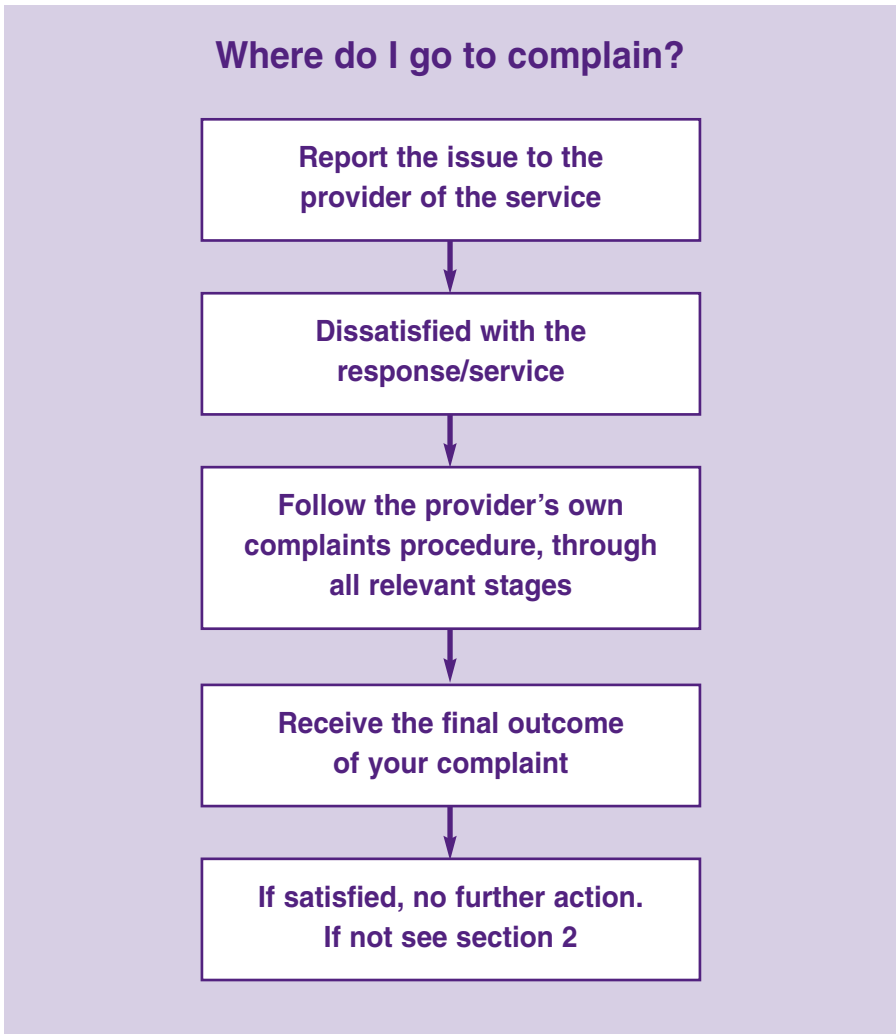
- Think about exactly what you are making a complaint about; pinpoint what has gone wrong and why you are dissatisfied.
- Consider talking it through with a friend or relative or one of the advice organisations. This can help you get the problem in perspective before you take it up formally with the complaints agency.
- Make a few notes of key points before you contact your landlord or the complaints agency, as a reminder to yourself.

### ***Making a complaint***

- Complain first to the provider following their own complaints procedure.
- If you have followed that process through and are still dissatisfied, use this guide to consider if one of the complaint agencies could help, and which to approach.
- Many situations can be resolved either through the initial complaint process or dispute resolution methods described in this guide (see Other ways of resolving problems, page 33).

## *Exhausting the providers procedure first*

- It will help the complaint agencies to see the outcome of the initial complaint to the provider.
- In some cases, e.g. **Housing Ombudsman Service (HOS)**, they cannot investigate a complaint until the initial complaint has been through all the provider's procedures.



### ***Who else can help: the role of advocates and advisers***

Think carefully before asking someone else to take up the complaint on your behalf as your representative. Seek advice if you are not sure how to proceed from Citizens Advice or one of the organisations on pages 38-39.

If you want support to make a complaint rather than just advice then think about who it is appropriate to ask. If the scheme manager or support worker normally helps you it may not be appropriate to ask them for support if the complaint is about their employer. They will be able to give you general information but cannot go as far as, for example, helping you fill in forms.

Whoever you ask for help, advice or support remember that you are the complainant and they should only act on your behalf, as agreed with you.

You need to be sure that anyone representing you:

- Understands what you want to achieve by complaining.
- Will respect your right to confidentiality.
- Has all the information about your complaint.
- Will keep you informed.

### ***Working out who to direct your complaint to***

- Once you have exhausted the complaints procedure of the landlord and you are dissatisfied with their response look at Section 2 **Who to complain to**.
- Most situations in sheltered housing that is provided by a council or housing association are likely to be within the

remit of the **Local Government Ombudsman (LGO)** or **Housing Ombudsman Service (HOS)**. Both Ombudsmen have more information on their websites and encourage you to contact them if you are not clear who to complain to.

- If your query is about your service charge, or in some cases your rent, there are Leasehold Valuation Tribunals that might be able to address the complaint. Collectively these tribunals are part of the **Residential Property Tribunal Service**. The relevant sections in this guide summarise the position but it is likely you will need to obtain further advice about your particular situation.

***When using a complaints agency, send them the information they ask for***

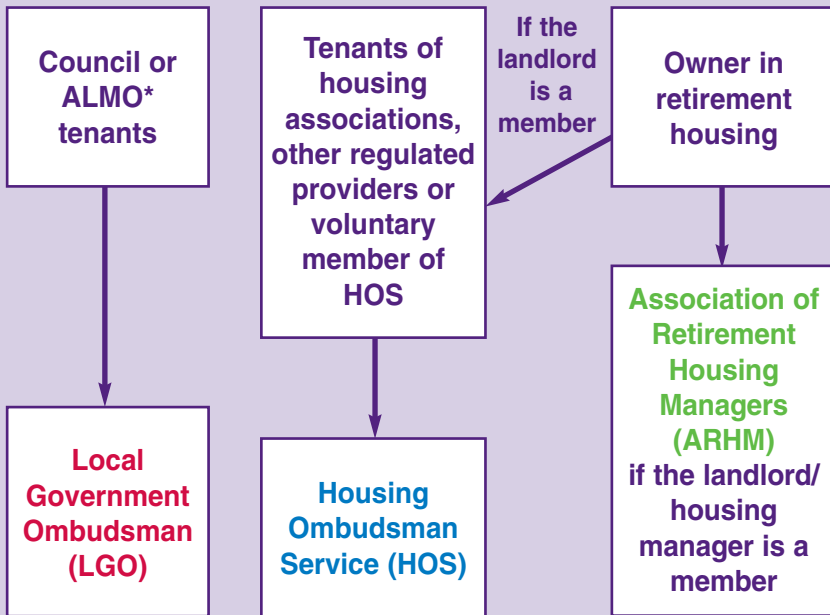
- The key documents will be those that set out the results of the original complaint.
- Do not overwhelm them with a lot of unnecessary information.
- Follow their guidance and let them decide what information they need.

# Section 2

## Who to complain to?

Who you go to next usually depends on who your landlord is or who provides the service complained about, as well as the substance of your complaint.

### Where do I go next if the service provider is...?



\*ALMO – Arms Length Management Organisation, organisations which manage properties on behalf of a council.

Briefly:

- Council and ALMO tenants can complain to the **Local Government Ombudsman** about landlord issues including rents, management of your home including repairs, neighbourhood/neighbour problems, how they consult with you and keep you informed.
- Housing association tenants can complain to the **Housing Ombudsman Service**, as can tenants of other landlords who are members of **HOS**. You can complain about landlord issues including errors in setting rents, management of your home including repairs, neighbourhood/neighbour problems, how they consult with you and keep you informed.
- Owners of private retirement housing can complain to the **Housing Ombudsman Service** or to the **Association of Retirement Housing Managers**, if their landlord is a member of these organisations.

(More detail is given from page 19 onwards about each agency.)

There are some issues where you may need to take a different route. If your complaint is about services charges or housing related support for example, as illustrated opposite.

### ***Support services***

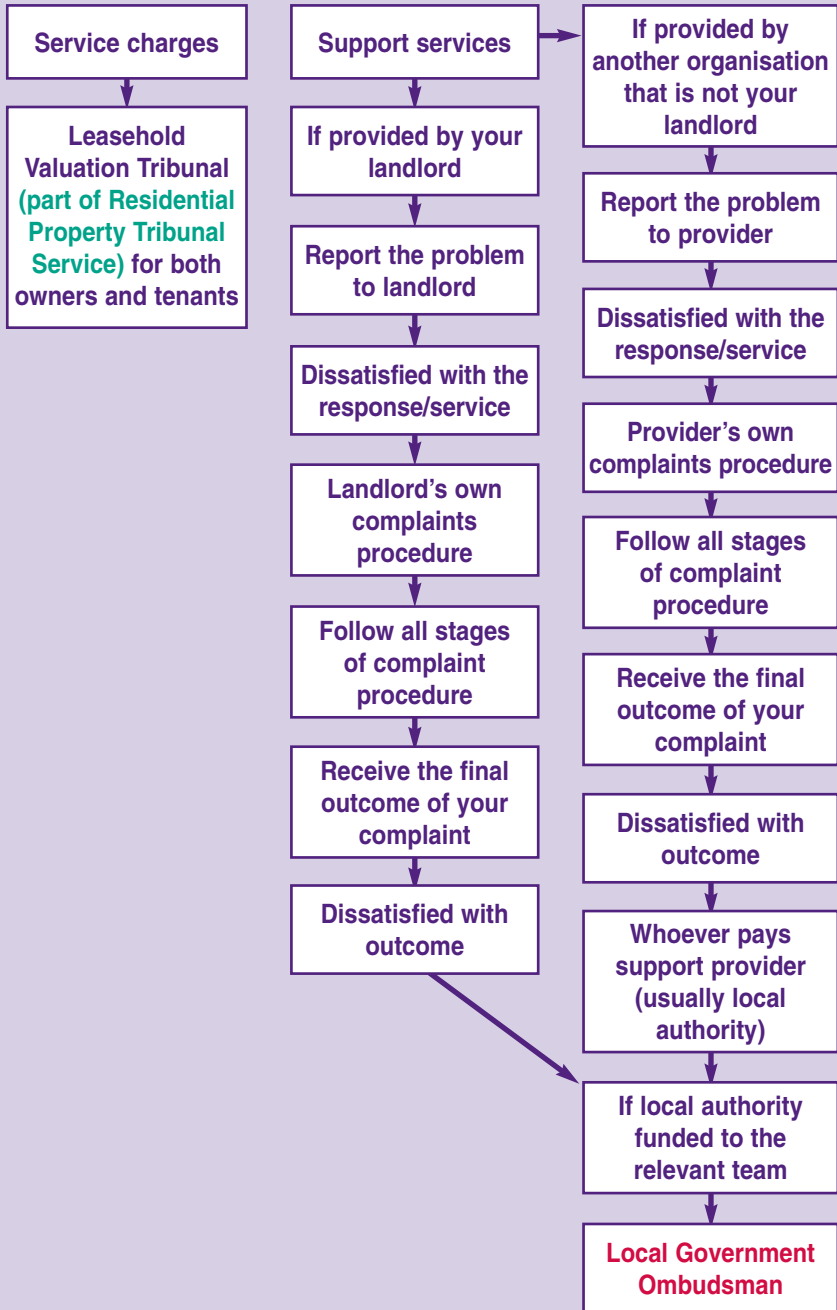
Most housing support services are paid for by the council<sup>2</sup> with a funding stream that has until recently been called Supporting People (SP). Whoever your landlord is, if you are dissatisfied with the support service provider's response to your complaint

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<sup>2</sup> County council, unitary council or metropolitan borough, not a district or borough council



# Where do I go next if my complaint is about...?



then you can complain to the local council who funds the service. As they are part of local government if you remain dissatisfied with their response you can then complain to the **Local Government Ombudsman** following the route set out on page 22.

(Where the support is provided by a housing association, the **Housing Ombudsman Service** can also help, and will give you advice or liaise with the **Local Government Ombudsman** where necessary.)

### ***Service charges***

If you are either a tenant or an owner and pay a service charge for the provision of services that are included in your tenancy agreement or lease you may ask a Leasehold Valuation Tribunal (LVT) to decide if you are liable to pay the service charge and/or if it is reasonable. This may result in a reduction in your service charge if the tribunal considers either that it is not payable or is unreasonable. It is important to be aware that the LVT is part of the **Residential Property Tribunal Service (RPTS)** which has some judicial powers. This means that it has the power to settle certain types of dispute which would otherwise have to be dealt with by the Courts. Their staff cannot give advice but will encourage you to seek it elsewhere e.g. from Lease, the leasehold advice agency. In some instances a fee is payable to the LVT to take action.

See the section below on the **RPTS** for more information and contact details on pages 25-26.

# Who the main complaints agencies are and how they can help you

## The Housing Ombudsman Service (HOS)

### *What can they help with?*

The **Housing Ombudsman Service** covers England. **HOS** investigate and make determinations about complaints that are within their jurisdiction i.e where they have the legal power to do so. This means they can only investigate a complaint after you have completed the landlord's internal complaints procedure. You must normally complain to **HOS** within 12 months but it helps to make it as soon as possible once you have completed the landlord's complaints procedure.

**HOS** deals with most types of complaints from tenants and owners where the landlord is a housing association, about landlord services including:

- Disrepair.
- Neighbour disputes.
- Anti-social behaviour.
- Shared ownership schemes.
- Consultation with tenants and owners.
- Unauthorised or unexplained rent increases.
- How support services are managed and supervised.

**HOS** will look at leaseholder complaints involving the level of or administration of service charges in detail before advising whether they can help. If not you may be able to approach the Leasehold Valuation Tribunal, see information below on Lease who will advise you (page 39).

**HOS** cannot deal with:

- Complaints which have not completed the landlord's own procedures.<sup>3</sup>
- Complaints about landlords who are not members of **HOS** – all registered providers e.g. housing associations have to join and some other landlords are voluntary members.
- Governance matters – how the landlord runs and manages the organisation generally – this is the role of the Tenant Services Authority (see Other agencies on page 27).
- Group disputes which do not relate to the management of your home.

### *How to complain*

**HOS** have designed a form to make it easy to send them the information they need. The form is available online from their website or by post if requested by telephone. If you find it difficult to complete the form **HOS** will do their best to help by advising on who can support you locally. If there is no local help available **HOS** will ask for your permission to obtain the information they need from the landlord once they have agreed what the complaint is.

### *What you need to send HOS*

The **HOS** form will guide you as to information needed, but the main document to provide is the letter giving the final decision of the landlord that you wish to complain about.

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<sup>3</sup> In very exceptional circumstances, if the landlord's complaints process is causing unreasonable delay in resolving the complaint, HOS may consider taking up the complaint before it is completed.

### ***Initial advice***

The overall aim of **HOS** is the early and fair resolution of housing complaints. There is a strong emphasis in **HOS** on dispute resolution, so your initial complaint will be examined to be certain that all stages of the association's internal complaints procedure have been exhausted and at the end of that process you must have a clear understanding of why you remain dissatisfied.

### ***Possible outcomes***

If your complaint is accepted as within jurisdiction at the end of the investigation you will be notified of the Ombudsman's 'preliminary determination'. At this stage you are given the opportunity to comment before the 'final determination' is made. There is no right of appeal against this 'final determination'. Any finding against the housing association concerned must be 'fair and reasonable' as will any compensation or other remedy you are entitled to receive.

### ***Contacting HOS***

Complaint forms are available in large print; Braille and 19 languages other than English. You can also complain through their website.

## **HOS**

81 Aldwych

London WC2B 4HN

Telephone 0300 111 3000

Website: **[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)**

## The Local Government Ombudsman (LGO)

### *What can they help with?*

The **LGO** covers England. If you have a complaint about your landlord in Scotland or Wales, you should contact the Scottish and Welsh Ombudsman. The **LGO** will consider complaints about a council's landlord services such as:

- General housing management.
- Disrepair.
- Allocation of housing including transfers.
- Anti-social behaviour.
- Rent accounts.
- Unauthorised or unexplained rent increases.

The **LGO** normally expects you to take your complaint all the way through the council's/ALMO's complaints procedure. There are some exceptions to this if, for example, you are vulnerable or if you are likely to be disadvantaged by having to follow that procedure.

If you have known about the problem for more than 12 months before complaining to the **LGO**, you will need to explain why you have not complained sooner so that the **LGO** can consider whether there are grounds for accepting a late complaint.

The **LGO** may be unable to investigate some matters, such as where there is a clear alternative remedy available through a leasehold valuation tribunal or a specific right of appeal to a court of law.

## *How to complain*

Your first point of contact is the **LGO** Advice Team. You can do this by telephone, email, by letter or by completing the online form available at **www.lgo.org.uk**. If you send an email or write, it helps if you include a copy of any written response you have received to your complaint from your landlord. You should also say why you are not satisfied with that response.

The Advice Team will give you general advice about whether the **LGO** can consider your complaint and can also suggest other organisations that may be able to help you. If the **LGO** can consider your complaint, the Advice Team will usually send you more information – fact sheets – that are relevant to your complaint. They will also pass your complaint to the investigation team. After that a member of the investigation team will contact you. It is always helpful if you provide a daytime telephone number to contact you.

## *Possible outcomes*

Where the **LGO** finds that your complaint is justified, they will usually seek a settlement. A settlement happens where your landlord does something that, in the **LGO**'s opinion, is enough to remedy the injustice that you have experienced. A settlement can include things like taking specific action (such as carrying out a repair), improving a procedure, putting you back in the position you would have been if things had not gone wrong, and paying compensation. In some cases, the **LGO** decides to publish a report on a complaint.

Where the **LGO** does not uphold your complaint, they will send you a written explanation of the decision.

### ***Contacting LGO***

For advice on making a complaint, or to make a complaint over the telephone, call the LGO Advice Team.

### **LGO Advice Team**

P.O. Box 4771

Coventry CV4 0EH

Telephone 0300 061 0614 or 0845 602 1983

E-mail: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

### ***What the LGO can help with, whoever is the landlord***

The **LGO** also covers complaints on all council services including:

- Housing and council tax benefits.
- Environmental health (noise and other nuisances).
- Housing support services (previously funded by Supporting People see page 17).
- Adult care services such as personal care or help with everyday tasks.



## Residential Property Tribunal Service (RPTS)

The **RPTS** is the umbrella organisation for five regional Leasehold Valuation Tribunals and Rent Assessment Committees in England. These bodies are part of the legal system so make their decisions by holding formal hearings. They cannot give advice as their role is to settle the dispute but will give you information on how they operate.

There is a leasehold advisory service called Lease, which will give advice to owners, see page 39 for contact information.

### *How the RPTS can help*

If you are a tenant and pay rent you may<sup>4</sup> be able to ask a Rent Assessment Committee to determine the market rent for your home if your landlord gives you a notice proposing an increase in your rent. This may result in the rent being reduced if the Committee considers that the proposed rent is greater than the market rent.

If you are either a tenant or an owner and pay a service charge that can vary every year, for the provision of services that are included in your tenancy agreement or lease you may ask a Leasehold Valuation Tribunal to decide if you are liable to pay the service charge and/or if it is reasonable. This may result in a reduction in your service charge if the tribunal considers either that it is not payable or is unreasonable.

If you are an owner you may also be able to ask a Leasehold Valuation Tribunal to determine disputes that you may have

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<sup>4</sup> Tenants who have a secure tenancy with a housing association or who have a tenancy with a private landlord dating before 1989 can do this.

with your landlord in respect of any of the following rights to which you may be entitled:

- To buy an extension to the term of your lease.
- Together with a majority of the owners in your building to buy the freehold interest in the building.
- Together with a majority of the owners in your building to take over the management of the building unless your landlord is a local authority: this is known as the Right to Manage.

### **Contact information**

Website: **[www.rpts.gov.uk](http://www.rpts.gov.uk)**

National Helpline: 0845 600 3178

London Region:

10 Alfred Place, London WC1E 7LR

Telephone 020 7446 7700

Eastern Region:

Unit C4, Quern House, Mill Court, Great Shelford,  
Cambridge CB22 5LD

Telephone 0845 100 2616

Midlands Region:

2nd Floor, Louisa House, 92/93 Edward Street,  
Birmingham B1 2RA

Telephone 0845 100 2615

Northern Region:

1st Floor, 5 New York Street, Manchester M1 4JB

Telephone 0845 100 2614

Southern Region:

1st Floor, 1 Market Street, Chichester PO 19 1JU

Telephone 0845 100 2617

## Other agencies

These agencies are not complaints organisations as it is not part of their role to receive and investigate individual complaints about services. However, they may be able to help in specific instances. Contact them or one of the advice organisations for further information.

Where the agencies are membership organisations, such as **Association of Retirement Housing Managers**, they can take action against members but cannot enforce redress for the tenant.

## The Tenant Services Authority (TSA)

The **TSA** is responsible for regulating housing associations and co-operatives and, from April 2010, the landlord functions of councils (and Arms Length Management Organisations). It is part of their role to ensure that landlords perform their functions efficiently, effectively and economically. They are concerned with the overall management and governance of housing. Complaints from tenants about general governance issues can be made to the **TSA**.

Although it is not their role to investigate and respond to individual complaints about the services to tenants the **TSA** regard complaints as an important source of information about a landlord's performance. They work closely with the relevant Ombudsmen to ensure they share information.

The **TSA** records individual and group complaints received and this is used together with many other sources of information to inform its assessment of a landlord. Tenants should contact their landlord to resolve issues and where

appropriate they should use their landlord's complaints procedure. In most cases the **TSA** will not take any investigative action in relation to individual service failures but may act to ensure the landlord resolves serious issues if the action complained about poses a serious and immediate risk to the complainant or their neighbours.

### ***Contact information***

Customer Services Team

Tenant Services Authority

1 Piccadilly Gardens

Manchester M1 1RG

Telephone 0845 230 7000 – option 1

Website: **[www.tenantservicesauthority.org](http://www.tenantservicesauthority.org)**

E-mail: [enquiries@tsa.gsx.gov.uk](mailto:enquiries@tsa.gsx.gov.uk)

## The Association of Retirement Housing Managers (ARHM)

The **ARHM** is an organisation that represents most of the managers of private retirement housing in England. Private retirement housing means leasehold and some freehold residential properties specifically designed and designated for older people. You can check if your landlord belongs by contacting **ARHM**, with the details below.

### *What can ARHM help with?*

**ARHM** is a membership organisation which has a Code of Practice setting out the standards required of members. Their main focus in dealing with complaints will be to consider whether the member has breached the Code.

### *How to complain*

**ARHM** have a simple form you can complete or will discuss the complaint over the telephone.

### *Possible outcomes*

The aim of **ARHM** is to improve standards of management. Their approach is to ask the member to put the matter right. This includes changing their policy or practice. They do not have the capacity to award compensation, and the landlord can decide not to comply with the guidance of the **ARHM**. However, if appropriate the **ARHM** will discipline members and as a last resort expel them.

### *Contact information*

#### **ARHM**

Southbank House, Black Prince Road, London SE1 7SJ

Telephone 0207 820 1839

E-mail: [enquiries@arhm.org](mailto:enquiries@arhm.org)

Website: [www.arhm.org](http://www.arhm.org)

## Centre for Housing and Support (CHS)

A similar quality award, the Code of Practice, is operated by the **Centre for Housing and Support** for its members (generally councils and housing associations), covering support related services, including sheltered housing in England, Wales and Northern Ireland. To check whether an organisation is accredited with the Code of Practice you can contact **CHS** directly or view the list of accredited providers on their website, details on page 31.

### *What can CHS help with?*

**CHS** can only investigate where it is shown that the standards required by the Code of Practice are not being followed. Where this is shown to be the case, a Serious Concerns Panel will investigate the concerns.

### *How to complain*

Information is provided on **CHS's** website, detailing information required, who to address any concerns to as well as the role and membership of the Serious Concerns Panel.

### *Possible outcomes*

The Code of Practice is concerned with improving practice and raising standards within housing-related support. The Serious Concerns process reflects this aim, and all activities and outcomes following a serious concern being raised will work towards improving practice. The ultimate sanction would be to withdraw Code Accreditation. **CHS** does not have the capacity to award compensation.

### ***Contact information***

Centre for Housing and Support  
1st Floor, Elgar House, Shrub Hill Road  
Worcester WR4 9EE  
Telephone 01905 727266  
E-mail: [code@chs.ac.uk](mailto:code@chs.ac.uk)  
Website: [www.chs.ac.uk](http://www.chs.ac.uk)

## National Tenant Voice

This is a new body being established in order to ensure that tenants' views are represented at the highest levels of decision making, influencing government, the TSA and landlords. Like the TSA it will not take up individual complaints, but focus on the main issues which are important to tenants and owners (leaseholders and shared owners in housing provided by registered providers). It will be developing its website and mechanisms to connect with tenants through the early months of 2010.



# Section 3

## Other ways of resolving problems

### *Dispute resolution*

The Ombudsman services described above are statutory services, i.e. their jurisdiction, powers and duties are laid down in law. They are part of a system known as alternative dispute resolution (ADR). ADR is an approach to resolving disputes and complaints that does not involve the courts.

### *Mediation*

Mediation is where an independent and impartial third party (the mediator) helps people discuss their disputes and come to their own voluntary and agreed solutions. It is a confidential service, arriving at solutions in a common sense and practical way.

Age Concern provides a service – **AIMS** (housing Advice, Information and Mediation Services) for tenants and owners (and workers) in sheltered housing whether it is a council, housing association or private landlord.

**Lease** (the Leasehold Advisory Service) also provides a mediation service for owners, that can provide a solution to disputes without the need for legal remedies or going through a Leasehold Valuation Tribunal (part of the RPTS).

Details on how to contact AIMS and Lease are to be found in Appendix 4, pages 38-39.

### ***Lobbying and campaigning***

The organisations described here are all routes available to tenants and owners, to resolve their complaints and disputes. They cannot address fundamental changes that occur as a matter of policy decision or financial restructures.

Other routes that tenants and owners may want to consider in these circumstances includes lobbying or campaigning for changes, through petitions and involvement of local councillors or MPs.

### ***Legal remedies***

There may also be legal remedies available to individuals or groups in terms of the contractual nature of the tenancy agreement or lease. Some tenants have also followed the legal route of judicial review in relation to changes to the warden/sheltered scheme manager service.

It is outside of the remit of this guide to give advice on these measures, as they can be very specific. If you do consider taking legal action you are advised to take legal advice on your rights from a solicitor or from an agency such as Citizens Advice.

# Section 4 Appendices

## *Appendix 1: Safeguarding*

This guide does not address safeguarding issues specifically. Safeguarding is the term used to describe the responsibility of guarding against the abuse and neglect of vulnerable people and children. Local councils have staff to whom vulnerable people or their representatives can report suspected abuse or neglect. Housing associations and providers of support must also have a policy stating how they make sure vulnerable adults and children are safeguarded.

If you suspect abuse or neglect, the first step is to obtain a copy of your landlord's policy and procedure on safeguarding, to find out who you need to contact, to get your landlord or local council to investigate and take action.

## ***Appendix 2: List of organisations with abbreviations***

AIMS	Advice, Information and Mediation Services
ALMO	Arms Length Management Organisation
ARHM	Association of Retirement Housing Managers
CHS	Centre for Housing and Support
HOS	Housing Ombudsman Service
LEASE	Leasehold Advisory Service
LGO	Local Government Ombudsman
LVT	Leasehold Valuation Tribunal
NTV	National Tenant Voice
RPTS	Residential Property Tribunal Service
TAROE	Tenants and Residents Organisations of England
TSA	Tenant Services Authority

### *Appendix 3: Glossary of terms used*

ASB	anti-social behaviour
Determination	decision concluding the consideration or investigation of a complaint
Dispute resolution/ Alternative Dispute Resolution	approaches to resolving disputes as an alternative to legal action
Governance	how the organisation is governed
Jurisdiction	within the organisations legal power and authority to deal with
Mediation	an independent third party helps people reach their own agreements.
Maladministration	an organisation doing something which is outside its powers or not following its own procedures
Registered provider	landlord which is registered with TSA and therefore monitored by them
Remedies	ways to redress the problem, set right
Safeguarding	protection of vulnerable adults and children – all landlords should have a policy on how they do this

## ***Appendix 4: Contact details of advice and complaints organisations***

### **Contact information for the LGO**

LGO Advice Team

P.O. Box 4771

Coventry CV4 0EH

Telephone 0300 061 0614 or 0845 602 1983

Website: **[www.lgo.org.uk](http://www.lgo.org.uk)**

E-mail: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

Information is available in large print, on cassette tape and in ten languages other than English.

### **Contact information for the HOS**

HOS

81 Aldwych

London WC2B 4HN

Telephone 0300 111 3000

Website: **[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)**

Complaint forms are available in large print; Braille and 19 languages other than English.

### **Contact information for AIMS**

AIMS

Age Concern England,

Astral House, 1268 London Road

London SW16 4ER

Telephone 020 8765 7465 or

Helpline: 0845 600 2001 open 9.30-4.30 Monday-Friday

Website: **[www.ageconcern.org.uk/aims](http://www.ageconcern.org.uk/aims)**

E-mail: [aims@ace.org.uk](mailto:aims@ace.org.uk)

## **Contact information for LEASE**

LEASE

31 Worship Street

London EC2A 2DX

Telephone 020 7374 5380 – free advice line open 9.30-5.00

Monday to Friday

Website: [www.lease-advice.org](http://www.lease-advice.org)

## **Contact information for the TSA**

Customer Services Team

Tenant Services Authority

1 Piccadilly Gardens

Manchester M1 1RG

Telephone 0845 230 7000 – option 1

Website: [www.tenantservicesauthority.org](http://www.tenantservicesauthority.org)

E-mail: [enquiries@tsa.gsx.gov.uk](mailto:enquiries@tsa.gsx.gov.uk)

## **Contact information for ARHM**

ARHM

Southbank House, Black Prince Road

London SE1 7SJ

Telephone 0207 820 1839

Website: [www.arhm.org](http://www.arhm.org)

E-mail: [enquiries@arhm.org](mailto:enquiries@arhm.org)

## **Contact information for CHS**

Centre for Housing and Support

1st Floor, Elgar House, Shrub Hill Road

Worcester WR4 9EE

Telephone 01905 727266

Website: [www.chs.ac.uk](http://www.chs.ac.uk)

E-mail: [code@chs.ac.uk](mailto:code@chs.ac.uk)

## ***Appendix 5: Contact details for other organisations that may be able to give advice***

### **Contact information for TAROE**

Tenants and Residents Organisations of England  
Jackson House, 2nd Avenue  
Runcorn WA7 2PD  
Telephone 01928 701 001  
Fax 01928 790 281  
Website: **[www.taroe.org](http://www.taroe.org)**

### **Contact information for CCH**

Confederation of Co-operative Housing  
Fairgate House, 205 Kings Road, Tyseley  
Birmingham B11 2AA  
Telephone 0121 4499588  
Website: **[www.cch.coop](http://www.cch.coop)**  
E-mail: [info@cch.coop](mailto:info@cch.coop)

### **Contact information for NFTMO**

National Federation of Tenant Management Organisations  
c/o Burrowes Street TMC  
Resource Centre, Burrowes Street  
Walsall WS2 8NN  
Telephone 01704 227053  
Website **[www.nftmo.com](http://www.nftmo.com)**  
E-mail: [contact@nftmo.com](mailto:contact@nftmo.com)



With contributions from:



Local Government  
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