

**TENANTS' AND LEASEHOLDERS' PANEL**  
**6 February 2013**

**Lead Officer:** Executive director of adult services, health and housing

**Wards:** All

**Agenda Item:** 8

**Subject: -** Complaints handling and the Housing Ombudsman

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**1. RECOMMENDATIONS**

- 1.1 The Panel is asked to comment on the new arrangements for complaint handling being introduced from April 2013 by the Localism Act 2011 and give their views on the options available for the handling of housing complaints by council tenants.

**2. SUMMARY**

- 2.1 This report outlines new arrangements which are coming into effect from 1 April 2013 for dealing with complaints by social housing tenants against their landlords. Councillors, tenant panels and MPs ("designated persons") will have the opportunity to play a more active role in resolving complaints at a local level.

**3. BACKGROUND**

- 3.1 The Localism Act 2011 provides that tenants of local authorities, housing associations and ALMOs will be able to ask for their complaints to be considered by a "designated person" when their landlord's internal complaints procedure is finished.
- 3.2 Designated persons were introduced by the Government to improve the chances of complaints about housing being resolved locally. The idea behind 'localism' is that local people know best how to decide local issues. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues.
- 3.3 It follows on from this that there is no central control or regulation of the development of local resolution mechanisms. It is therefore left to the council, together with tenants, to develop arrangements for Croydon's tenants.
- 3.4 A total of 30 cases concerning complaints against the council in its role as a landlord were considered during 2010/11 and so far this financial year there have been 21 cases.

## 4. DETAIL

### 4.1 *Who can be a designated person?*

A 'designated person' can be an MP, a local Councillor, or a Tenant Panel. Landlords do not have to set up tenant panels but they are expected to support their formation and activities if their tenants want them. To be effective the tenant panel must be 'recognised' by the landlord.

### 4.2 *What does the designated person do?*

When the landlord's internal complaints procedure has finished a tenant can refer their complaint to the designated person. 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 Ombudsman. If they refuse to do either the tenant can contact the Ombudsman directly.

4.3 The designated person can try to put things right in which ever 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 Ombudsman.

4.4 Complaints to the Ombudsman do not 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 landlord's complaint process before the Ombudsman can consider the case. The law says that when the designated person refers a complaint to the Ombudsman, it must be in writing.

### 4.5 *What is the impact of designated persons on complaints procedures?*

Designated persons have no direct impact on a landlord's internal complaints procedure. MPs and local councillors have always been involved in complaints procedures as advocates for tenants. They will continue to have that role. Their specific role as designated persons is different as they play a more specific part in the procedure. The detail of that role is not spelt out in the Localism Act, but a part of it is to refer complaints to the Ombudsman.

4.6 In practice this means that if a complaint is not resolved at the end of the landlord's complaints procedure, the tenant can:

- refer the matter to a designated person OR
- wait 8 weeks and refer the matter directly to the Ombudsman.

A designated person has no legal authority over a landlord's policy or procedure.

4.7 A frequently asked questions sheet has been produced by the National Housing Federation and is attached for information (appendix A).

## **5. THE NEXT STEPS**

- 5.1 The Council needs to decide, with tenants, who will be the designated person. If this panel wish to explore options for the development of a tenant panel a tenant steering group will be established to agree a proposal to be brought to the next meeting of this panel.
- 5.2 If the panel prefers local councillors or MPs to be designated persons then officers will brief them accordingly and tenants informed of the revised housing complaints procedure.

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