

Localism Act 2011 – complaints – role of the designated person/panel

Background

From April 2013 the Localism Act will introduce a new system for addressing complaints made by tenants and leaseholders against their landlord. Previously if you were dissatisfied with the outcome of the landlord's internal complaints procedure there was little choice but to approach the Ombudsman.

The new arrangements introduce a designated persons or panel which gives tenants who have exhausted their landlord's internal complaints procedure the right to have their complaint considered by an independent body at a local level.

Tenants and Leaseholders are still free to approach the Housing Ombudsman directly if 8 weeks have passed since the internal complaints procedure has been completed.

Who is eligible to be a designated person or form a designated tenant panel?

A 'designated person' can be an MP or local councillor or a recognised tenant panel.

Any MP can be a designated person, regardless of which area they represent.

Councillors must represent the local authority in which the tenant's property is located. Any local councillor could be approached by a tenant and asked to act as a designated person.

'Designated tenant panels' must be recognised by the landlord and are made up of tenant representatives who consider complaints in the same way as designated persons that are MP's or local councillors.

The Ombudsman will hold a register of all designated tenant panels operating in each area which will be available to tenants.

A tenant can approach any designated persons regarding their complaint. If a designated person has already been approached by the tenant and a further review is requested then the Council would share the initial response a further review would not be undertaken.

A designated person may choose to send a case directly to the Housing Ombudsman instead of under taking a review themselves.

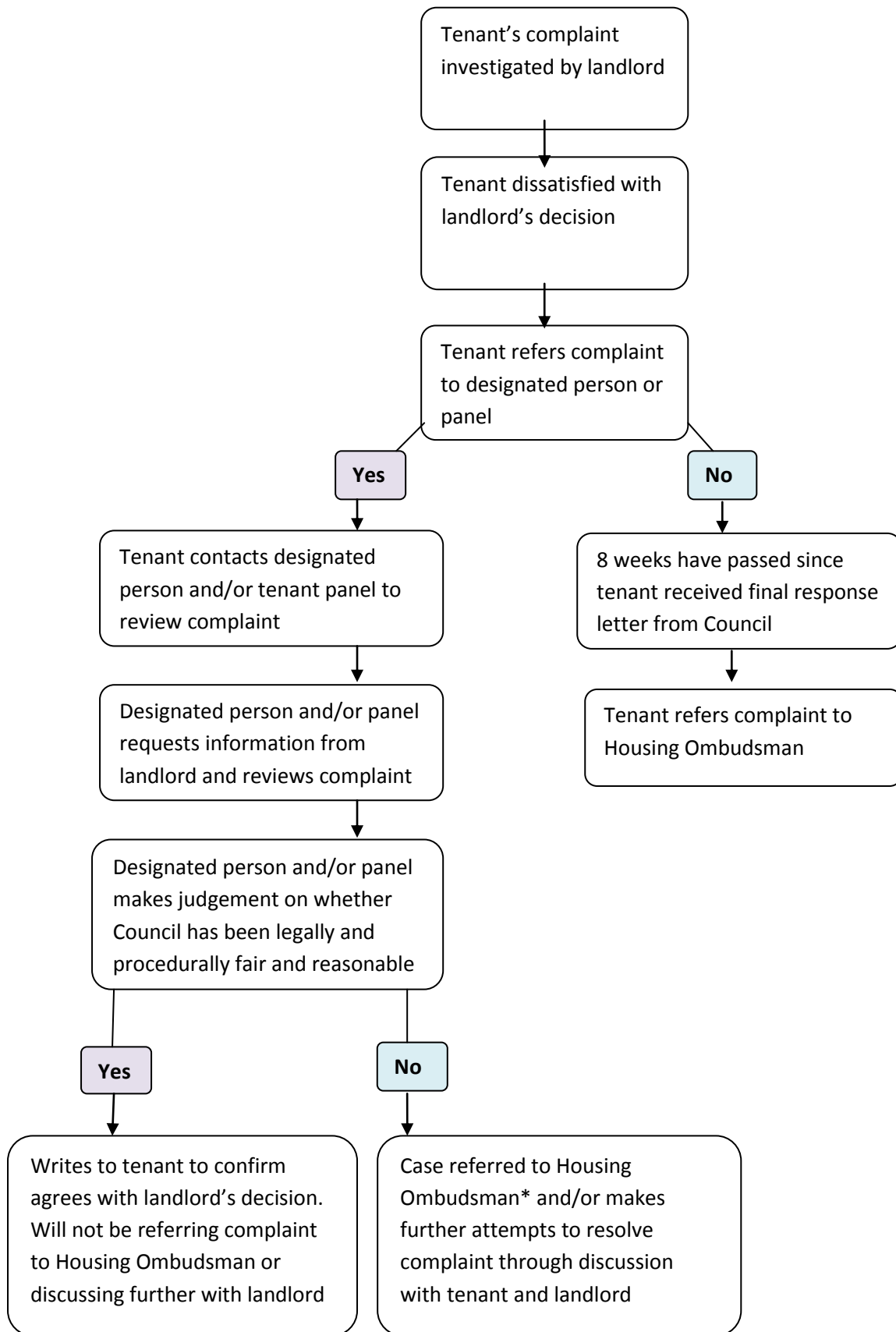
What is the role of the designated person/panel?

The role of the designated person or panel is not to challenge the landlord's policies and procedures.

Their purpose is to try and reach a satisfactory resolution to the complaint by providing advice to the tenant and acting as a mediator between the tenant and their landlord.

Designated persons or panels are able to refer complaints to the Housing Ombudsman, but must have the complainant's permission to do so and be recognised by the landlord in question. All referrals to the Ombudsman must be in writing.

Complaints – process for referral to designated person/tenant panel or Housing Ombudsman



*Designated tenant panels can only refer complaints to the Ombudsman made against a landlord they have been recognised by.