

DESIGNATED PERSONS – DECEMBER 2012

A new role for MPs, Councillors, and Tenant Panels in resolving complaints

- *What is a designated person?*

The Localism Act 2011 provides that tenants of housing associations, local authorities, and ALMO's will be able to ask for their complaints to be considered by a 'designated person' when their landlord's internal complaints procedure is finished. This provision will start on 1 April 2013.

- *Why have designated persons?*

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 on local issues. The introduction of designated persons is intended to involve local politicians and local people in resolving local housing issues. It follows from this that there is to be no central control or regulation of the development of local resolution mechanisms.

The Housing Ombudsman is not a regulator and cannot define the expected role or processes for designated persons. That would be contrary to the purpose of localism.

- *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.

- *What does the designated person do?*

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.

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.

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.

- *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.

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.

- *The Housing Ombudsman and designated persons*

Early and local resolution is the best possible outcome to a complaint. We will encourage positive relationships between landlords and tenants and the designated persons to achieve this. We will also provide information and advice to support designated persons in improving the methods and approaches they might use to resolve a dispute. Whilst we will not comment on designated persons' decisions we will feedback on referrals from designated persons to improve complaints handling at all levels.

Although we can advise designated persons on good practice in complaint handling, the Ombudsman has no jurisdiction over designated persons and has no authority to regulate or produce guidance for their selection, activity or conduct.

The Ombudsman will be required to maintain a register of recognised Tenant Panels (from April 2013, information on how to do this will be available on our new website). However, we do not oversee the involvement of panels or any other designated person in the local resolution of complaints.

- *Change to our service from April 2013*

From April 2013, when we receive a complaint we will always ask if it has been referred to a designated person and if not we will clarify the reasons for this. We will either then refer the matter to a designated person or if a tenant is clear that they do not want to make use of that opportunity for local resolution, (if it is more than eight weeks from the end of the landlords complaint process) we will consider the case.

For further information on designated persons:

[CIH designated person - FAQs](#)

<http://nationaltenants.org/tenantpanels/> - Options for accountability

[HCA - involvement and empowerment standard](#)