

TF  
12-9-13  
(6)

## INSIDE HOUSING

Monday, 09 September 2013



It is a misconception that tenants must wait eight weeks before their complaint can be referred to the housing ombudsman

### The wait is over

30/08/2013

There is a myth that disputes cannot come to me until eight weeks after completion of landlords' internal complaints procedures. This is a misunderstanding of the Localism Act 2011 and of my scheme approved by the communities secretary.

Since 1 April this year, complainants within the scope of the Localism Act have many choices should their grievances not be resolved by the end of their landlord's internal complaints procedure. They can, indeed, wait eight weeks and come straight to me but they might decide instead to go to a designated person (any MP, a local councillor, or a designated tenant panel) to ask them to resolve the dispute.

What is less commonly understood is that the complainant may go to a designated person and ask them to refer their dispute to me immediately. If the designated person agrees and puts the referral in writing or if they refuse and that rejection is confirmed in writing, the matter could be with me the following day.

So, all tenants of councils and of private, not-for-profit landlords may use the designated persons to achieve not only the 'dual track' access to me that was recommended by the Law Commission but also resolution of disputes by designated persons themselves. The choice lies with tenants depending on their needs and the outcomes they are seeking and their landlords are best placed to help with that.

Tenants of for-profit landlords who have chosen to join my scheme can still bring their disputes to me without having to decide whether to engage with designated persons or not.

We have made changes to ensure that more resources are devoted to early, local resolution where that is appropriate and proportionate. I have the power, at any time, to promote local resolution of a dispute between any landlord and any tenant in my jurisdiction by either referring the complaint back to the complainant and landlord (and/or a designated person) or by providing them with assistance to resolve the dispute.

Also, I may decide to suspend or not to progress an investigation if I think there is opportunity to resolve the dispute locally. So, for instance, if a complainant refers a matter to me before completing an internal complaints procedure, my new power enables me to offer a solution to the parties there and then. Equally, I may propose a form of local resolution under any of the circumstances described above.

*Mike Biles is the housing ombudsman*

## Readers' comments (6)

- 

Jim Brennan | 30/08/2013 2:04 pm

So, a complaint can go straight to the Ombudsman if the designated person agrees that it should, or disagrees that it should.

So what's the point of that then?

---

- 

Tialis Haze | 02/09/2013 2:27 pm

Well that's as clear as mud then. Thanks.

---



- 

SER YEK | 03/09/2013 11:15 am

Eric Pickles is remiss by not binning this waste of space organisation along with the equally waste of space TSA. HOS is nothing but an obnoxious 'front' creating an illusion impartial unbiased attention to serious relevant issues.

Long drawn 'bend-over-backwards', 'ducking and diving' landlord friendly procedures with communication trails affording the opportunity of avoidance of truth and reality in order to seek the slightest pretext to abandon and/or deny legitimate complaint. Those trails can be unearthed by recourse to Information Commissioners Office via the Right of Access to Personal Information.

Concerned tenants can only dream of is a complete closure with full final settlement of PPI claims, then, legislation to curb ambulance chasing personal injury law firms etc. That could release some legal eagles to pursue No Win No Fee cases in this seriously, and, disgracefully neglected sector.

---

- 

tenantplus | 03/09/2013 5:36 pm

Monday, 09 September 2013

## Passing space

19/07/2013

Designated tenants panels were meant to empower tenants - so why have so few residents taken the driving seat? Martin Hilditch investigates

The 1 April this year was meant to be a new dawn for tenant empowerment.

From this date forward residents of individual landlords could form a 'designated tenant panel' which would give tenants who are unhappy with their landlords a new outlet for their complaints.

The power, created under the Localism Act 2011, means that from April social tenants can ask for their complaints to be considered by a designated tenant panel, which can try to resolve the complaint itself or refer it to the housing ombudsman.

All of this might sound well and good but, despite the fact the 2013 launch date has been known about for a couple of years, there have been few designated panels set up so far. In fact, housing ombudsman Mike Biles revealed in June that just 12 have been registered to date. Simply put, if there was a national conference for designated tenant panels tomorrow the car-parking spaces would far outnumber the delegates (or, if they wanted, everyone could travel to it on a single coach).

So why have there been so few panels established - given their stated aim of empowering tenants and improving the complaints process? Is there likely to be a rush of new panels established over the next year? And what are the plans for those few designated panels that are up and running?

### **No to panels**

Some tenants and landlords have specifically rejected the idea of creating a designated tenant panel to deal with complaints. Hillingdon Council's 'senate' of tenants and leaseholders voted 4-1 against creating one in March this year. Minutes of a senate meeting from June this year reveal that not all tenants are comfortable with taking on a new, semi-regulatory role.

The minutes quote Lisa Taylor, community involvement team leader with the London borough, revealing that the senate voted against forming a panel because it 'felt that there would be confidentiality issues and also the tenants on the panel may be wrongly held accountable for the decisions made [by the landlord]'.

Wandsworth Council is another landlord that will not be troubled by a tenant panel. Based on consultation with residents it said at a meeting in March that it would 'not support the establishment of a recognised tenant panel to refer complaints to the

housing ombudsman'. Minutes of that meeting reveal that the option was presented to the London borough's residents' forum in November 2012.

The minutes show that the borough resident forum was scathing in its assessment of designated tenant panels.

'The BRF felt that this would not be an effective use of council tenant/leaseholder time and that the council should not support the setting up of a tenant panel to review complaints if this were proposed,' the minutes state.

'They considered that a tenant panel seemed an overly bureaucratic approach to reviewing complaints; that it had the potential to delay referral of complaints to the housing ombudsman and to take up residents' association members' time (which could be more effectively used).'

On top of this the BRF felt that residents might feel uncomfortable approaching a tenant panel 'because they might need to share personal information with other residents'.

So tenants in some areas have come up with a plethora of reasons not to set up a designated panel - perhaps the most intriguing, considering the power was created by a government that professes to hate red tape, being that it introduces an unnecessary layer of bureaucracy into the complaints process.

### **Embracing the idea**

Nonetheless there are tenants in other parts of England who are much more enthusiastic about taking on a new role. Tenants from midlands-based Derwent Living, Tuntum Housing and Gedling Homes, for example, have teamed up to form one of the 12 panels so far registered with the housing ombudsman. The panel it sets up will comprise a tenant from each organisation.

Kate Newbolt, midlands regional manager with the Tenant Participation Advisory Service, has worked with the respective tenants and landlords as they have set up the panel.

'It has very clear terms of reference,' she says. 'Unlike some of the other designated panels, which get involved in other things like [general] scrutiny, this one doesn't. They really wanted it to be complaints focused.'

There's potentially only one stumbling block for this new panel - the three landlords concerned haven't previously attracted many complaints that have required referral to the housing ombudsman. At the moment that means the panel members are largely improving their skills by looking back at older complaints to see if there are any lessons to be learnt in terms of the way they were handled.

Steve White, director of operation with Tuntum, says it anticipates the panel will deal with 'six or seven' complaints a year and that the tenants' approach is much more 'common sense' rather than obsessed with 'following procedures'.

Ms Newbolt believes that the fact that just 12 designated tenant panels have been set up so far does not mean that the idea has been a failure.

'I think there is interest out there,' she says. 'I think there are quite a lot of organisations that are waiting to see what the initial ones are going to find and how they are going to operate.'

There will certainly be plenty of different practices to consider for the landlords and tenants that are slower on the uptake. Various models are being created by those that have set up panels.

Bury-based Six Town Housing, which has one of the 12 registered panels, is looking to set up designated tenant panels that are not entirely made up of tenants, for example.

At a board meeting in February it said that the panels would be 'ideally comprising two tenants and one councillor' and it would initially 'seek interest from those tenants already engaged with the organisation'.

Barnsley Federation of Tenants and Residents has also established a panel - although it is not yet registered with the ombudsman - that will look at complaints made to arm's-length management organisation Berneslai Homes. A report by Berneslai Homes director of business and customer services to the landlord's board on 7 March revealed that the panel - made up of three tenant members - will be able to make one of four judgements, including asking Berneslai Homes to undertake 'specific remedial action'.

It adds that the association has also indicated that its panel will be 'willing to hear complaints from tenants of other social landlords in the borough', but before this happens they 'want to get set up and see how they progress'.

Tenants from Brent Housing Partnership are also setting up a panel with a difference. It will be involved in the complaints process 'from the earliest point possible', rather than referring complaints that have already passed through every stage of the landlord's internal complaints process - although it will not be a 'designated panel', registered with the ombudsman.

'People don't want to go through an elongated [complaints] process,' states Kate Dack, complaints manager with BHP. 'It is early resolution that we want.'

Housing ombudsman Mr Biles says that the different models emerging - including the rejection of designated panels in some areas - are exactly what the government wanted to see as the policy was designed to encourage local solutions that would 'let 1,000 flowers bloom'.

'I don't necessarily think it is fatal if there isn't a tenant panel,' he says. 'It doesn't work for everybody. We haven't come across any landlord who has malevolently planned not to have one. We have had [landlords] ask us "when do we have to set them up?". Well, you don't. They've asked "how do we set them up". Well, it's up to you.'

Certainly there is little sign of demand for the ombudsman service reducing yet. Mr Biles says the number of complaints received by the service in May this year was roughly double the number received in May 2012.

Nic Bliss, chair of the Confederation of Co-operative Housing, states that it is important to remember that it is 'early days' for designated tenant panels. 'This is a tenant-led initiative and it will take tenants a while to make it happen,' he says.

It is this last point that Mr Bliss says is key to making sure the panels work - not the speed of progress.

'I think there has been a bit of confusion in terms of who should be setting things up. It certainly should not be the landlord deciding how these things should be set up. Landlords are supposed to play a facilitating role. If a landlord is making the decisions about it I would say that is a breach of the regulatory code.'

There is another reason why tenants may not have prioritised setting up a 'designated panel' yet, Mr Bliss adds - namely that there is something much more important to worry about. 'Welfare reform is the big issue at the minute,' he adds.

So does Mr Bliss think that there are many more designated panels on the way? 'Let's have a look a year after we start this,' he adds. 'It is way too soon to have expected big things to have happened yet.'

So the next 12 months will reveal if the concept of designated panels takes off or ultimately proves as popular as the idea of going on a road trip with George Michael. As Mr Bliss admits: 'The jury is out on whether or not this is going to work.'

### Designation's what you need

- The Localism Act 2011 states that social tenants can ask for complaints to be considered by a 'designated person'
- A designated person can be an MP, local councillor or a designated tenant panel
- There are already many different types of tenant panels but a 'designated tenant panel' has a new and specific role to play in the complaints process
- A designated tenant panel can try to resolve complaints itself or it can refer the complaint straight to the ombudsman
- A designated tenant panel could be recognised by more than one landlord

### Readers' comments (8)

•

tenantplus | 20/07/2013 6:54 pm

The Localism Act 2011 states that social tenants can ask for complaints to be considered by a 'designated person'  
 A designated person can be an MP, local councillor or a designated tenant panel>>>>>>>>>>

Nothing new here... You could always in the past or in the future design, delegate anyone to represent you on a complaint, be a relative a friend or anybody else....