



**How to...**

*Work with tenant panels to  
resolve complaints*



# How to... work with tenant panels to resolve complaints

1 The Localism Act has given councillors, MPs and tenant panels - referred to collectively as 'designated persons' - a key role in helping to resolve complaints. The change took effect from 1 April 2013 and is intended to ensure that more complaints are dealt with at a local level and to reduce the numbers that are ultimately escalated to the Housing Ombudsman Service (HOS).

The introduction of the designated person is explained in detail in [Resolving complaints locally](#), a guide produced by the National Tenants Organisations (NTOs) working with CIH, DCLG and other housing stakeholders, and in a set of [frequently asked questions](#) published on the CIH website.

However in summary:

- all elected councillors and MPs are automatically a designated person. Groups of tenants can also act as a designated person but you will first have to recognise them and register them with the HOS. A list of panels [that have already been registered](#) is available on the HOS website
- the main purpose of the designated person is to act as a 'critical friend' to your organisation, reviewing the way in which you have handled complaints and providing an independent and objective point of view. However, they could also carry out other functions, such as advising and supporting tenants through the complaints process or looking at trends in the types of complaints that you have received
- their only formal power is to refer complaints on to the HOS on behalf of tenants.

This how to guide focuses on how you can work with your tenants to establish and support a tenant panel that will fulfil this role effectively.

## About the Housing Ombudsman Service

On 1 April 2013 the new Housing Ombudsman Service (HOS) was launched with an extended jurisdiction covering all housing associations and local authorities. Some managing agents and private landlords are also members of the scheme. A new HOS also came into effect on 1 April. It continues to provide tenants with an independent assessment of complaints, in the event that they cannot be resolved locally (eg. where a complaint is referred to them by a designated person).

Tenants are also still able to contact the HOS directly themselves, but only once they have waited eight weeks after exhausting their landlord's own complaints procedure, or if a designated person declines to get involved.

For more information visit [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

## About tenant panels

'Tenant panels' are formal groups of involved tenants who may participate in any of a number of activities, of which acting as a designated person is only one. Guidance encompassing the whole spectrum of possible activities is set out in the NTOs publication [Tenant panels: Options for accountability](#).

For the purposes of this how to, the term 'tenant panels' refers to groups of tenants who have been recognised by their landlord to act as a designated person.

## Getting started – recruitment

The first issue that you need to consider is the extent to which you should actively seek to recruit a tenant panel.

It is intended that panels should be tenant-led and ultimately whether and how one is established is a choice for tenants. However it is also a regulatory requirement, set out in the Homes and Communities Agency's [Tenant involvement and empowerment standard](#), that all landlords 'support the formation and activities of tenant panels or equivalent groups'.

Clearly there is a balance to be struck between, on the one hand, ensuring tenants remain in control of any panel that is established and, on the other, providing sufficient encouragement and support to get it up and running in the first place.

### Do you need to do anything?

It is not a regulatory requirement that you must establish a tenant panel to act as a designated person. Ultimately if there is no appetite among tenants to set up a panel for this purpose, there is no obligation to do so. If this is the case, local councillors and MPs will continue to operate as designated persons, though the options available to individual complainants will of course be reduced as a result.

Some organisations are questioning whether they can just wait to see whether tenants will establish a panel of their own accord. However although there is not a requirement that you set up a panel, it is imperative that tenants are given the choice and any decision not to establish one should be a decision that they have reached having considered all of the options.

Therefore as a minimum you should:

- widely publicise the introduction of designated persons, who they are, what their role is and how to contact them
- widely promote the formation of a tenant panel as an opportunity for resident involvement
- engage already actively involved tenants in a discussion about the options for establishing a panel
- advise your tenants about the [Tenant Central programme](#) – a free programme of training and other support for tenants, funded by DCLG, to help them get involved in tenant panels and complaints
- think about the things you would consider if asked to recognise a potential tenant panel in the future, as well as the types of training and support that you could offer them. The process of recognising and registering a panel will be much smoother if you already have these things in place.

Many organisations have found that there is an appetite among already involved tenants to get involved in resolving complaints and that approaching them directly is a good way to get a panel off the ground. It is a good idea to look at the involvement structures that you already have in place and to think about:

- the relationship between this panel and your tenants and residents association, scrutiny panel or other formal groups of tenants that are already established
- whether there are any existing groups who might want to take on this function.

In doing this you will need to be guided by tenants. There is no single 'correct' structure for a tenant panel, your aim should be to identify tenants who are interested in getting involved in complaints and then to work with them to agree how to proceed.

## Learning from others

**Kirklees Neighbourhood Housing** have worked in partnership with Kirklees Federation of Tenants and Residents Association for them to take the lead in establishing a panel. KFTRA have written the panel's terms of reference and have recruited members to sit on it. Panel members have received a training session run by Kirklees Neighbourhood Housing, the training included an overview of the complaints process, managing complaints effectively and included examples of the type of complaint that might come before the panel. They intend to establish a pool of approximately nine tenants and residents from which a three person panel can be formed to review individual complaints.

The panel will review complaints that have been through both stages of the organisations complaints process and will make recommendations in relation to:

- the specific complaint in question
- any policies or procedures that they feel need to be reviewed to prevent future complaints.

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## Role and remit

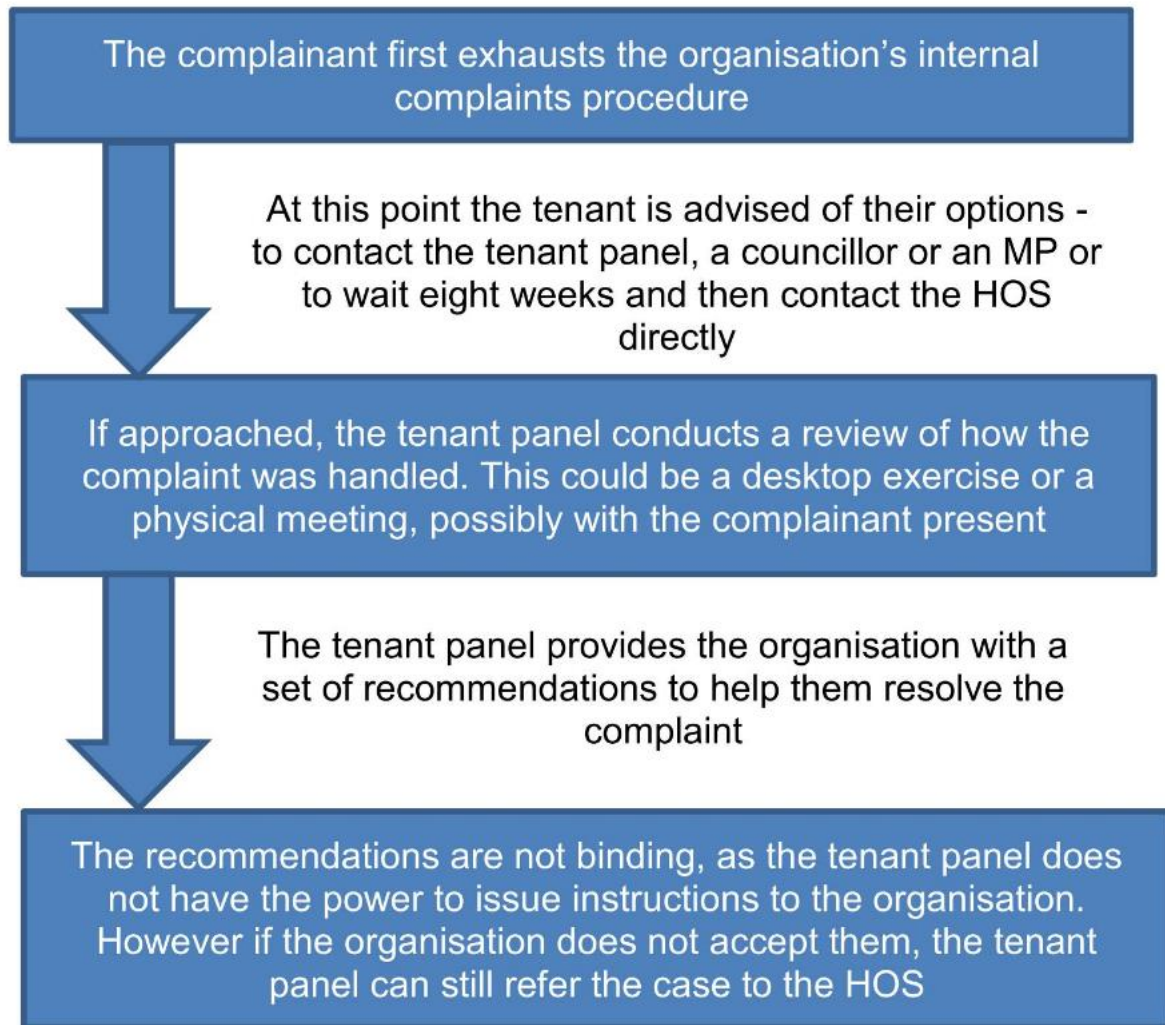
The Localism Act does not prescribe in any detail the exact nature of a tenant panel's remit. Indeed their only legally defined role is to refer complaints to the HOS, removing the need for the tenant to wait eight weeks before they can contact them directly. It is therefore for you and your tenants to work together to agree:

- the panel's terms of reference and the processes that they will work through when handling a complaint
- what will happen once they have completed a review and how you will consider and respond to their views
- how the panel will 'fit' with your existing complaints procedure, and at what point they will be able to intervene in individual cases.

Among organisations that have been quick to establish tenant panels to operate as a designated person, a common model is beginning to emerge - however this is by no means the only or 'correct' way for a panel to operate. For example, although many panels are focusing only on complaints that have already exhausted the organisation's internal complaints procedure (see diagram on page four), there is no legal or regulatory reason why this must be the case.



A common model for a tenant panel - role and rent



Some organisations have also seen this as an opportunity to reduce the number of stages in their initial complaints procedure, by relying on the independent view of a designated person to replace the final stage (or stages) of their process.

## Learning from others

**Progress Housing Group** intend to draw on their existing tenant feedback group. This consists of around 15 actively involved tenants from throughout the group, from which they will form a panel of three tenants whenever a review needs to be carried out. They have reduced the number of stages in their complaints process from three to two, with the tenant panel (or a councillor or MP) effectively replacing the panel of board members which was previously the final stage of their process.

When considering a complaint the panel will meet, with the complainant present, and will then make recommendations to the organisation on how to proceed.

**Contact:** Tim Frier [tfrier@progressgroup.org.uk](mailto:tfrier@progressgroup.org.uk)

## Learning from others

**Vale of Aylesbury Housing Trust** have established a Resident Complaints Monitoring and Review Group to serve two purposes:

- to help them to review and improve their approach to complaints handling by looking at trends in complaints and performance data relating to complaints handling
- to act as a designated person, carrying out reviews of complaints that have already passed through all three stages of their complaints process.

They expect that the panel will carry out desktop reviews of complaints and make a 'judgement' on how they have been handled. Although the judgement is not binding, there is a clear expectation that the organisation will give it proper consideration.

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## Support and training

There will be a significant need for training, even among tenants that are already actively involved. A key goal of which should be to enable tenants to make judgements that are objective and consistent. For example, they will need to be able to decide whether your organisation has followed your policies and procedures, rather than whether they instinctively agree with the decision taken. This may require a different skill set compared with many other involvement activities.

Unless they are going to be handling anonymised complaints, tenants will also need to know how to handle confidential data and, as with other highly involved tenants, it is likely that you will also want them to have a good understanding of other key areas, such as equality and diversity.

## Opportunities for partnership working

There is considerable scope for joint working and it is a good idea to consider whether there are opportunities to club together with other landlords to establish a tenant panel that works across your local area. There are two major advantages to this approach. Firstly, it can help to ensure the panel's independence by allowing tenants of different organisations to review each other's complaints.

Secondly, establishing and servicing a tenant panel may be resource intensive. If their remit is going to be limited to complaints that have already exhausted the internal process, their caseload may also be relatively modest. There is therefore a danger that you could expend valuable resources building up skilled and motivated tenant panels, only to then struggle to maintain momentum due to the small volume of complaints they are asked to handle. Establishing a multi-landlord panel enables you to pool your resources with other organisations, while also maximising the panel's caseload.

## Learning from others

**Independent Tenant Solutions** is a joint tenant panel formed by five organisations in the Manchester area. It is made up of no more than five tenants from each landlord, from which a panel will be formed to review individual complaints. To ensure complete independence, tenants will not review complaints about their own landlord.

As well as reviewing complaints that have exhausted the landlord's internal process, the panel will also provide an advisory service. They will act as a place where tenants can seek help and support at any point, before or during the process of making a complaint.

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# Five great reasons to be a CIH member



## Join today.

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**Find out more:** [www.cih.org/membergetmembercampaign](http://www.cih.org/membergetmembercampaign)



## Useful resources and information

The designated person: Frequently asked questions

[www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/The\\_designated\\_person\\_Frequently\\_asked\\_questions](http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/The_designated_person_Frequently_asked_questions)

Tenant panels: Options for accountability

[www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Tenant\\_panels\\_options\\_for\\_accountability](http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Tenant_panels_options_for_accountability)

Resolving complaints locally: Your role as a designated person

[www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Resolving\\_complaints\\_locally](http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/Resolving_complaints_locally)

HOS factsheet on the designated person

[www.housing-ombudsman.org.uk/advice-faqs/factsheets/designated-persons/#.UeVdbNI3ufW](http://www.housing-ombudsman.org.uk/advice-faqs/factsheets/designated-persons/#.UeVdbNI3ufW)

Tenant Central programme

[www.tpas.org.uk/Pages/Article.aspx?id=436](http://www.tpas.org.uk/Pages/Article.aspx?id=436)

How to develop your complaints service

[www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/How\\_to\\_develop\\_your\\_complaints\\_process](http://www.cih.org/publication-free/display/vpathDCR/templatedata/cih/publication-free/data/How_to_develop_your_complaints_process)

Complaints: CIH charter for housing

[www.cih.org/complaintscharter](http://www.cih.org/complaintscharter)

HouseMark complaints accreditation

[www.housemark.co.uk/hm.nsf/0/0EEB3A7FDB8EC37C8025775100545EBD?OpenDocument](http://www.housemark.co.uk/hm.nsf/0/0EEB3A7FDB8EC37C8025775100545EBD?OpenDocument)

Ombudsman says

[www.ombudsmansays.info](http://www.ombudsmansays.info)

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