

# **APPENDIX S**

## **WAVERLEY BOROUGH COUNCIL** **CORPORATE OVERVIEW & SCRUTINY COMMITTEE - 24 JUNE 2013** **EXECUTIVE – 2 JULY 2013**

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### **Title:**

#### **NEW ARRANGEMENTS FOR HOUSING COMPLAINTS AND ROLE OF 'DESIGNATED PERSONS'**

**[Portfolio Holder: Councillor Keith Webster]  
[Wards Affected: All]**

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### **Summary and purpose:**

The role of 'designated person' was introduced by the Localism Act 2011 to help resolve social housing complaints locally. It is possible that any Member of the Council could be asked by a housing complainant to act as a 'designated person', and this report gives information on the nature of the role including the skills needed for the successful resolution of complaints.

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### **How this report relates to the Council's Corporate Priorities:**

This report relates primarily to the Affordable Housing objective, and also to Understanding Residents' Needs. Investigating housing complaints can help to identify areas in which the Council could improve the services it provides to its tenants, either directly or through its contractors.

### **Financial Implications:**

There are no financial implications arising from this report.

### **Legal Implications:**

Councillors acting as designated persons need to ensure that they keep any personal information they receive from complainants confidential and in accordance with the Data Protection Act. This issue is covered in the report.

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### **Introduction**

1. At its meeting on 29 January 2013 the Corporate Overview and Scrutiny Committee considered a report on the new arrangements for referring housing complaints to the Housing Ombudsman, once the authority's internal complaints procedure has been exhausted. The role of 'designated person' is a key part of this new approach and enables councillors, tenants and MPs to play a more active role in resolving housing complaints at the local level.

## **Role of designated person**

2. A councillor automatically becomes a 'designated person' as soon as their term of office starts and ceases to be a designated person when it ends.
3. The only prescribed role of a designated person is to refer (or decline to refer) complaints to the Housing Ombudsman once the complainant has exhausted their landlord's complaints process. However, the Government's expectation is that designated persons will help to resolve complaints by providing a fresh, impartial and independent perspective on problems. It is expected that designated persons will carry out their roles in different ways, and that the approach they take to resolving a complaint will depend on local circumstances. It is not intended that designated persons should function as a tribunal or that they replace the Housing Ombudsman, or add a further stage to a landlord's complaints procedure.
4. The suggested skill-set for a designated person includes the ability to achieve consensus (through diplomacy, conciliation and negotiation) and these skills are considered more important than a knowledge of housing. The Housing Ombudsman has provided some valuable advice on dispute resolution principles and how these may be applied to the role of designated person. These principles are summarised in Annexe 1.
5. If a designated person considers they cannot help to resolve a complaint locally, and if the complainant authorises them to do so, they can refer the complaint to the Housing Ombudsman.

## **Issues to bear in mind when acting as a designated person**

6. It is important that complainants always remain in control of their complaint. A designated person can give a complainant advice, but should not normally take any formal action to progress the complaint with anyone else without clear authorisation from the complainant. A designated person should ask the complainant to sign a form authorising them to take action.
7. A designated person should also ask the complainant to sign that they are authorising their landlord to release personal information about the complaint to the designated person, who in turn will need to make sure that they have effective systems in place to manage and keep confidential any information they receive.
8. The Council gives an undertaking to all complainants that the information they provide will be kept according to the Data Protection Act and will be used only for the purpose of dealing with their complaint. The Council will therefore expect all designated persons to agree to treat any information they receive from the Council as confidential, and will not disclose this information to any third party.
9. Officers have prepared a form for the use of councillors acting as designated persons which covers the issues of authorisation and confidentiality, and this is attached as Annexe 2.

10. Councillors who are asked to act as a designated person should bear in mind that complainants may approach as many designated persons as they wish to ask them to take on their complaint. Therefore they should ask any complainant who approaches them about this, and find out about the latest position with regard to the involvement of other designated persons.
11. Councillors asked to act as a designated person will also need to consider potential conflicts of interest. For example, councillors who have a particular role in delivering the housing service may wish to refer complaints to other councillors to act on their behalf. It has been suggested that councils may wish to identify particular councillors without any council housing role to act as designated persons who are in a position to help with complaints and take an independent view on landlord decisions.
12. Further advice on the role of designated persons can be found at the following web address: [www.nationaltenants.org/designatedperson](http://www.nationaltenants.org/designatedperson). Alternatively councillors may wish to seek advice from the Council's Head of Housing Operations, Hugh Wagstaff, or from the Customer Relations Officer, Sue Petzold.

### **Conclusion**

13. As indicated in the report, the role of designated person can be carried out in a number of ways, and it is expected that councillors and others taking on this role will come up with new ideas to make it effective, so that wherever possible, housing complaints can be resolved at the local level.

### **Recommendation**

It is recommended that the Executive receives and notes the report, taking into account any observations from the Corporate Overview and Scrutiny Committee.

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### **Background Papers (CEx)**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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