



# Localism Act 2011

## 2011 CHAPTER 20

### PART 7

#### HOUSING

### CHAPTER 6

#### OTHER HOUSING MATTERS

#### *Housing ombudsman*

#### **180 Housing complaints**

- (1) In Schedule 2 to the Housing Act 1996 (social rented sector: housing complaints) after paragraph 7 insert—

*“Complaints must be referred by designated person unless paragraph 7B applies*

- 7A (1) A complaint against a social landlord is not “duly made” to a housing ombudsman under an approved scheme unless it is made in writing to the ombudsman by a designated person by way of referral of a complaint made to the designated person.
- (2) Sub-paragraph (1) is subject to paragraph 7B (complaints that need not be made by way of referral).
- (3) For the purposes of this paragraph “designated person” means—
- (a) a member of the House of Commons,
  - (b) a member of the local housing authority for the district in which the property concerned is located, or
  - (c) a designated tenant panel (see paragraph 7C(1)) for the social landlord.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Before making a referral under sub-paragraph (1), a designated person must obtain written consent from the complainant or the complainant’s representative.
- (5) Sub-paragraphs (6) and (7) apply if under sub-paragraph (1) a designated person refers a complaint to a housing ombudsman.
- (6) If the ombudsman decides—
  - (a) not to investigate the complaint, or
  - (b) to discontinue investigation of the complaint,
 the ombudsman must prepare a statement of reasons for that decision and send a copy of the statement to the designated person.
- (7) If the ombudsman completes investigation of the complaint, the ombudsman must inform the designated person of—
  - (a) the results of the investigation, and
  - (b) any determination made.
- (8) In sub-paragraph (3)(b) “district” in relation to a local housing authority has the same meaning as in the Housing Act 1985.

*Complaints that need not be made by way of referral by designated person*

- 7B (1) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if the ombudsman is satisfied that—
- (a) the social landlord has procedures for considering complaints against the social landlord,
  - (b) the matter that forms the subject of the complaint has been submitted to those procedures,
  - (c) those procedures have been exhausted, and
  - (d) the complaint has been made to the ombudsman after the end of the eight weeks beginning with the day on which those procedures were exhausted.
- (2) Paragraph 7A(1) does not apply in relation to a complaint against a social landlord made to a housing ombudsman under an approved scheme if—
- (a) the ombudsman is satisfied that a designated person—
    - (i) has refused to refer the complaint to a housing ombudsman under an approved scheme, or
    - (ii) has agreed to the complaint being made otherwise than by way of a referral by a designated person, and
  - (b) the refusal, or agreement, is in writing or the ombudsman is satisfied that it has been confirmed in writing.
- (3) Paragraph 7A(3) (meaning of “designated person”) applies also for the purposes of sub-paragraph (2).

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*Status: This is the original version (as it was originally enacted).*

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### *Designated tenant panels*

- 7C
- (1) In paragraph 7A(3)(c) “designated tenant panel” means a group of tenants which is recognised by a social landlord for the purpose of referring complaints against the social landlord.
  - (2) There may be more than one designated tenant panel for a social landlord.
  - (3) Where a social landlord becomes a member of an approved scheme, the social landlord must give to the person administering the scheme contact details for any designated tenant panel for the social landlord.
  - (4) Where a group becomes a designated tenant panel for a social landlord, the social landlord must, as respects each approved scheme of which the social landlord is a member, give to the person administering the scheme contact details for the panel.
  - (5) Where a group ceases to be a designated tenant panel for a social landlord, the social landlord must inform the person administering each approved scheme of which the social landlord is a member.
  - (6) A complaint referred to a housing ombudsman under an approved scheme by a designated tenant panel for a social landlord is not affected by the group concerned ceasing to be a designated tenant panel for the social landlord.

### *Enforcement of a housing ombudsman’s determinations*

- 7D
- (1) The Secretary of State may by order make provision for, or in connection with, authorising a housing ombudsman under an approved scheme to apply to a court or tribunal for an order that a determination made by the ombudsman may be enforced as if it were an order of a court.
  - (2) Before the Secretary of State makes an order under sub-paragraph (1), the Secretary of State must consult—
    - (a) one or more bodies appearing to the Secretary of State to represent the interests of social landlords,
    - (b) one or more bodies appearing to the Secretary of State to represent the interests of other members of approved schemes,
    - (c) one or more bodies appearing to the Secretary of State to represent the interests of tenants, and
    - (d) such other persons as the Secretary of State considers appropriate.
  - (3) The Secretary of State’s power to make an order under sub-paragraph (1) is exercisable by statutory instrument.
  - (4) A statutory instrument containing an order made by the Secretary of State under sub-paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Section 239(2) of the Housing and Regeneration Act 2008 (regulator may award compensation if compensation awarded by housing ombudsman has not been paid) is omitted.

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*Status: This is the original version (as it was originally enacted).*

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- (3) Subsection (1), so far as it inserts paragraph 7A of Schedule 2 to the Housing Act 1996, applies only in relation to complaints made to a housing ombudsman after the coming into force of that subsection so far as it makes that insertion.
- (4) Subsection (1), so far as it inserts paragraph 7D of that Schedule, applies only in relation to determinations made after the coming into force of that subsection so far as it makes that insertion.
- (5) Subsection (2) applies only in relation to determinations made after the coming into force of that subsection.