Housing
Ombudsman Service

Review Policy

Policy management:

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Policy owner (Director)	Justin Crittall
Policy author	Briget Fosang
Equality Impact Assessment (EIA) and Data Protection Impact (DPIA) screening complete? (Y/N)	EIA Screening – Y DPIA Screening – Y
Full Equality Impact Assessment (EIA)/Full Data Protection Impact Assessment (DPIA) complete? (if required) (Y/N)	Full EIA (if required) – N/A Full DPIA (if required) – N/A
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Related documents (policies / process / procedure / guidance):	Review Allocation Guidance Casework Allocations Policy Review Guidance CHFO Guidance Reasonable Adjustments Policy PAP, JR and Legal Challenge Policy
Link to HOS values (only applies to People Policies)	

Version control:

Version	Date	Author	Details of review
2	28/01/2023	Briget Fosang	Updates to reflect new scheme paragraphs and allocation of reviews, CHFO reviews, OSJ reviews and review prioritisation.
2	20/06/2023	Briget Fosang	Include reference to reasonable adjustments.
3	18/03/2024	Briget Fosang	Scheme para for reviews updated.

Version	Date	Author	Details of review
			Notification of extension to request a review made known to both parties. Reject of review if party does not set out reasons. Review timescale 12 weeks. Reject reconsidered at discretion of reviews manager. Reinvestigation info/ comms post review. Update related docs and page numbers.
4	07/05/2024	KMT	KMT review and update to accommodate Statutory Code and Duty to Monitor.
5	19/06/2025	Briget Fosang	Clarification on late review requests Light touch approach to certain reviews Include info on missed complaint points being investigated New evidence to be supported by explanation of impact Provisional response timescale updated Include review risk assessment when allocating Legal challenge
5.1	26/11/2025	Mark Smart	Amendments made following ELT discussion. Timeframe for investigation decision where complaint point missed Removing reference to specific Scheme paragraphs, preventing Policy becoming out of date. Amends to language
5.2	03/12/2025	Mark Smart	Amendments made following ESD: Clarify between a review and refer back to DR Clarify position on new complaint points presented at review SLA for acknowledging review requests Clarify CHFNs are not subject to review

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1. Policy statement

The Housing Ombudsman Service is committed to providing an independent, fair and impartial service.

At all stages of our process, caseworkers make assessments and decisions to ensure that cases are treated fairly and proportionately based on the available evidence. Within our Scheme residents and landlords do have the opportunity to request a review of a decision and/or a determination (finding) made by us in relation to their dispute.

We're committed to carrying out an objective and thorough examination of qualifying review requests to ensure that our formal decisions and determinations (findings) following our investigations are valid and based on the relevant facts and evidence of the case.

The review service demonstrates our adherence to the principles of natural justice and ensure we adhere to the following principles:

Fairness

The review is carried out by someone who was not involved in the original determination. We take time to listen carefully, understand the evidence and reasons presented by the parties when they challenge our determinations. We operate independently and impartially to determine if the threshold for a review is met and to then reconsider the decision in light of the new evidence provided or challenges to the evidence relied upon.

Learning

We analyse review requests and related data to identify common themes and trends. We share this knowledge and other insights with individuals and our casework teams to maximise our impact and improve our service.

Openness

A review can be used to help the parties understand our decisions. It is an opportunity to provide further explanation where the parties appear not to have understood either the determination itself, or how it was reached to increase the openness and accessibility of our decision-making.

Excellence

We seek to provide an efficient, high-quality service - reviews provide an open and straightforward opportunity for customers to challenge our decisions without needing to resort to judicial review.

2. Scope

Formal decisions or determinations (findings) which are open to review are outlined within the Scheme and cover:

- Jurisdictional decisions on whether disputes referred to HOS are within (i.e. Duly Made) or outside of jurisdiction for investigation.
- Reasonable redress determination (finding), where our assessment and investigation decides that the landlord’s actions pre investigation satisfactorily resolves the complaint.
- Resolved with intervention determination (finding), where the landlord has made a satisfactory offer of redress following our intervention which resolves the dispute.
- Determinations (findings) of no-maladministration, or maladministration including service failure and severe maladministration.
- Complaint Handling Failure Order decisions following our identification of landlord non-compliance with the HOS Scheme and Complaint Handling Code - see CHFO Guidance for more information.

Any request for a review will need to be assessed to ensure that it meets the qualifying criteria. The Scheme sets out when we must conduct a review of a decision or determination (finding) whether or not it is explicitly presented as a review:

The Ombudsman will make provision for a review of the determination of a complaint in the following circumstances:

a. when aware of new facts and/or evidence which may have a bearing on the determination, or
b. by either party challenging the facts and/or evidence on which the Ombudsman relied.

This means that a review can be requested on the following grounds:

- a party provides new and relevant information that was not previously available and which affects our decision.
- we made our decision based on important evidence that contains facts that were not accurate, and the party can show this using readily available information.

We will take reasonable steps to verify any new information, alongside balancing this against why it was not provided during the initial investigation.

All qualifying reviews will have the specific matters subject to challenge considered in full, with a surface evaluation of all other matters to ensure sound decision making. We may carry out a full review on all elements where appropriate. This will be informed by:

- the type of decision and/or determination (finding)

- the outcome of the risk assessment of the review request, with all high risk review requests being subject to a full review on all elements.

3. Purpose

The Review process aims to consider whether the original decision or determination (finding) is valid. Therefore, a review will not be able to extend an already defined and agreed complaint definition and/or introduce new elements of the complaint. Where these are presented at review we will provide advice and signposting to the appropriate route to resolution.

Should a review challenge a complaint point properly brought to the Ombudsman but not considered in our decision and/or determination(finding), this will not form part of the review but will be put forward for investigation. In this scenario we aim to provide the outcome of our investigation within 6 weeks from the date the matter was referred back to investigation. Once the missing element has been investigated and determined, the parties have the right to request a review of that point if they dispute the outcome. We will prioritise these cases for allocation in the reviews team.

A review is not the same as a re-investigation. However, depending on the scale and relevance of the new facts or evidence being considered a re-investigation may be necessary and will be completed by the Reviews team. The Service will notify the parties if a re-investigation is required and when that investigation is likely to be completed. Further evidence may be requested as necessary.

4. The review request

The Review process is open to people and organisations who have received a decision and/or a determination (finding) from us.

The review request can be made:

- in writing
- by email
- over the phone - this will be confirmed in writing on the review form

If necessary, we may request clarification of written requests by asking that a review form is completed.

A review request should be made within 3 weeks of receiving our determination, decision or complaint handling failure order (CHFO - see CHFO guidance). We have discretion to accept late review requests in exceptional circumstances, having regard to what is fair in all the circumstances of the case. This may be particularly relevant where new information comes to light that questions the validity of our original decision.

Where we agree a time extension is required, we will communicate the extension to both parties at the earliest opportunity.

Where a resident requests reasonable adjustments, we will consider the request in line with the Ombudsman's reasonable adjustment policy.

If either party has relevant new facts or evidence that we have not seen, they should provide them with the review request. Evidence should be directly related to the complaint investigated, and the time-period covered by our investigation, unless the new evidence seeks to challenge the time period. We expect parties to explain how the new evidence impacts the original decision. Evidence provided with no clear explanation, may not be considered if it is not clear to us how it impacts the original decision.

5. Accepting or rejecting a review request

In some circumstances we will be unable to accept or carry out a review of the case.

These include instances where:

- The request is out of time and there is no good reason for accepting a late request
- The criteria for review are not met
- A party simply disagrees with our decision, including disagreement with the level of compensation ordered, when there is no challenge to the facts and/or evidence, nor is there supporting evidence why this should be increased.
- A party accepts the reasoning in our decision, but believes the decision itself should be amended.
- A party does not set out the reason for its request but provides documentation asking the Service to deduce the reasoning behind the request.

We aim to advise parties of whether a review request has been accepted or rejected within 4 weeks of receiving their request.

Where the decision is to reject the review request, we will provide an explanation as to why this decision has been made and explain that this marks the end of our process. Further communication will not change the outcome, unless there is a risk to the Ombudsman in not doing so and at the discretion of the Reviews Manager.

Review rejections will be quality assured to ensure the decision is in line with our principles.

6. Allocating a case for review

Where a review has been accepted, cases will be allocated based on a number of factors, but we will usually allocate by age (i.e. the order the request was received).

Some review cases will be prioritised for immediate allocation in the following circumstances:

- cases assessed as highly sensitive based on information submitted to support the review request
- cases of special interest to the Ombudsman
- cases with a challenge to a severe maladministration finding

- early OSJ decisions
- CHFO decisions

To help identify a highly sensitive case, a risk-based approach is used considering the following factors:

- Ongoing risk to the resident/vulnerabilities
- Increased reputational risk to the Ombudsman.
- Legal challenge

7. Role of the reviewer

In the interests of fairness, a review will be conducted by someone unconnected with the original decision.

The reviewer will consider the information and evidence available to review the original decision and whether this has already been considered as part of the determination.

The reviewer will then:

- Identify new evidence and decide if further evidence needs to be obtained from the parties, if this has not already been requested at the time the review was accepted.
- Consider if the reasons in the original decision were clear and accurate and if/how the new evidence affects the decision.
- Assess all relevant available evidence and provide the parties with the outcome of the review giving reasons for the decision, considering any orders and recommendation that may previously have been issued.
- Where we change the decision we will issue a provisional decision, allowing the parties two weeks (three weeks if a re-investigation has taken place) to comment. We will consider any comments before reaching a final decision.

The decision may not refer to every specific detail or point noted within the request, but this will have been considered.

8. Review decision

In most cases we aim to complete reviews within 12 weeks from the date of us confirming acceptance of the review request. Where further information or a re-investigation is needed, we will agree with parties a longer timescale.

Reviews relating to CHFO's, OSJ decisions and highly sensitive cases will be completed within 4 weeks from the date of us confirming acceptance of the review request wherever possible. Decisions and CHFO's, will not be published until the review is complete.

The review will either:

- Confirm the original decision

- Change the decision – this can change in severity in either direction. Where the review proposes a finding of severe maladministration from a lesser finding or vice versa, the review will be considered by the Ombudsman under our delegation framework.
- Rescind the CHFO

Where a review proposes changing a decision, both parties will be given two weeks to provide comments (three weeks if a reinvestigation). These will then be considered prior to a final decision being issued.

Reviews will be quality assured to ensure our decisions are in line with our quality standards.

The review marks the end of the dispute resolution process and further communication on the review will not change the decision, unless there is a risk to the Ombudsman in not doing so. Initial post review communication will be acknowledged and addressed, but further communication will be placed on file, with no additional response provided.

9. Legal Challenges

Where the Ombudsman receives notification that a party intends to legally challenge our decision, any relevant orders on a case will be placed on hold. This only applies to orders affected by the legal challenge – we expect compliance on unaffected orders. The party will then be expected to submit its letter before action (Pre Action Protocol letter) within a reasonable time. This will be considered internally or by engaging our legal team.

The non requesting party will be informed and kept updated until a final position is reached. This may include a further change to our decision, on which they will have the opportunity to comment. Any change in decision will be to ensure our decision is legally defensible and have regard to what is fair in all the circumstances of the case.

High level process flow