

# Requesting A Review of Our Decision

## Requesting A Review of Our Decision

The Housing Ombudsman Service is set up by law to look at complaints about the housing organisations that are registered with us.

Our actions are governed by the Housing Ombudsman Scheme (the Scheme) which sets out the matters that we can and cannot consider within our role, how we can consider complaints and what grounds there are for a resident or landlord to request a review of our decisions.

When we investigate complaints, we make decisions by looking at the available evidence and it is for us to assess the evidence and come to a decision. The purpose of our investigations is to assess whether a landlord has acted appropriately and to decide whether its actions were fair and reasonable, taking all the circumstances of the case into account.

Although there is no appeal against our decisions, the Scheme sets out that there are some specific circumstances in which you can ask us to review our decision on your complaint.

### Review requests

You can ask for a review of our decision if you are the complainant or the landlord.

The Scheme sets out that you can ask us to review our decision on your complaint if:

- You have new facts or evidence which may have a bearing on our original decision; or
- You are challenging the facts or evidence on which we relied when making our decision.

We will not be able to review our decision about your complaint because you disagree with our decision or have a different view to us, and a review does not mean that we will look at your original complaint again. This includes being dissatisfied with any redress ordered by the Ombudsman. Instead, we will look at the information you provide when you complete and return the review form to check if your request meets the circumstances set out above for a review to be progressed.

If your complaint is accepted for review, an adjudicator or manager not previously involved with your case will assess the information you have provided to decide whether or not our original decision needs to be changed.

If you have new facts or evidence that we have not seen and feel it could affect our decision, please attach it with the review request form. Please also complete box one on the review form to explain why you think the new information should change our decision.

Any evidence you send should be directly related to the complaint we have investigated, and the time-period covered by our investigation - we are not able to

consider evidence that relates to either historical or new issues. The time period is clearly defined in the decision. Should the new evidence be relevant to disputing the period we have defined, then you should include this.

We may share the new information with the landlord (or the complainant if you are the landlord asking for a review). We do this to give the parties the chance to consider it before issuing our review response, which is the final stage in our dispute resolution process.

If you feel our decision was based on evidence that contains facts that were not accurate, you must explain why in box two on the review form and attach information to support your view.

## **Complaints resolved by mediation**

If your case was resolved by agreement following engagement with our mediation process, we will only consider a review request if there has been a mistake or misunderstanding with the terms of the agreed resolution or if the agreed outcomes on which the resolution was based have not been provided.

## **What happens / timescales**

When you have submitted the review request form and supporting evidence, your original caseworker will first consider if your request meets the circumstances in which a review can be progressed. If it does not, we will write to you within three weeks and explain why.

If your review request is accepted, your case and any new evidence you have provided will be passed to an adjudicator or manager who has had no previous involvement with your case to consider. They will then carry out the review and issue their response to both parties within eight weeks of your review request being received.

Where we have to revert to the parties for more information, a final decision will be issued within 16 weeks of the review request. This includes where the decision has been changed and parties have been given two weeks to provide any comment.

## **Judicial review**

If you want to challenge our decision after we have reviewed it, you will only be able to do this using judicial review. This is a form of court proceeding where a judge reviews whether a decision or action by a public body is lawful. It is not an appeal against the decision and the court cannot change the decision, though it can send it back to us to reconsider. You may want to take legal advice before deciding whether this is appropriate in your case.