

Review Policy

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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.

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1. Policy Statement

The Housing Ombudsman Scheme, paragraph 62, provides the resident and the landlord the opportunity to request a review of the decision relating to their dispute. This Service will carry out an objective and thorough examination of qualifying review requests to ensure that the decision and outcome of our investigations are valid and based on the relevant facts and evidence of the case.

The Housing Ombudsman Service is committed to providing an independent, fair and impartial service, and recognises that reviews provide the additional benefits of:

- Increasing transparency in our decisions
- Ensuring consistency in decision making
- Improving customer care

2. Purpose

At all stages of our process, caseworkers make assessments and decisions to ensure that cases are treated fairly and proportionately based on the evidence and information available. Formal decisions or determinations relating to the outcome of a case are made in the following circumstances:

- Jurisdictional matters as described by the Scheme under paragraphs 34, 41 to 42 and paragraph 53(a) relate to issues that are outside the Ombudsman's remit.
- HOS' assessment and investigation identifies that the landlord's actions adequately resolve the complaint as described in paragraph 53(b).
- HOS' intervention or mediation resolves the complaint as described in paragraph 53(c).
- HOS' investigation results in findings of no-maladministration, or maladministration including service failure and severe maladministration as described in paragraphs 52 and 54.
- HOS' identification of complaint handling failures relating to non-compliance with the HOS Scheme and Complaint Handling Code. See [CHFO Guidance](#) for more information.

The review process aims to consider whether the original decision is valid. 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. 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.

Paragraph 62 of the Scheme sets out when we must conduct a review of a decision or determination whether or not it is formally 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 has provided new and relevant information that was not previously available and that affects the decision we made.
- 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.

The Ombudsman will take reasonable steps to verify the new information, alongside balancing this against why it was not provided during the initial investigation. The review process demonstrates our adherence to the principles of natural justice and ensures that the Ombudsman is:

Fair

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.

Learns

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.

Open

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.

Excellent

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

3. The Review Request

The review process is open to people and organisations who have received a determination/decision 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 three weeks of receiving our determination/decision letter or one week for complaint handling failures (see [CHFO guidance](#)), unless the party requesting the review can show special circumstances that meant they were unable to meet this timeframe, for example, they were out of the country or in hospital.

Where a time extension is required, this should be communicated at the earliest opportunity and confirmation of the extension will be provided.

Where reasonable adjustments are required this should be considered in line with the Ombudsman's reasonable adjustment policy.

Relevant new facts or evidence that we have not seen should be provided 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.

4. 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 valid reason
- There are no grounds for review
- A party solely 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.

The decision to reject the review request will be made within four weeks and an explanation provided as to why. This marks the end of the dispute resolution process and further communication will not change the decision to reject.

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

5. Role of the Reviewer

In the interests of fairness, a review will be conducted by someone unconnected with the original decision - this can be a specialist reviews adjudicator or a manager who has not signed off the initial 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 the available evidence and provide the parties with the outcome of the review decision giving reasons for the decision, considering any orders and recommendation that may previously have been issued.

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

6. Allocating cases for review

Where a review has been accepted, cases will be allocated based on a number of factors, but we will usually allocate in the order the request was received. Cases will be escalated for immediate allocation in the following circumstances:

- Cases assessed as highly sensitive based on information submitted to support the review request
- Cases relating to a landlord where a paragraph 49 wider investigation is underway
- Investigation finding of severe maladministration
- OSJ decisions
- CHFO determinations

7. Review decision

In most cases we aim to complete reviews within eight weeks from acknowledgment, but we will agree a longer timescale if a re-investigation is needed.

Reviews relating to CHFO's, OSJ decisions and highly sensitive cases will be completed within four weeks wherever possible.

The review will either:

- Confirm the original decision
- Change the decision – this can change in severity 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 determination (in reviews of CHFO's)

Where a review proposes changing a decision, both parties will be given two weeks to provide comments. These will then be taken into account 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. Initial post review communication will be acknowledged and addressed, but further communication will be placed on file, with no additional response provided.