

Independent Reviewer – Role and responsibilities

1. Any person or firm directly affected by the functions of The Property Ombudsman (TPO) may raise with the independent reviewer any complaint about the standard of service provided by TPO (a service complaint), provided
 - The service complaint has first been made to the Ombudsman or established complaints procedure; and he has had a reasonable opportunity of responding to that service complaint; and
 - The person or firm making the complaint remains dissatisfied and complains to the independent reviewer within three months of The Property Ombudsman confirming that it has completed its own internal procedures in relation to the service complaint.
2. If the independent assessor receives a service complaint that also relates to other matters, the independent reviewer shall only investigate the service complaint. Service complaints exclude, amongst other things;
 - The merits of any decision concerning any complaint against a firm under the law, code of practice and/or rules relating to The Property Ombudsman including; jurisdiction, the wider-implications process, dismissing, rejecting or upholding such a complaint, and any redress; and
 - Employment issues relating to the staff of TPO and issues concerning commercial transactions between TPO and third parties
3. The independent reviewer will only consider service complaints after the complaint against the firm has been concluded. In exceptional cases the independent reviewer may require TPO to suspend investigation of the complaint against the firm while the service complaint is considered.
4. The independent reviewer shall have access to all files held by TPO relating to the service complaint only and may seek any further information that he considers necessary from the person or firm making the service complaint or from The Property Ombudsman.
5. If the independent reviewer considers that a service complaint should be upheld in whole or in part he may recommend to the Ombudsman that The Property Ombudsman makes an apology or pays appropriate compensation (equivalent to that which TPO would award against a firm in similar circumstances) for any damage, distress or inconvenience caused by the TPO's standard of service to the person or firm making the service complaint.
6. If the Ombudsman does not accept that recommendation, the independent reviewer shall refer the matter to the Council of The Property Ombudsman.

7. If the Council of The Property Ombudsman declines to comply with a recommendation referred to it by the independent reviewer it shall inform the independent reviewer and the person or firm making the service complaint of its reasons for doing so, and shall publish them in its annual report.
8. The independent reviewer shall communicate his findings in writing to the person or firm who made the service complaint and to The Property Ombudsman. There is no further appeal against the independent reviewer's decision.
9. Each year the independent reviewer shall compile for inclusion in the annual report of The Property Ombudsman, a summary of the number and nature of complaints received by him and of any recommendations made to the Ombudsman or referred to the Council.

August 2007
Amended May 2009