

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 the TPO (a service complaint), provided:
 - The service complaint has first been made to the Ombudsman through the 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 TPO confirming that it has completed its own internal procedures in relation to the service complaint.
2. If the Independent Reviewer receives a service complaint that also relates to other matters, he 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 TPO including; jurisdiction, the wider-implications, dismissing, rejecting or upholding such a complaint, and any redress; and
 - Employment issues relating to the staff of the TPO and issues concerning commercial transactions between TPO and third parties.
3. In exceptional cases the Independent Reviewer may require the 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 the 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 TPO.
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 TPO makes an apology and/or pays appropriate compensation (equivalent to that which the 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. Where a service complaint is upheld the Independent Reviewer may recommend that the Ombudsman reconsider his decision.
6. If the Ombudsman does not accept a recommendation by the Independent Reviewer, the Independent Reviewer shall refer the matter to the Council of the TPO.
7. If the Council of the TPO declines to comply with a recommendation referred to it by the Independent Reviewer it shall inform him and the person or firm making the service complaint of its decision, and shall publish the decision 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 TPO within 28 days of its receipt. There is no further appeal against the Independent Reviewer's decision.
9. Each year the Independent Reviewer shall compile for inclusion in the TPO's Annual Report, a summary of the number, nature and outcome of his consideration of complaints received by him and of any recommendations made to the Ombudsman or referred to the Council.

10. On an annual basis and as agreed by Council the Independent Reviewer will examine a sample of cases (subject to the exclusions in paragraph 2 above) to satisfy himself that procedures are being followed and any that any publicised targets are being adhered to. The report of the Independent Reviewer in respect of this duty will be presented to the Ombudsman for his comment within two weeks of its receipt. The report and any comments by the Ombudsman will then be presented to the Council of the TPO.

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