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- c. μ P H P E H U V ¶ P H D Q V V R F L D O D Q G S U L Y D W H O D
licensors, managing agents and other providers of housing
services which are members of the Scheme either on a
mandatory or voluntary basis;
- d. μ V R F L D O O D Q G O R U G V ¶ K D V W K H P H D Q L Q J J L
Housing Act 1996;
- e. μ U H J L V W H U H G S U R Y L G H U V ¶ K D V W K H P H D Q L
section 80 of
the Housing and Regeneration Act 2008 and include for-profit
as well as not-for-profit bodies;
- f. μ W K H 5 H J X O D W R U R I 6 R F L D O + R X V L Q J ¶ K D V
section 92 of the Housing and Regeneration Act 2008;
- g. μ G H W H U P L Q D W L R O f f i c e o f t h e H o u s i n g
Ombudsman.

3. The Scheme will normally be reviewed by the Ombudsman every five years, but any proposed changes must be approved by the Secretary of State. From time to time between these formal reviews the Ombudsman or the Secretary of State may propose amendments to the Scheme. Significant amendments may only be made following consultation as determined by the Secretary of State.

Membersm 0 g 00 1 ID 15>> BDC q 0.000008871 0 595.32 841.92 re W* n BT /F

14. 7KH 2PEXGVDPDQ PD\ UHSRUW D PHPEHU¶V FRPS to any appropriate regulatory agency and/or the board, committee, panel or senior officer of the member along with any related details as the Ombudsman sees fit.
15. The Ombudsman may publish the fact and circumstances of a PHPEHU¶V F-RaPQg DetecMations, naming the member LQ WKH 2PEXGVDPDQ¶V DQQXDO UHSRUW RU HO details of any voluntary member who withdraws from membership

account any expected cost recoveries from training activity and grant-in-aid from the Secretary of State. The Ombudsman will have regard to forecasts of the likely demand on the Scheme and any performance targets, past and future liabilities and the provision of reasonable reserves.

21. The basic principle for calculating the subscription is that each member must pay an amount decided by reference to the number of units of accommodation covered by the Scheme which it owns or manages. The per unit charge will be calculated by dividing the amount to be recovered by the total number of units of
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subscription will be calculated by multiplying the total number of its units of accommodation by the per unit charge.
22. Any increase in the per unit charge must be approved by the Secretary of State.
23. A member must calculate the number of its units of accommodation in the Scheme on a day to be determined each year by the Ombudsman. The principal officer of the member must certify the number calculated.
24. The subscription will be due and payable on a date specified in the invoice. The Ombudsman will require payment of interest calculated at the rate of 2% above the base rate (or its equivalent) of a clearing bank nominated by the Ombudsman from the date that such sums become due until payment.

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failures may also result in the Ombudsman issuing a complaint handling determination to the member.

34. The Ombudsman must publish details of the established arrangements for alternative dispute resolution.

What can be complained about

35. The Ombudsman will consider complaints about the actions or omissions of a member.
36. The person complaining, or on whose behalf a complaint is made by those actions or omissions in respect of their application for, or occupation of, property.

Complaints which the Ombudsman may not investigate

37. The Ombudsman must determine whether a complaint comes within
38. The Ombudsman will make any enquiries that they consider necessary to decide if a complaint comes within jurisdiction or to resolve a complaint.
39. The Ombudsman will not investigate complaints which, in the
 - a. procedure, unless there is evidence of a complaint handling failure and the Ombudsman is satisfied that the member has not taken action within a reasonable timescale;
 - b. are made within 8 weeks of

Ombudsman may investigate any complaint duly made but withdrawn.

43. The Ombudsman will determine complaints by what is, in the
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44. The Ombudsman will decide how to consider and investigate
complaints subject to the Scheme and taking account of the
evidence of service failure presented.
45. The Ombudsman is not bound by any legal rule of evidence.
46. The Ombudsman must publish and make available full information
about the Ombudsman ¶ V S U R F H G X U H V I R U F D U U \ L Q J R X
47. 7 K H 2 P E X G V P D Q P D \ D F F H S W D Q L Q G L Y L G X D O ¶

Ombudsman will inform the designated person of the reasons for that decision.

Joint investigation

- a. failed to comply with any relevant legal obligations;
- b. failed to comply with any relevant codes of practice;
- c. failed to apply its own policies and/or procedures;
- d. delayed unreasonably in dealing with the matter;
- e. behaved unfairly, unreasonably or incompetently; or
- f. treated the complainant personally in a heavy-handed, unsympathetic or inappropriate manner.

55. At any time, the Ombudsman may determine the investigation of a complaint immediately if satisfied that:

- d. exercises or does not exercise any of the rights existing between the member and the complainant;
- e. undertakes or refrains from undertaking works;
- f. takes such other reasonable steps to secure redress within the legal powers of the member.

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- 57. : K H U H W K H 2 P E X G V P D Q ¶ V F R Q V L G H U D W L R Q R I
evidence of maladministration the Ombudsman may order the member to take steps to put things right.
- 58. Members must provide evidence of compliance with the orders of the Ombudsman within the timescale given by the Ombudsman.
- 59. The Ombudsman may require a member to report to the Ombudsman on compliance with a determination in such a way and at such a time as the Ombudsman may specify.
- 60. The Ombudsman will report a member to any appropriate regulatory agency and/or the board, committee or scrutiny panel of the
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- 61. The Ombudsman may order a member which fails to comply with a determination to publish that it has failed to comply, in such a way as the Ombudsman sees fit.
- 62. The Ombudsman may publish the fact and circumstance of noncompliance by any named member in a special report and may
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elsewhere.
- 63. Failure to provide or facilitate any of the above may result in a determination of complaint handling failure and paragraphs 13-15 will apply.

68. The Ombudsman must publish the procedures for giving public access to information held by the Ombudsman, how the Ombudsman handles information obtained and its confidentiality

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Ombudsman resigns by notice in writing to the Secretary of State.
80. The Secretary of State may give notice to, and terminate the appointment of, the Ombudsman. Termination is immediate on the following grounds:
- a. grave misconduct;
 - b. gross mismanagement;
 - c. because illness has prevented the Ombudsman from carrying out their responsibilities for more than 6 months in any consecutive period of 12 months; or
 - d. any of the circumstances in paragraph 78 apply.
81. If the Ombudsman is indisposed or otherwise prevented for whatever reason from carrying out their duties, the Secretary of State may appoint any person or people to be Acting Ombudsman for such period and on such terms as the Secretary of State may decide. This appointment will be on the basis that the Scheme will apply to the Acting Ombudsman as if the Acting Ombudsman were the Ombudsman.

Responsibility for dispute resolution and determining complaints

82. The Ombudsman will be solely responsible for the conduct of dispute resolution and the determination of complaints under the Scheme. The Ombudsman may delegate the ability to issue determinations on their behalf to their deputy and other members of the dispute resolution team.

Responsibility for the administration of the Scheme

83. Prior to the start of each financial year, the Ombudsman will publish a business plan including projected annual budget, performance criteria and targets. The Ombudsman must have regard to the number of disputes being or likely to be submitted and to the

proposed performance criteria and targets, and the need to have appropriate and adequate resources to enable the Ombudsman to carry out their functions effectively, in a timely manner and in accordance with the Scheme.

84. The staff, contractors, consultants or agents employed by the Ombudsman will be appointed and dismissed by the Ombudsman. Within the approved budget and the established terms and conditions of employment, the Ombudsman will decide upon their numbers and terms of service or engagement, including remuneration, taking into account the annual Cabinet Office guidance on civil service pay or other relevant guidance.

Audit and advice to the Ombudsman

85. The Ombudsman must appoint, following approval of the Secretary of State, an Audit and Risk Committee. The Committee will scrutinise aspects of the operation of the Scheme as set out in its terms of reference in the Framework Document agreed with the Sponsor Department.
86. The Ombudsman shall prepare annual accounts in accordance with the Accounts Direction approved by its Sponsor Department.
87. The Ombudsman may from time to time decide to appoint a Panel of Advisors. The Panel will assist the Ombudsman in such matters as the Ombudsman considers relevant and as set out in its terms of reference in the Framework Document agreed with the Sponsor Department.

Complaints about the Service

88. The Ombudsman must make arrangements for receiving and dealing with complaints about the service provided and must publish such arrangements.

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