

FACTSHEET EXPLAINING OPTIONS

OPTIONS FOR RESOLUTION

Early resolution or Investigation

As of 1st April 2016, parties will be able to choose whether they want to opt to have their case determined under our new pilot process, **early resolution**.

By giving the parties options, we are empowering them to be proactive in the resolution of that dispute.

Note: Both parties must agree to the option of early resolution, otherwise the case will go forward for investigation.

EARLY RESOLUTION

This option will be time limited – initially up to 2 months from the date on which both parties accept the offer.

There is no investigation with this option but we will work with the parties during the 2 month period to agree amicable solutions wherever possible.

During the 2 month period we will offer focussed support, exploring options for resolution based on our experience of complaints handling.

If the complaint is resolved within the 2 months, a determination will be issued by the Ombudsman reflecting the terms of the resolution including any expectation on compliance with that determination.

If the complaint is not resolved within the 2 months, the case will go forward for investigation (see below). Note: At this point it may be possible, depending on the circumstances of the case and the evidence already obtained etc, for the Ombudsman to make a determination.

INVESTIGATION

If one or both of the parties to a dispute rejects the option, or, having chosen early resolution their complaint is not resolved, we will investigate the complaint.

Any evidence and information already made available to us will be considered within the investigation and the investigation will be deemed to have commenced from the duly made date.

Why opt for early resolution?

There are good reasons for the parties to agree to pursue this option, for example:

- It is a formal process but can be done quickly, usually within 2 months.
- It is about identifying the matters still in dispute between the parties at the end of the complaints procedure.
- The parties, together with the Housing Ombudsman Service, explore the range of possible interventions to facilitate the resolution of the dispute.
- The determination issued records the terms of the agreed way forward to resolve the dispute and allows the Ombudsman to ensure both parties comply with that determination.

Managing the intervention

We will act in the context of the terms of the Scheme, the Ombudsman's role, the dispute resolution principles and the quality standards. We will take whatever action is appropriate to help resolve the dispute, bearing in mind proportionality.

We will provide an independent and impartial consideration of the complaint by looking at the circumstances of the dispute, including:

- identifying what is outstanding following exhaustion of the complaints process including any redress the landlord has offered as a means of resolving the dispute
- what any such offer intends to address and what the complainant remains dissatisfied with and why.

We will decide whether any offer made by the landlord resolves the complaint satisfactorily, including deciding whether the complainant has refused a reasonable offer.

The following are some factors to take into account when considering if an offer is reasonable:

- Redress for any failings.
- Restoring a complainant's position.
- An apology.
- An explanation for what happened.
- A mistake corrected.
- Compensation.
- A change in the way a person or organisation behaves.
- A promise that a person or organisation will/will not do something.

If the outcome of the early resolution process is agreement between the parties, then the Ombudsman will make a determination which reflects the terms on which agreement was reached.

Our determination will clearly:

- reference the specific, relevant paragraph of the Scheme
- set out the background to reaching resolution
- explain why we think the offer resolves the dispute based on the particular circumstances of the complaint. This is in accordance with the Ombudsman's statutory duty to determine complaints by reference to what is, in her opinion, fair in all the circumstances of the case
- set out the agreement reached and the expectations on both parties to comply.