

Complaints Handling Process - Summary

COMPLAINTS HANDLING PROCESS - SUMMARY

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1 Introduction

The process for the consideration of complaints of maladministration and service failure by public bodies.

There is a separate process for complaints that the [Code of Conduct for Members](#) has been breached.

2 Initial Assessment

2.1 All complaints and enquiries are considered initially by the Complaints Assessment Team (CAT). A factsheet on what we do when we receive a complaint about a public body is available [here](#).

2.2 CAT officers have the Ombudsman's delegated authority to determine whether:

- The complaint is within the Ombudsman's jurisdiction – if not, it cannot be considered,
- The Ombudsman is able to consider the complaint – The Ombudsman is generally unable to consider matters where there is an alternative route of appeal or when a legal process has commenced,
- The complaint is premature – if the body has not had an opportunity to consider and respond, it is unlikely that the Ombudsman will consider it,
- The complaint is timely – if the events occurred over a year before, it is unlikely that the Ombudsman will consider it,
- There is merit in investigating the complaint – if nothing can be achieved for the complainant by the Ombudsman, the complaint is unlikely to be investigated further,
- it is possible to settle the complaint – CAT officers will resolve complaints by means of a settlement wherever possible.

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2.3 CAT officers will inform the complainant if any of the above applies to their complaint.

2.4 If the complaint requires more detailed consideration it is passed to an Investigation Officer, for further assessment.

3 Further Assessment

3.1 An Investigation Officer considers the complaint afresh, to determine whether it is one the Ombudsman can investigate. Consideration is also given to the outcomes that may be achieved by an investigation, including any outcomes specified by the complainant. A factsheet on the remedies available to the Ombudsman is available [here](#).

3.2 At this stage the complaint may be:

- Rejected for one of the reasons specified in paragraph 2.2.
- Settled.
- Passed to the Investigation Team for consideration.

3.3 It is for the Ombudsman to determine the most appropriate resolution to a complaint. Where a settlement is deemed to be appropriate, the Ombudsman will monitor the body's compliance with terms of settlements, when necessary.

4 Investigation

4.1 The Investigation Officer will undertake further consideration of the information provided by the complainant and the body and determine whether this is a matter that can be investigated or settled (see paragraph 3.3 above). If the complaint is not one the Ombudsman can investigate the complainant will be notified (see section 3).

4.2 The complainant and body complained about will be advised by letter if a decision is made to investigate a complaint. The scope of the investigation will be outlined. The complainant will be given the opportunity to comment or amend the scope of the complaint at this stage.

4.3 During the course of the investigation information may be sought from:

- The complainant
- The Body complained about
- The Ombudsman's professional advisers taking into account the [Ombudsman's clinical standards](#)
- Third parties / witnesses

The source of the evidence and the weight placed on the evidence is for the Ombudsman to determine.

4.4 The direction of an investigation may be adjusted at any point.

4.5 The complaint may be settled at this stage or the investigation may be discontinued.

5 Report

5.1 When the investigation is complete, a decision letter or a report is prepared. If the investigation has found evidence of maladministration or service failure, the complaint will be upheld, and appropriate recommendations, based on the identified failings, will be made. If there is no evidence of maladministration or service failure, the complaint will not be upheld, and no further action will be undertaken.

5.2 If a report is to be issued, a draft version of the report is generally issued to the complainant and body. Any comments received are considered and the report reviewed, before a final report is issued. Compliance with recommendations is monitored and pursued until PSOW is satisfied recommendations have been fully implemented.

5.3 The Ombudsman's decision will be issued as either:

- A Public Interest Report – when the complaint is substantially upheld; when the body has not accepted PSOW's recommendations, or when the Ombudsman considers that it is in

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the public interest to publish the issues contained in the report.

Examples of public interest reports are available [here](#).

- A Non-Public Interest Report/Letter – when a complaint is partly or fully upheld and the body has agreed to implement the Ombudsman's recommendations; when it is not in the public interest to publish a report, or when a complaint is not upheld. These reports are available to the public on request and summaries of the decisions are available [here](#).

6 Special Report

If a body fails to satisfactorily implement any recommendations made in a report, or fails to comply with the terms of a settlement, a Special Report may be issued.

7 Reviews of Decisions

7.1 Complainants may request a review of a PSOW decision in writing, within 20 days of receiving it. They need to demonstrate that there is new evidence to consider, or that PSOW has failed to take proper account of information already provided. Requests for Review are forwarded to PSOW's Review and Service Quality Officer, for consideration. The factsheet for requesting a review is available [here](#).

7.2 The Review and Service Quality Officer's decision is final and concludes the Ombudsman's involvement in a complaint.