

# **Recommendations and Compliance for Service Users**

## **Factsheet**

### **Introduction**

This factsheet explains what happens if the Ombudsman makes recommendations to a public body after we examine your complaint and find failings. It also briefly explains the Ombudsman's approach to how public bodies follow the recommendations we make but does not cover our whole procedure.

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### **The Ombudsman's role**

The Ombudsman's role is to consider whether a complainant has suffered an injustice because of maladministration or service failure by a public body within our jurisdiction. If the Ombudsman finds that the complainant has suffered an injustice, recommendations can be made aimed at putting things right. More information about the type of recommendations the Ombudsman can make can be found in our [Remedies factsheet](#).

The Ombudsman's recommendations are not binding on a public body. It is generally accepted, however, that public bodies will comply with them unless there are exceptional reasons not to.

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## Early Resolution

We may decide from an initial assessment of your complaint that something has gone wrong and that there is a clear solution to resolve the matter. In these instances, we will contact the public body and ask it to carry out any action to resolve your complaint. If the public body agrees, then the case is closed based on the action it has agreed to take to remedy your complaint. We expect the public body to supply evidence that it has done what it said it would do. We will check whether the public body complies with the resolution. In most cases, the public body will do what it has agreed to do. However, if the public body's action does not address your complaint, you can come back to us and tell us about the reasons for this. We may be able to consider this new information for you.

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## Investigations

If, after investigating a complaint, the Ombudsman upholds your complaint, recommendations will be made to address the injustice. These recommendations are shared with you and the public body at draft report stage. More information about what we do if we investigate a complaint can be found in our [what we do when we get your complaint about a public body in Wales](#) factsheet.

If you or a public body disagree with the recommendations before we make our final decision, we will consider the reasons given before making a final decision. This may include further discussions with you and the public body while we reach our decision.

If the recommendations change substantially after these comments, a further draft report may be issued to allow you and the public body to review before we make our final decision. If, after considering the comments, we think that the recommendations should stand and that the public body does not agree, we will consider the merits of issuing a special report (a report if a public body does not satisfactorily implement the recommendations or fails to comply with the investigation or settlement).

Once the recommendations are agreed, a final report is issued to you and the public body. The final report sets out the agreed recommendations and the timescales for informing us that these have been carried out.

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## **Notifying the Ombudsman that recommendations have been completed**

The public body should supply evidence to the Ombudsman within the timescale set that it has completed each individual action. We expect to see evidence that the recommendations have been completed; saying so is not enough.

The evidence supplied will usually be straightforward to provide (for example a copy of an apology letter sent to a complainant or a copy of a policy). We will consider the information once evidence is received for each recommendation. If we are satisfied that all recommendations have been complied with, a letter or email will be sent to you and the public body confirming that the action taken meets the recommendations and that our involvement with the matter has ended. It is for the Ombudsman to decide what is appropriate and proportionate evidence to meet the recommendations made.

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# If the body does not comply with the recommendations

The Ombudsman aims to check the timescales for public bodies to comply with our recommendations. If the timescale to supply evidence has passed, we will chase a response from the public body promptly and ask for an explanation about the delay. Once the information is received, we will consider whether the public body has complied with the recommendation. If no response is received, we will consider the merits of issuing a special report.

In some cases, the evidence supplied by a public body may not satisfy what we recommended. In these instances, we will contact the public body and ask it to provide satisfactory evidence within a defined timescale. If the response received is still unsatisfactory, the Ombudsman may consider issuing a special report.

Very occasionally there will be good reasons why a public body cannot comply with the recommendations made: if circumstances change, for example, or if a complainant decides that they do not want the previously agreed actions to take place. If the recommendation directly affects you, we will contact you to seek your views, unless you have asked for the recommendation not to be carried out. If the body does not carry out one or more of the recommendations and there is no good reason for this, the Ombudsman will consider issuing a special report to which publicity will be given. This would also be the situation if a public body were to take different action from that which was originally agreed and still did not meet the recommendations.

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## Contact us

If you have any questions about our procedures or our role you can [contact us](#) on 0300 790 0203 or [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

Also available in Welsh.

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This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

[ask@ombudsman.wales](mailto:ask@ombudsman.wales)

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday