

## Remedies

## Factsheet

### Introduction

This Factsheet is about the types of remedies that we can recommend. It should be read together with our [‘How to Complain’](#) webpage, available on the ‘Making A Complaint’ tab and our Factsheet [“When you have a Legal Remedy available to you”](#).

Our principle for remedy is that the body complained about should put the individual back in the position they would have been in, if the maladministration or poor service had not occurred.

Our powers are restricted by law. One restriction is that we cannot investigate a complaint if a remedy exists by way of proceedings in a court of law. That is unless we are satisfied that it is unreasonable to expect you to resort to legal proceedings.

**If you are mainly seeking financial compensation or any other remedy which court action would provide, we may not be able to investigate your complaint.**

We will ensure that the body complained about has had an opportunity to resolve the complaint in the first instance, before becoming involved.

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# What outcomes are available if we decide to consider your complaint?

If your complaint falls within our remit, we decide that it is appropriate for us to consider your complaint, and we consider that the body complained about has done something wrong which has caused you an injustice, we may:

- Settle your complaint by asking the public body you have complained about to take action to resolve your complaint
- If, following an investigation of your complaint we decide that it should be upheld (either fully or in part), we may make recommendations to the public body you have complained about to remedy any injustice you may have suffered as a result of any maladministration or service failure we have found.

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## What remedies are available

We expect remedies to be fair and proportionate to a complainant's injustice or hardship. We are keen to ensure that bodies within jurisdiction acknowledge failures and apologise for them, make amends, and use the opportunity to improve their services.

If we are satisfied that it is appropriate to investigate your complaint, and we find that the body has done something wrong which has caused you an injustice (including cases where we have decided that it is not reasonable to expect you to take legal action against the public body) the range of remedies includes:

- an apology, explanation and acknowledgement of responsibility
- remedial action by the public body to ensure that lessons are learned, to prevent the same thing happening again and that staff are properly trained

- if relevant, financial payment for direct or indirect financial loss, loss of opportunity, inconvenience and distress
- the Ombudsman may also consider whether financial redress for time and trouble should be made. This would be in circumstances where a complainant has suffered more than could be ordinarily expected in making a complaint
- any combination of the above.

In most cases, an apology and explanation will be an appropriate and sufficient response. Financial redress will not be appropriate in most cases (please see our separate Factsheet “[Financial redress](#)” for more information about when we might recommend financial redress). Financial redress may be relevant where maladministration or service failure by the body complained about has caused you (or the person you are representing) a significant injustice. However, as outlined above, in those circumstances we may consider that you have an alternative remedy reasonably available through the courts.

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## Issues to bear in mind

We will only recommend a remedy where there has been maladministration or service failure by the body complained about which has caused you (or the person you are representing) an injustice. We will not recommend a remedy where the body has done nothing wrong or has not caused you any detriment.

While we will take your views into account in reaching a decision on what (if any) remedy to recommend, it is ultimately up to the Ombudsman to decide what is reasonable.

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## Further information

Examples of previous cases can be found on our website, [on the 'Publications' tab under 'Our Findings' & 'The Ombudsman's Casebook'](#).

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## Contact us

If you are unsure whether we would be able to look into your complaint, please [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