

Want to complain about a public body?

- You and the Ombudsman





About me and my team

My name is Nick Bennett. I am the Public Services Ombudsman for Wales. I have legal powers to look into complaints about public services in Wales. I am independent of all government bodies.

I have a team of people who help me to consider and investigate complaints. The service that we provide is impartial and free of charge.

What we do

We can look into complaints that you have been treated unfairly or received a bad service through some failure on the part of the body providing it. We can consider complaints about most public bodies in Wales including:

- local authorities (including community councils)
- health boards and NHS trusts
- the Welsh Government and bodies that it sponsors
- housing associations.

This means that we consider complaints about a wide range of services, such as:

- hospital and GP services
- council and social housing
- planning
- social care.

We can also look into complaints that councillors (including community councillors) have broken their local authority's code of conduct. There is a separate information leaflet available which provides advice if you want to make this sort of complaint.

What you need to know

On occasions we receive complaints that we cannot look at. People are sometimes unhappy when we have to tell them this. To avoid having to disappoint you, it is helpful if you can think whether your complaint is one we can consider. In particular, please ask yourself the following questions:

- **Have I already complained to the public body itself?**

We will usually expect you to have complained to the public body first and given it the chance to respond to your complaint. However, we will make exceptions if we consider that your complaint is very urgent, for example, if your immediate safety is at risk.

If you have made a complaint but think the body is taking too long to deal with it (we think 12 weeks is a reasonable time for them to give you a final reply) you can complain to us. You can also complain to us if you are unhappy with the body's response.

If you are not sure about how to go about complaining to the public body, you can phone our Complaints Assessment Team on 0300 790 0203, who will help you.



- **Is the Ombudsman's office the right place for me to take my complaint?**

I have set out in this leaflet the types of bodies we can consider complaints about, but if you have access to the internet, there is a more detailed list available on our website:

www.ombudsman.wales

You should also be aware that we cannot look into your complaint if you have a legal right of appeal or the right to take the matter to court, unless there are particular circumstances that make it unreasonable for you to do so.

- **Is the matter one that the law allows the Ombudsman to look at?**

For example:

- > you may disagree with a decision of a public body but, if the body had a right to make the decision and arrived at it properly, then we cannot look into your complaint
- > although we can consider complaints about recruitment or appointment procedures, we cannot look into other staff matters such as pay or discipline
- > in relation to education, we cannot look into matters about teaching, the curriculum, conduct, discipline or management in schools and colleges
- > we cannot either look into complaints about the level of rent and service charges set by a housing association.

- **Am I complaining within a reasonable time?**

It can be difficult to look into things that happened a long time ago. We therefore normally expect you to bring your complaint to us within 12 months of becoming aware of the problem. However, if you have already spent time complaining directly to the body concerned, we will take this into account.

How to complain to the Ombudsman – contacting our Complaints Assessment Team

If you are not sure whether you can complain to the Ombudsman, phone our Complaints Assessment Team on **0300 790 0203** to discuss the matter. Even if you do think that your complaint is one that the Ombudsman can consider, it is always best to phone our Assessment Team first to discuss the problem, our role and the way we work.

If your complaint is about an organisation we cannot look into, we will try to see if you can complain to another complaint-handling organisation and, if possible, send the details of your complaint on to them.

If your complaint is one that we believe we can and should look at, we may then need you to fill in our complaint form. This will ask you to provide personal details, set out what your complaint is about and what you would like the public body to do to put things right. You can visit our website to submit your complaint online at **www.ombudsman.wales**.

We may be able to fill in the complaint form for you if you make an appointment for this service.



What we will do after receiving your complaint

If after looking into your complaint in detail we conclude that we cannot take the matter further, we will explain to you why.

If your complaint is one we can look at and we believe that there has been a failing on behalf of the public body, we will see if it is possible to sort out the matter informally.

If we cannot sort out your complaint informally, particularly if it appears that there may have been a serious failure on the part of the public body, we will begin a formal investigation. In doing so, we will listen to both sides of the story – that is, your side and that of the public body. If your complaint is one that involves issues of a specialist nature, we may obtain independent professional advice to help us consider the situation. Having gathered and considered all the evidence available to us, we will weigh up the facts and then reach an objective decision.

We may decide that the public body has treated you fairly or that you have not been disadvantaged in the particular circumstances. If this is the case, we will tell you why we have arrived at this decision.

If we decide that the public body is at fault and that you have suffered because of it, we will make recommendations on what the body should do to put things right.

It is not our role to obtain compensation for people. Our aim is to try to put you in the position you would have been in if the public body had treated you properly and fairly in the first place. This may involve the recommendation of a consolatory payment or making good any losses you have suffered or ensuring you receive payments you were entitled to. Often though, we may decide that an apology is sufficient. Where necessary, we will ask the body to take steps to improve its systems so that no one else suffers in the same way.

Sometimes it can take several months to complete an investigation. However, throughout the consideration of a complaint, we will be in regular contact with you to keep you informed about what is happening.

What to do if you need help to make your complaint

An Ombudsman must remain impartial whilst considering a complaint. Therefore, we cannot act as an advocate for you when you complain to us. If you need help to make your complaint and during the complaint process, there are voluntary organisations that can provide you with the support you need. For example, Community Health Councils, Citizens Advice and Shelter Cymru. If you do not know who can help you, phone our Complaints Assessment Team on **0300 790 0203**, who will usually be able to suggest a suitable organisation.



Communicating with us

We recognise that different people prefer to communicate with us in different ways. For example, some prefer more contact by telephone rather than in writing and some people prefer information from us in different formats such as on tape or CD. Others have different language preferences (this leaflet is available in Arabic, Bengali, Cantonese, French, Hindi, Polish, Somali and Urdu). Let us know what your requirements are and we will do our very best to meet your needs.

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint.

We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants should have the right to be heard, understood and respected. However, our staff also have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.

How to contact us

Phone 0300 790 0203

E-mail ask@ombudsman.wales

Visit the website www.ombudsman.wales

Write to: Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

You can also follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

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