

Complaints of Maladministration and Service Failure: Factsheet for interviewees



This factsheet explains the approach taken by the Ombudsman's staff when carrying out interviews in relation to a complaint of maladministration or service failure on the part of a public service provider in Wales. Individuals may be contacted by this office because they were directly involved in the complaint, or because they can explain or have some responsibility for the procedures and policies of the body complained about. Sometimes, individuals who are asked to act as witnesses can be worried and uncertain about what is involved; this factsheet provides information about the Ombudsman's role.

The nature and format of the interview

Interviews may be conducted face-to-face or by telephone. Face-to-face interviews with employees of the body complained about will normally be arranged through that body's liaison officer; interviews by telephone will normally be arranged by the Ombudsman's investigator, who will arrange in advance a suitable time to call you. If you would prefer not to be interviewed by telephone, please say so and the investigator will consider arranging to interview you face-to-face. Sometimes investigating officers are accompanied by a colleague or, when dealing with aspects of the complaint which concern the exercise of professional judgment, by one or more of the Ombudsman's professional advisers. If that is to be the case when you are interviewed, you will be told beforehand.

It has been the experience of the Ombudsman that almost all witnesses give evidence willingly. But you should be aware that the Ombudsman has the same powers as a court of law in respect of the attendance and examination of witnesses. The Ombudsman appreciates that, although interviews are conducted as informally as possible, they may sometimes cause a witness anxiety. You are therefore welcome to have someone with you when you see the investigating officer. If you wish to have somebody present at the interview to support you, please let the investigator know who this person will be in good time. It should not be someone who is involved in the investigation or who is your line manager and they are there simply to offer you support and not to answer questions for you. Interviews will always be on the record.

What you will need for the interview

Make sure that you understand what the interview is about. You should have seen an account of the complaint which sets out what the Ombudsman is investigating. If you haven't seen that, ask the person who arranged the interview to give you a copy. If you have any papers - such as letters or diaries or the formal file to which the complaint relates - which you think might be relevant to the interview, take them with you. If you have any notes you made at the time of the events under investigation, these may help the investigator. It is a good idea to read through all of these documents beforehand to remind yourself of their content and your manager should give you sufficient time to do so before the interview. The investigating officer will have specific questions to ask you but you will also have an opportunity to add anything else you think is relevant. You should remember that this interview is your chance to tell us your side of things and that the investigating officer has not yet reached any conclusions about the complaint.

In addition to relevant documents, you should ensure that you have with you any other items which you might need during the course of the interview, such as reading glasses, hearing aids or medication (inhalers etc.). You should also ensure that, unless absolutely necessary, any mobile phones or pagers are turned off for the duration of the interview and that your colleagues are aware that you should not be disturbed.

Please notify the investigator before the interview of any special requirements you may have, including any arising from any of the protected characteristics defined by the Equality Act 2010 e.g. any disability or religious considerations.

Although the investigator will have a timetable and will try to keep to it, sometimes interviews overrun so you should ensure that this is taken into account when planning anything immediately after the scheduled conclusion of the interview.

Issues to bear in mind

The investigator will digitally record the interview to ensure that your statement is accurately recorded. The investigator may also take handwritten notes of the interview. As soon as reasonably possible after the interview, the investigator will send you a typed note of the interview for signature. Both the digital recording and the typed note will be retained on the Ombudsman's file until the appropriate date for destruction.

A draft report of the investigation is likely to be prepared setting out the relevant facts and the conclusions and recommendations which the investigator is minded to reach. Some of the information you have given is likely to be included in the report. In the main, people's real names are not used in our reports although job titles will generally be included. Very exceptionally, however, it may be judged to be in the public interest to name someone. In other cases, we will conclude the investigation with a letter report in which names will be given. However, should this document be released to anyone outside the investigation, it will be anonymised before disclosure.

Further information

The draft report will say whether there was maladministration or service failure and whether that has caused injustice. If so, there will be recommendations on how to remedy the complaint, which may include an improvement to the organisation's procedures. This draft will be sent to the body complained about, to the complainant and to any other person involved, asking for comments. If you are an employee of the body complained about and the draft report specifically refers to you, the chief executive will arrange for a copy of the draft to be sent to you for your comments. When all comments have been received and considered, a final report of the Ombudsman's investigation will be prepared.

If you would like more information about this process, please contact us:

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