

Complaints Handling Process – Summary

PSOW's Process for the consideration of complaints of maladministration and service failure by public bodies.

1. Step 1

1.1 All complaints and enquiries are considered initially by the Complaints Advice Team (CAT).

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

- the complaint is within PSOW's jurisdiction – if not, it cannot be considered
- PSOW is able to consider the complaint – PSOW 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 PSOW will consider it
- the complaint is timely – if the events occurred over a year before, it is unlikely that PSOW will consider it
- there is merit in investigating the complaint – if nothing can be achieved for the complainant by PSOW, 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.

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

1.4 If it is considered that further, detailed consideration of the complaint is required, the complaint moves to an Investigation Officer, at Step 2 of the Process.

2. Step 2

2.1 An Investigation Officer considers the complaint afresh, to determine whether it merits full investigation.

2.2 Complaints may still be rejected for one of the above reasons or may be settled, at this stage. Compliance with terms of settlements is pursued, when necessary.

2.3 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. This is the start of Step 3 of the Process.

3. Step 3

3.1 The Investigation Officer considers all the information provided by the complainant and the body.

3.2 Advice may be sought from one of PSOW's professional advisers.

3.3 The direction of an investigation may be adjusted.

3.4 It is possible to settle the complaint at this stage or to discontinue the investigation.

3.5 When the investigation is complete, the complaint moves to Step 4 of the Process.

4. Step 4

4.1 The outcome of the investigation is conveyed in a report. This may be 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 the issues contained in the report are in the public interest to publish,

or

- a non Public Interest Report – 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.

4.2 A draft report is 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. Special Reports

5.1 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.

6. Reviews of Decisions

6.1 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 Manager, for consideration.

6.2 The Review Manger's decision is final.