

The Independent Assessor's Terms of Reference: Ombudsman Services

Terms of reference

1 Any person directly affected by the functions of The Ombudsman Service (hereinafter Ombudsman Services) may raise with the Independent Assessor any complaint about the standard of service provided by Ombudsman Services (a service complaint), provided:

(a) the complainant has followed Ombudsman Services own internal complaints process entitled "Unhappy with our Service" (which is available at our website at www.ombudsman-services.org/service-standards-os.html or call us for a printed copy or email servicecomplaints@ombudsman-services.org) and it has had a reasonable opportunity of responding to the service complaint; and

(b) the person making the service complaint remains dissatisfied and complains to the Independent Assessor within three months of Ombudsman Services confirming that it has completed its own internal procedures in relation to the service complaint.

2 If the Independent Assessor receives a service complaint that also relates to other matters, the Independent Assessor shall only investigate the service complaint. Service complaints exclude, amongst other things:

(a) the merits of any decision concerning any complaint against a service provider under the law and/or rules relating to Ombudsman Services, including: jurisdiction; the wider-implications process; dismissing, rejecting or upholding such a complaint; and any redress; and

(b) employment issues relating to the staff of Ombudsman Services and issues concerning commercial transactions between Ombudsman Services and third parties.

3 Generally, the Independent Assessor will only consider service complaints after the complaint against the service provider has been concluded. In exceptional cases, the Independent Assessor may require Ombudsman Services to suspend investigation of the complaint against the service provider while the service complaint is considered.

4 The Independent Assessor has autonomy not to accept a service complaint or to terminate an investigation of a service complaint if the behaviour of the person making the service complaint

becomes unacceptable.

5 The Independent Assessor shall have access to all files held by Ombudsman Services relating to the service complaint and may seek any further information that he or she considers necessary from the person making the service complaint or from Ombudsman Services.

6 If the independent assessor considers that a service complaint should be upheld in whole or in part, he or she may recommend to Ombudsman Services that an apology is made or appropriate compensation is paid (equivalent to that which Ombudsman Services would award against a service provider in similar circumstances) for any damage, distress or inconvenience caused by the it's standard of service to the person or firm making the service complaint.

7 If Ombudsman Services does not accept that recommendation, the independent assessor shall refer the matter to the Board of Ombudsman Services – which shall normally decide on its response at its next meeting, following receipt of the recommendation, for which it is possible to include the relevant papers in the agenda.

8 If the Board of Ombudsman Services declines to comply with a recommendation referred to it by the Independent Assessor, it shall inform the independent assessor and the person making the service complaint of its reasons for doing so, and shall publish them in the Ombudsman's annual report.

9 The Independent Assessor shall communicate the findings in writing to the person or firm who made the service complaint and to Ombudsman Services. There is no further appeal against the Independent Assessor's decision.

10 Each year the independent assessor shall compile, for inclusion in the annual report of The Ombudsman Service, a summary of the number and nature of the complaints received by her, and of any recommendations made to Ombudsman Services or referred to its Board.