

Referring service users to the Ombudsman in your final response

1. Introduction

- 1.1 This guide is part of a series of guidance modules that will help you implement and deliver the expectations in the [UK Central Government \(UKCG\) Complaint Standards](#).
- 1.2 This module sets out the role of the Parliamentary and Health Service Ombudsman. It explains how to refer service users, and those who represent them, to the Ombudsman in your final response letters.
- 1.3 You should read it alongside the modules on:
 - Complaints and other procedures
 - Writing and communicating your final response
 - Complaints about multiple service areas or organisations.

The guidance modules are available on the [Ombudsman's website](#).

- 1.4 You can find more [information about the work of the Ombudsman's office](#) on their website. If anything is unclear, or if you have any questions about the Ombudsman, you can raise these with their Liaison Team: liaisonmanagers@ombudsman.org.uk.

2. The Complaint Standards and national guidance

- 2.1 The relevant Complaint Standards expectations are:

Promoting a learning culture

- Organisations make sure colleagues are trained to identify and respond to complaints in a way that meets the expectations set out in the Complaint Standards.

Giving fair and accountable responses

- Colleagues make sure everyone is told about their right to escalate a complaint to the next stage of the procedure if they remain dissatisfied

at the end of the organisation's complaint process. This includes escalating to any independent second tier complaint handler or to the Parliamentary and Health Service Ombudsman via their MP

2.2 The Complaint Standards work alongside other important requirements and guidance including:

- A Modern Civil Service
- The Civil Service code
- The Seven Principles of Public Life (the Nolan Principles)
- Managing Public Money
- the Public Value Framework
- Delivering better outcomes for citizens
- the Corporate governance code for central government departments.

2.3 The relevant statutory and national guidance is:

Public Bodies: A Guide for Departments Chapter 8: Policy - Openness and Accountability

‘4.2.5 In circumstances where complainants have exhausted a body's internal complaints procedures, and remain dissatisfied with the outcome, they should be advised of any external avenues available to them to enable them to pursue the matter further, including, if appropriate, referring the matter to the Parliamentary Ombudsman via an MP.’

3. What you should do

The Ombudsman

- 3.1 The Parliamentary and Health Service Ombudsman (PHSO) is the final stage of the UK central Government complaints procedure. The Ombudsman makes final decisions on complaints that have not been resolved by the NHS in England, UK Government departments and other public organisations. They do this fairly and without taking sides. The service is free.
- 3.2 Before approaching the Ombudsman, service users should complain to your organisation (and to any review stage or independent tier) and give you a chance to respond to their concerns. If a service user does not accept this requirement, you should direct them to the Ombudsman's website and helpline so that this can be confirmed. Every year, lots of people complain to the Ombudsman too early and before they have had a final written response from the organisation they are complaining about. You can help service users to know when to approach the Ombudsman by giving them information about this.

Telling service users about the Ombudsman's service

- 3.3 If a service user isn't happy with how your organisation (and any review stage or independent tier) has answered their complaint, they need to know they have a right to ask the Ombudsman to look into it for them.
- 3.4 You should explain the Ombudsman's role in any information you give out about your complaints process. This includes on your website and in any leaflets or letters explaining how your organisation deals with complaints.
- 3.5 When you give your final written response to every complaint you should explain that if the person who has complained wants to take the matter further, they can approach the Ombudsman. You should explain that the Ombudsman's service is free to everyone and they can find out more by visiting the [PHSO website](#) or calling 0345 015 4033. You will find an example paragraph for how to do this, and a link to an information leaflet about the Ombudsman, in the examples and practical tools sections in this module. You should also remind service users of where they can access help, support and advice to make their complaint if they need it. See [guidance](#) on 'Help, support and advice for service users'.
- 3.5 Let service users, and those who represent them, know they need to approach their Member of Parliament (MP) and ask them to put their complaint to the Ombudsman as soon as possible. There are time limits for complaining to the Ombudsman. They should contact the relevant MP no later than 12 months from the point when the service user, and anyone who represents them, became aware they had something to complain about. The Ombudsman can sometimes make exceptions (for example, where there is a good reason for the delay in approaching their MP) but you do not want service users to miss their opportunity to get a final, independent decision on their complaint.
- 3.6 If, after receiving a complaint, the Ombudsman's casework staff believe your organisation can do more to resolve the complaint, they may contact you to discuss this.

Complaints that do not fall under the Ombudsman's jurisdiction

- 3.10 If the complaint, or any part of it, does not fall under the jurisdiction of the Parliamentary and Health Service Ombudsman, you should signpost the service users to the appropriate organisation. If you are unsure about who to signpost to, there is information on the [Ombudsman Association's website](#). You can also use the [Ombudsman's complaint checker](#) or call their helpline on 0345 015 4033 for advice.

4. Examples

4.1 Example signposting paragraph for inclusion in your final written responses:

‘If you’re not happy with how we’ve dealt with your complaint, and you would like to take the matter further, you can approach your MP and ask them to refer the matter to the Parliamentary and Health Service Ombudsman. Their service is free for everyone. There is a time limit for making your complaint so you should refer your complaint to your MP as soon as possible. To find out more about the service visit the website www.ombudsman.org.uk or call 0345 015 4033.’

5. Practical tools

5.1 Ombudsman leaflet

This is for people who have completed the local complaints process and might want to take things further. You should give this to service users when you send them their final written response to a complaint. You can download the leaflet from the Ombudsman’s website - [Parliamentary and Health Service Ombudsman: How we can help you](#).

5.2 Guidance for departments on handling Ombudsman cases

This notice by the Cabinet Office explains how departments, agencies and non-departmental public bodies (NDPBs) should handle an Ombudsman case. It also sets out the steps of an investigation and the issues you need to keep in mind. The guidance is available online: [Handling of Ombudsman cases: guidance for departments](#).

6. Version control

6.1 Final - November 2022