

## How the Local Government Ombudsman will deal with your complaint

This fact sheet is for you if you have **already** put your complaint to us. If you have not done that yet, you should **first** call us on **0300 061 0614**.

The Local Government Ombudsmen provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other bodies, including adult social care providers (such as care homes and home care providers). We cannot question what an organisation has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result the Ombudsmen aim to get it put right by recommending a suitable remedy.

### ***When you consider my complaint, what do you look for?***

We look to see if:

- there was fault by the council or care provider? **and**
- did this fault affect you, personally?

We might find fault if the council or care provider:

- took too long to do something
- did not follow its own rules or the law
- failed to meet expected standards of service
- gave you wrong information
- did not tell you that you had a right of appeal against a decision, or
- took a decision in the wrong way, such as:
  - not taking all the relevant information into account
  - taking into account irrelevant information, or
  - not following its own procedure properly.

We might find that you were affected personally if you:

- did not get a service or benefit that you should have had, at the time you should have done
- suffered financial loss, or
- suffered a lot of avoidable expense, trouble or inconvenience.

But we will not usually consider your complaint unless there is good reason to believe that you have suffered *significant personal injustice* as a direct result of the actions or inactions of the service provider, or if satisfactory action to resolve the complaint has been or will be taken.

While we are looking at your complaint we can also look to see if the things that went wrong for you are part of a wider service failure that might affect others.

### ***Professional help***

If you employ a professional person to help you make your complaint, such as a solicitor or surveyor, we will only ask the council or care provider to pay their fee in exceptional circumstances. This is because people do not usually need a professional to put a complaint to us.

### ***What happens if you investigate my complaint?***

- Your complaint is allocated to an investigator who will look at the information you have provided and decide what should happen with your complaint. If the investigator needs more information, they will request it. Usually, the investigator will contact you within 20 working days of us receiving your complaint.
- We will let you know the name of the investigator who will consider your complaint – if you have questions about your case you will be able to contact this investigator in person, or leave a message.
- We will look at both sides of the complaint.
- We must let the council or care provider know we have received your complaint and we will normally send it a copy of what your complaint is. If you have a strong reason for us not to identify you, please let us know as soon as possible. Sometimes the council or care provider will provide information, for example about third parties, that we will not pass on to you.
- We may be able to make a decision using just the information you have given us, or we may:
  - get information from the council or care provider or others
  - get information from the internet
  - examine the relevant files and records
  - meet you, council officers, care provider staff, or other people, or
  - visit the site, if necessary, because it is relevant to your complaint.
- We will continue looking into your case until we have enough information to allow us to come to a draft decision, and then we will ask you for your comments and take them into account before we make a decision.
- We cannot tell the council or care provider what to do while we are considering your complaint. The law says that the organisation should continue to deal with things in the normal way, so if things are still going wrong, it is important that you tell the council or care provider.
- We will let you know what we have decided and why.
- Please note that we will not routinely acknowledge correspondence. We scan all documents when we receive them and destroy the paper copies, unless you tell us that you want your documents returned. Please only send us documents we ask for.

### ***What will happen if you decide that something did go wrong?***

- If it looks to us as if there was fault and that this did cause you significant personal injustice, we will usually ask the council or care provider to take action to resolve the matter – sometimes the organisation itself will suggest this. Either way, we will take your views into account.
- If we think the proposed action is fair, we will tell you so and close the complaint.
- There are too many different possibilities to list here, but we might ask an organisation to:
  - apologise to you
  - take action, provide a service, or make a decision that it should have done before
  - reconsider a decision that it did not take properly in the first place
  - improve its procedures or conduct staff training so that similar problems do not happen again to you or anyone else, or
  - in some cases, make a remedy payment.
- We cannot make organisations do what we recommend, but they almost always do so.

### ***How long does it take?***

- We will be as quick as we can, but it may take some months to gather enough information to make a fair decision.
- We make decisions on 80% of cases within 13 weeks. Almost 95% are decided within 26 weeks.

- In some complex or unusual cases, it can take longer – the investigator will keep you informed.

### ***Can I go to court as well?***

- Generally, no – the law doesn't let us investigate cases against councils that you could go to court about (or appeal to a tribunal or a government minister about) unless we think there are good reasons why you should not have to do that. If you have *already* gone to court, it is very unlikely that we could look at your complaint.
- If you go to court while we're already looking at your complaint, we'll have to stop our investigation.

### ***Can I complain about your decision or how you dealt with my case?***

- There is no formal right of appeal against our decision and we will not normally review our decision on your complaint if you just express dissatisfaction with it. You need to explain why you are dissatisfied. We are unlikely to change our decision unless you can provide new information that we have not considered before. You should normally ask for a review within one month of the decision being made.
- If you are dissatisfied with our service, for example with your treatment by our staff, you can also complain. You should normally complain within one month of the event you are unhappy about.
- You can get information on how to complain about us from our website, [www.lgo.org.uk/making-a-complaint/complaints-about-us/](http://www.lgo.org.uk/making-a-complaint/complaints-about-us/) or by contacting the investigator who handled your complaint. We have another fact sheet (G4) called 'Complaints about us'.
- You can apply to the High Court to challenge an Ombudsman's decision – this is called 'judicial review' – but you have to act quickly and you may need to take advice, for example from a solicitor, law centre or Citizens Advice Bureau.

### ***Contact by email***

If you give us your email address we will generally contact you by email. If we email you, our email address will look like this one: [n.smith@coinweb.lgo.org.uk](mailto:n.smith@coinweb.lgo.org.uk).

The first part of the email address will be the name of the person who is sending you the email and the second part 'coinweb' means it is coming from our computer system. You can reply directly to these emails.

Sometimes our emails go into your 'junk' folder so please check if you're expecting a reply from us.

### ***Treatment of staff***

We will treat you politely and with respect. We expect you to treat our staff in the same way. We will not tolerate:

- abusive, intimidating or threatening behaviour
- swearing and offensive language
- shouting on the phone
- racial abuse, or
- any form of discrimination.

### ***Help for people with different needs***

We can help you if you have difficulty using our service, for example, if you have a disability or if English is not your first language. For instance, if you need an interpreter, we can arrange this. We can also produce letters and reports in large print, in Braille or as a voice recording). If necessary, an investigator may arrange to visit you. For further information, phone the investigator dealing with your complaint.