

The Independent Assessor

Terms of reference

- 1 Any person directly affected by the functions of The Ombudsman Service may raise with the independent assessor any complaint about the standard of service provided by the Ombudsman Service (a service complaint), provided:
 - (a) the service complaint has first been made to the Chief Operating Officer and he 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 The Ombudsman Service 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 The Ombudsman Service, 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 The Ombudsman Service and issues concerning commercial transactions between The Ombudsman Service and third parties.
- 3 Generally, the independent assessor will only consider service complaints after the complaint against the member has been concluded. In exceptional cases, the independent assessor may require the Ombudsman to suspend investigation of the complaint against the service provider while the service complaint is considered.
- 4 The independent assessor shall have access to all files held by The Ombudsman Service relating to the service complaint and may seek any further information that he considers necessary from the person making the service complaint or from The Ombudsman Service.
- 5 If the independent assessor considers that a service complaint should be upheld in whole or in part, he may recommend to the Ombudsman that an apology is made or appropriate compensation is paid (equivalent to that which the Ombudsman would award against a firm in similar circumstances) for any damage, distress or inconvenience caused by the Ombudsman's standard of service to the person or firm making the service complaint.
- 6 If the Ombudsman does not accept that recommendation, the independent assessor shall refer the matter to the Council of The Ombudsman Service – 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.
- 7 If the Council of The Ombudsman Service 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.
- 8 The independent assessor shall communicate the findings in writing to the person or firm who made the service complaint and to The Ombudsman Service. **There is no further appeal against the independent assessor's decision.**
- 9 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 him/her, and of any recommendations made to the Ombudsman or referred to the Council of The Ombudsman Service.