

What Happens When Ombudsman Services Makes a Decision?

Ombudsman Services' decision shall, if accepted by the consumer, become a final decision on the trade member. If the consumer does not reply to the decision within 10 days (or such longer period as Ombudsman Services may, acting reasonably, consider appropriate) or chooses not to accept the decision then the decision will not be binding on the trade member. Ombudsman Services will notify the trade member and its trade association that the decision is no longer binding. For the avoidance of doubt, nothing shall limit the right of the consumer to take proceedings against the trade member in the courts of England and Wales, should the decision not be binding on the trade member.

Can an appeal be made against Ombudsman Services decision?

Where either (or both) party requests a review within 14 days of a Proposed Resolution, Ombudsman Services shall take into account all of the material (existing or new) provided for the investigation and, after due consideration of the evidence, issue a decision and will state the remedies to be provided and a summary of the reasons for reaching the decision.



What Ombudsman Services cannot or may not do?

Ombudsman Services shall not accept a complaint about a matter:

- if the matter has been or is the subject of court proceedings or arbitration or some other independent procedure for the determination of disputes brought by the consumer;
- which concerns or relates to matters which are not the responsibility of the trade member;
- if it appears to Ombudsman Services that it is more appropriate that the complaint be dealt with by a court; or
- if it appears to Ombudsman Services that the complaint is frivolous or vexatious.

 Ombudsman
Services

Good for consumers - Good for business

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Ombudsman Services


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HOW
OMBUDSMAN
SERVICES
HANDLES
COMPLAINTS

 Ombudsman
Services

Good for consumers - Good for business



LEWIS SHAND SMITH
CHIEF OMBUDSMAN

Who is Ombudsman Services?

Ombudsman Services is the UK's leading independent multisector ombudsman and is approved by the appropriate regulatory bodies to provide redress schemes. Ombudsman Services provides independent dispute resolution and runs national, private sector ombudsman schemes including the communications, energy, property, copyright licensing sectors and the Green Deal. Ombudsman Services currently employs more than 500 people at its Head Office based in Warrington.

Ombudsman Services is completely independent of the quality assurance provider organisations, trade associations and professional bodies that subscribe to, and participate in, the Scheme.

What Does Ombudsman Services Do?

- Provide an independent, impartial and completely free service to consumers to help resolve disputes between members and consumers who are interacting with them.
- Resolves disputes without the need to go to court and the service is entirely free of charge to consumers.
- Is independent of trade members & consumers and will make a decision believed that is just and fair in the circumstances.
- Can make financial awards for loss, distress, inconvenience or breach of contract (the maximum amount that can be awarded is £100,000) which will be enforced.

What Powers Does Ombudsman Services Have?

Ombudsman Services has full autonomy and authority to provide a complaint/dispute resolution facility and in doing so, may amongst other things:

- dismiss a complaint;
- award compensation or issue a specific performance award (maximum £100,000);
- make recommendations to a trade member about changing its policies or procedures, including in relation to the provision of its services;
- report to the trade association on any non-compliance with a binding decision on the trade member.

How Does Ombudsman Services Handle Complaints?

Upon accepting a complaint for consideration Ombudsman Services shall inform the trade member. It will seek both sides of the story and both the trade member and the consumer may be required to provide additional information or evidence to assist in the consideration of the complaint.

Mutually Acceptable Settlement

Ombudsman Services will seek to achieve a mutually acceptable settlement for a complaint allowing them to reach an early and informal resolution of most complaints. When they have the information from both parties, Ombudsman Services will prepare an investigation plan. Based on their assessment of what has gone wrong and what should be done to resolve the problem, they will contact both parties to discuss the complaint and its resolution and try to reach agreement. If both parties agree, this becomes the ombudsman's decision and the proposed resolution is enforceable.

Proposed Resolution

When conducting a formal investigation, Ombudsman Services will consider the evidence submitted by the parties involved in the complaint. The procedure for the conduct of an investigation will be such as Ombudsman Services considers appropriate.

Where a formal investigation has been conducted, and within 42 days of receiving the complaint, Ombudsman Services will issue to all parties a proposed resolution of the complaint (a "**Proposed Resolution**"), together with the reasons for such Proposed Resolution and an invitation to accept it or to request a review, because of error(s) or new evidence has become available. Where the Proposed Resolution is not challenged by either party and is accepted by the consumer it shall become a binding decision on the trade member.

Outcome Of Investigation

Once Ombudsman Services have all the facts, they will advise the consumer and trade member of their decision. If Ombudsman Services believe the trade member's response has been fair, they will explain the reason why. If they decide the trade member has done something wrong, Ombudsman Services will instruct them to put things right.



How To Complain To Ombudsman Services

To complain to Ombudsman Services a 'Complaint Form' must be obtained, completed and returned to Ombudsman Services' office (call 0330 440 1634 to request this). Or alternatively you can complete an online complaint form at: www.ombudsman-services.org. The form asks the consumer why they are not satisfied with the handling of their complaint by the member, for background information and for any other information that could be relevant.

When Can I Complain To Ombudsman Services?

Before Ombudsman Services can consider your complaint, you must give the trade member a reasonable opportunity to resolve the complaint. A trade member will usually provide information on its website about how to complain or will provide a written copy of its complaints procedure. It is essential that the trade member is given every reasonable opportunity to address the complaint before you refer this to Ombudsman Services.

If you receive the trade members' final response (sometimes known as a Deadlock letter) and remain unhappy, or eight weeks pass and the complaint remains unresolved, Ombudsman Services may be able to help.

Co-operation With Ombudsman Services

Where a consumer requests Ombudsman Services involvement in a complaint, the trade member shall co-operate and participate in any subsequent process of the resolution and shall abide by Ombudsman Services' decision.