

REVIEW PROCEDURES

Office of the Ombudsman

September 2020

If you are not happy with how the Office of the Ombudsman has examined your complaint, you can ask us to review our decision. This involves taking another look at how this office examined your complaint. It is not a review of the original actions or decision of the public service provider you have complained about.

This review procedure is not used for complaints against members of staff. A [separate procedure](#) exists for such complaints.

A review will only be carried out in the case of one or more of the five situations listed below. A review will not be carried out simply because you disagree with it.

Requesting a review

If you are unhappy about the Office of the Ombudsman's decision on your complaint, you can request one review only within one month of receiving our decision letter.

A [review request form](#) must be completed and sent to the review manager, who must be satisfied that:

- new relevant evidence/information has become available that might have had a bearing on the original decision in the case
- there was a failure on the part of this office to examine a relevant and substantial issue
- there was a failure on the part of this office to obtain relevant and necessary information from the service provider you complained about
- the complaint was misunderstood or misinterpreted by this office
- the decision of the office was incorrect or unreasonable in the context of the complaint or the particular circumstances of the case

General principles

- There will be only one review of a complaint decision
- The review manager or an investigator/senior investigator, who has had no previous involvement in the case, will review the original decision
- All members of the organisation will act professionally and impartially with complainants and colleagues when conducting a review

Review manager

The review manager's role is to ensure that reviews are carried out under our review procedure. If you request a review, the review manager will write to let you know if your request has been accepted.

Accepting a review request

The review manager will decide whether to accept a review request.

Usually, a review request must be made within one month of the decision you have been given. However, in exceptional circumstances the review manager may allow a late request.

A review will only be carried out if one of the five situations listed above holds true.

Sometimes, rather than reviewing the decision, the review manager may decide further clarification should be provided to you. If this is the case, the review manager will ask the caseworker to give you that clarification. If you are still unhappy, the case will be returned to the review manager.

Most cases are dealt with by caseworkers who have delegated authority from the Ombudsman. Where a case has been dealt with by the Ombudsman himself/herself, a review request will not be accepted. These include complaints made by public representatives or where the case was referred to the Ombudsman for approval. This is because the most senior person in the office has already made a decision on the case. In such cases, the review manager will write to tell you that a review will not take place.

If your review request is accepted, you will be provided with the contact details of the person assigned to conduct the review.

Conducting your review

If you request a review, we will look at:

- the original complaint
- all reports/information provided by the public service provider
- the caseworker's decision/closing letter
- your review request form

Review decisions

We aim to reach a decision on reviews within 90 days. If we cannot complete a review within this timescale, we will tell you.

If we find a problem with how we examined your complaint or if you have presented new relevant evidence/information, the person carrying out your review will tell you that the office will examine your complaint again. We will open a new case.

If we do not find any problem with the office's examination of your complaint, the person carrying out the review will tell you and explain why. The case will then be closed and no further steps will be taken.

Reviews of a decision not to examine your complaint

You can request a review of a decision not to examine your original complaint, for example if the complaint or service provider is outside our remit or if the complaint was not made within 12 months.

If the person looking at your request finds that the decision of this office was wrong, they will tell you that the office will examine your complaint. We will open a new case.

In such cases, you will be allowed a further review if your complaint is not upheld.

Persistent correspondence

If you continue to correspond about a complaint that has already been decided through the review procedure, your correspondence will be forwarded to the review manager.

In most cases, the review manager will issue a standard letter saying a review has been carried out and the office will not be taking any further action.

In some instances, the review manager may decide you should be given further clarification and will arrange for this to be given to you.

If you continue to correspond, the review manager will prepare a note on the review or complaint for the Ombudsman. The Ombudsman will decide whether further action is necessary or if you should be informed that your most recent and future correspondence will be placed on the file without further action.

Please send your review request form to:

Review Manager,
Office of the Ombudsman,
6 Earlsfort Terrace,
Dublin 2, D02 W773.

Alternatively, you can email your request for review to review@ombudsman.ie