

## **Your complaint, our decision**

**This leaflet explains how to ask us for a review of our decision. This review process is open to people making a complaint and those being complained about.**

We make decisions on complaints by looking at the available evidence and the views and opinions of the person making the complaint and those being complained about.

In asking us to consider your complaint, you must accept the way we work and our authority to reach a final decision on the matter. We will work with you and those you have complained about to make sure the facts of your complaint are accurate, but it is for us to interpret the evidence and come to a judgement.

The grounds on which you can ask us to review our decision on your complaint are limited. We will not accept a request for a review if you simply disagree with the outcome of your complaint.

## Asking for a review

We will only accept a review request if:

- > We made our decision based on important evidence that contains facts that were not accurate, and you can show this using readily available information; or
- > You have new and relevant information that was not previously available and which affects the decision we made. We may share the new information with the organisation you complained about, so they can consider it before we make a decision on your review request; and
- > You send us your request, with your reasons **and** any new documents, within one month of our decision, using the form 'Your complaint, our decision: review request form'.

We will not accept review requests that do not follow this process, or outside this time, unless we are satisfied there are exceptional circumstances which mean you could not comply.

Please send this information to the investigator who made the decision on your complaint.

The Equality Act 2010 says that anyone who provides services to the public or a section of the public, who finds there are barriers to disabled people using a service must consider making adjustments to their process. If those adjustments are reasonable they must be made.

The Ombudsman is committed to taking action to ensure that the way we work does not place disabled people at a disadvantage and to meet our legal obligations under the Equality Act 2010.

If you need any help or support to request a review, please let us know and we will consider what changes we can make to assist you.

## **What happens to your request**

The investigator who made the decision on your complaint will consider whether your request is eligible - based on the above grounds. This does not mean the Investigator is reviewing their decision. There are three possible outcomes:

- > If your request does not meet the criteria the Investigator will write to you to confirm this.
- > The Investigator may decide to re-open your complaint and carry out further work if the information you provide justifies this.
- > If your request is eligible a senior officer will carry out a review and tell you whether we uphold our original decision, change the decision, or will reopen your complaint for further investigation.

We aim to give you a response within 20 working days of receiving your request. This will be the final decision from us: we will not review our decision again. If we uphold the decision, we will not enter into further contact with you about the matter.

## **Judicial review**

If you want to challenge our decision after we have reviewed it, you will only be able to do this using judicial review. This is a form of court proceeding where a judge reviews whether a decision or action by a public body is lawful. It is not an appeal against the decision and the court cannot change the decision, though it can send it back to us to reconsider. You may want to take legal advice before deciding whether this is appropriate in your case.