



## 2016 CHAPTER 4

### **PART 2**

#### **INVESTIGATIONS**

##### *Procedure for making complaint to the Ombudsman*

##### **Complaints handling procedure to be invoked and exhausted**

**24.—**(1) The Ombudsman may investigate a complaint under section 5 only if satisfied that the person aggrieved has invoked and exhausted the listed authority's complaints handling procedure.

(2) But the Ombudsman may investigate a complaint despite the requirements of this section not being met, if there are special circumstances which make it proper to do so.

##### **Duty to inform person aggrieved about the Ombudsman**

**25.—**(1) This section applies where a listed authority's complaints handling procedure is exhausted.

(2) The authority must, within 2 weeks of the day on which the complaints handling procedure is exhausted give the person aggrieved a written notice stating—

- (a) that the complaints handling procedure is exhausted, and
- (b) that the person aggrieved may, if dissatisfied, refer the complaint to the Ombudsman.

(3) A notice under subsection (2) must—

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*Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman Act (Northern Ireland) 2016, Cross Heading: Procedure for making complaint to the Ombudsman. (See end of Document for details)*

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- (a) inform the person aggrieved of the time limit for referring the complaint to the Ombudsman, and
- (b) provide details of how to contact the Ombudsman.

### **Form and time limit for making complaint**

**26.**—(1) The Ombudsman may specify—

- (a) the form in which complaints must be made, and
- (b) any particulars which complaints must contain.

(2) Where the complaints handling procedure has been exhausted, the complaint must be made to the Ombudsman within 6 months of the day that the notice under section 25 is sent.

(3) Where the complaints handling procedure has not been exhausted but section 24(2) applies, the complaint must be made to the Ombudsman within 12 months of the day on which the person aggrieved first has notice of the matters alleged in the complaint.

(4) But the Ombudsman may investigate a complaint, despite the requirements of subsections (1) to (3) not being met, if there are special circumstances which make it proper to do so.

### **Meaning of exhausting the complaints handling procedure**

**27** A complaints handling procedure is exhausted when—

- (a) a final decision is made on the complaint,
- (b) it is determined not to deal with the complaint, or
- (c) it is determined not to deal any further with the complaint.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Services Ombudsman Act (Northern Ireland) 2016, Cross Heading: Procedure for making complaint to the Ombudsman.