



2016 CHAPTER 4

PART 3

COMPLAINTS HANDLING PROCEDURE

Declaration of non-compliance of complaints handling procedure

39.—(1) The Ombudsman may make a declaration of non-compliance in relation to a complaints handling procedure if subsection (2) or (3) applies.

- (2) This subsection applies where the Ombudsman—
 - (a) has specified that a model CHP is relevant to a listed authority, and
 - (b) is of the opinion that a listed authority's complaints handling procedure does not comply with the model CHP.
- (3) This subsection applies where the Ombudsman—
 - (a) has not specified that a model CHP is relevant to a listed authority, and
 - (b) is of the opinion that a listed authority's complaints handling procedure does not comply with the statement of principles.
- (4) Where a declaration is made, the Ombudsman—
 - (a) must give reasons in writing,
 - (b) may specify such modifications to the complaints handling procedure as would result in the declaration being withdrawn.

(5) Where a declaration is made, the listed authority must submit a description of its complaints handling procedure to the Ombudsman, having taken account of the reasons given under subsection (4)(a) and any modifications specified under subsection (4)(b), within 2 months of the declaration.

(6) The Ombudsman may withdraw a declaration at any time if the Ombudsman thinks fit.