

# WATERWAYS OMBUDSMAN – STANDARDS AND POLICIES

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### **A Service standards - turnaround**

The Ombudsman aims to respond to correspondence and deal with complaints within the following timescales:

- acknowledgement or response to initial letter, email or telephone call within a week of contact in 90% of cases;
- investigations completed within 90 days of the Ombudsman receiving the complete complaint file (except for cases of a highly complex nature).

### **B Information management and data protection**

1. In carrying out her work the Waterways Ombudsman needs to handle various information, mainly about complainants and their complaints. Some of that is personal information covered by the Data Protection Act (DPA) and the EU General Data Protection Regulation (GDPR). The Ombudsman is registered with the Information Commissioner as a Data Controller and complies with the DPA and the GDPR. Records are kept both on computer and/or in hard copy. For the purposes of the GDPR the Ombudsman is a data controller and a data processor.

2. Information is kept securely: paper records are held in a locked cabinet when not in use and computer records are password protected and where appropriate encrypted.

3. The name of the complainant (and some key details relevant to the complaint) will need to be disclosed to the Trust in the course of considering a complaint and making a decision. However any other personal information gathered in the course of a complaint investigation will not be divulged to third parties, for the purposes of investigating the complaint, without the consent of the individual involved. The Ombudsman is required under the Rules of the Waterways Ombudsman Scheme to publish a summary of complaints considered, but will omit personal details such as names and addresses of individuals.

4. Where contract staff are engaged to assist the Ombudsman they are required to observe the same rules regarding security and confidentiality.

5. Further information about compliance with the GDPR, including the data retention policy, is on the website. If you do not have access to the Internet, you can ask the Ombudsman to provide a hard copy.

### **C Follow up of recommendations**

1. Under the terms of the Waterways Ombudsman Scheme, the Ombudsman may award compensation (payable by the Trust) and/or make recommendations to the Trust to remedy any injustice caused by maladministration or unfairness.

2. Under the scheme the Trust must, as soon as reasonably practicable, take such steps as are necessary to comply with the recommendations or to make payment of the award and must report to the Waterways Ombudsman within 20 working days what steps it has taken or is in the course of taking. When making recommendations or awards the Ombudsman will remind the Trust of that requirement. She will also remind the Trust that it is appropriate for them to apologise, and ask them to write to the complainant with that apology and information about the action they are taking.

3. All such recommendations and awards will be followed through by the Ombudsman at least until she considers that a suitable commitment to act has been given: and in some cases until the action has been taken. The Ombudsman will notify the complainant and the Trust when she is satisfied that appropriate action is to be taken or has been taken and will end her involvement then: though that does not preclude her from taking up matters again if later she finds that a commitment has not been complied with.

4. If no adequate response on action to be taken is received with 20 working days the Ombudsman will issue a first reminder to the Trust, and will pursue matters until such a response is received.

- If, very exceptionally, the Trust ever declined to comply with a recommendation or award the Ombudsman would report that to the Scheme's Committee and might also take any other appropriate action including giving (or requiring the Trust to give) publicity to the matter.

### **D Persistent complainants, unreasonable behaviour and restricting contact**

1. The Ombudsman is committed to dealing with all complaints fairly and impartially, and to providing a good service. However, inevitably, some complainants will disagree with the Ombudsman's decisions. Where an investigation has been carried out the complainant will always have had the opportunity to comment on a draft decision. The Ombudsman will consider very carefully any further representations made after her final decision, but will not continue to respond to contacts from complainants indefinitely where the correspondence raises no significant new issues which call the original decision into

question. To do so would not be a good use of resources, and might have a detrimental effect on the service provided to other complainants.

2. Very occasionally a complainant may behave so unreasonably that it is necessary to restrict access to the scheme's services in some way. The Ombudsman understands that complainants often feel very strongly about their complaints but abusive, offensive or threatening behaviour is not acceptable. In the very rare cases where unacceptable behaviour occurs, she will tell the complainant why she believes that is the case, and ask them to change their behaviour. If the unacceptable behaviour continues, she may take action to restrict that person's contact with her office and inform the person of that restriction and the reason for it.

3. Any restrictions imposed will be appropriate and proportionate. The options the Ombudsman is most likely to consider are:

- requesting contact in a particular form (for example letters only);
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their conduct

4. If the complainant continues to behave in a way which is unacceptable, the Ombudsman may decide to terminate contact with that person.

5. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Ombudsman or her staff, she will consider other options, for example reporting the matter to the Police or taking legal action. In such cases prior warning of that action may not be given.

### **E Complaints about the Waterways Ombudsman Scheme**

If you have a complaint about the service, you can ask the independent Chair of the Scheme to consider it. He cannot consider an appeal against the decision, but he can consider complaints about the service or the process. You should submit any complaint via the Ombudsman, who will forward it to the Chair.

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