

# Recommendations and Compliance for Service Users

## Introduction

This factsheet explains what happens if we make recommendations to a public body after we looked at your complaint and found failings. It also briefly explains our approach to how public bodies follow the recommendations we make.

## Our role

Our role is to consider whether a complainant has suffered an injustice because of service failure and/or because of a public body, within our powers, getting things wrong. If we find that the complainant has suffered an injustice, recommendations can be made, aimed at putting things right. More information about the type of recommendations we can make can be found in our [Remedies factsheet](#).

Our recommendations are not legal requirements for public bodies to follow. It is generally accepted, however, that public bodies will comply with them unless there are exceptional reasons not to.

## Early Resolution

We may decide from an initial assessment of your complaint that something has gone wrong and that there is a clear solution to resolve the matter. In these instances, we will contact the public body and ask it to carry out any action to resolve your complaint. If the public body agrees, then the case is closed based on the action it has agreed to take to remedy your complaint. We expect the public body to give evidence that it has done what it said it would do. We will check whether the public body complies with the resolution. In most cases, the public body will do what it has agreed to do. However, if the public body's action does not address your complaint, you can come back to us and tell us about the reasons for this. We may be able to consider this new information for you.

## Investigations

If, after investigating a complaint, we uphold it, we will make recommendations to put things right. We will share these recommendations with you and the public body at the draft report stage. More information about what [we do if we investigate a complaint can be found in our what we do when we get your complaint about a public body in Wales factsheet.](#)

If you or a public body disagree with the recommendations before we make our final decision, we will look at the reasons given before making a final decision. This may include further discussions with you and the public body while we reach our decision.

If the recommendations change significantly after these comments, we may issue a further draft report to allow you and the public body to look at it before we make our final decision. If, after considering the comments, we think that the recommendations should stand and that the public body does not agree, we will consider whether this warrants issuing a special report (a report if a public body does not satisfactorily put into action the recommendations or fails to comply with the investigation or settlement).

Once the recommendations are agreed, we will issue a final report to you and the public body. The final report sets out the agreed recommendations and the timescales for the public body to tell us that these have been carried out.

## **Telling us that recommendations have been carried out**

The public body should give evidence to us within the timescale set that it has carried out each individual action. We expect to see evidence that the recommendations have been carried out; saying so is not enough.

The evidence will usually be straightforward to give to us (for example a copy of an apology letter sent to a complainant or a copy of a policy). We will look at the information once we have had evidence for each recommendation. If we are satisfied that the public body has complied with all recommendations, we will usually send a letter or email to you and the public body confirming that the action taken meets the recommendations and that our involvement with the matter has ended. It is for us to decide what is appropriate and proportionate evidence to meet the recommendations we make.

## **If the body does not comply with the recommendations**

We aim to check the timescales for public bodies to comply with our recommendations. If the timescale to give evidence has passed, we will chase a response from the public body and ask for an explanation about the delay. Once we have this information, we will consider whether the public body has complied with the recommendation. If we do not get a response, we will consider whether this warrants issuing a special report.

In some cases, the evidence given by a public body may not fulfill what we recommended. In these instances, we will contact the public body and ask it to give us satisfactory evidence within a specific timescale. If the response we get is still unsatisfactory, we may consider issuing a special report.

Very occasionally there will be good reasons why a public body cannot comply with the recommendations made: if circumstances change, for example, or if a

complainant decides that they do not want the previously agreed actions to take place.

If the recommendation directly affects you, we will contact you to ask for your views, unless you have asked for the recommendation not to be carried out.

If the body does not carry out one or more of the recommendations and there is no good reason for this, we will consider issuing a special report, which we will publicise. This would also be the situation if a public body were to take different action from that which it agreed with in the first place and still did not meet the recommendation.

## Contact us

If you have any questions about our procedures or our role you can [contact us](#) on 0300 790 0203 or [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

Also available in Welsh.

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