

## **Information about issuing public reports for Bodies in Jurisdiction**

### **Public reports**

All our investigation decisions are published on our website, except where we decide publishing is not in the interests of the people involved in the complaint. In some cases we will publish a detailed report of the investigation. We will promote these cases in the media and require the organisation involved to make a public announcement. Reports and decisions do not name the people involved but do name the organisation investigated.

### **Why do we issue public reports?**

There are many reasons why we might issue a public report. The main reason is because we believe it is in the public interest to highlight particular issues or problems. We might also issue a public report because what went wrong is significant or because the impact on the person complaining is significant. We will always issue a public interest report if an organisation does not agree with our findings or recommendations, or put things right to our satisfaction.

Public reports are not intended as a way of sanctioning an organisation and we can issue a report even where we have found no fault. Reports are a vital tool in helping to ensure councils, and other organisations providing public services, remain accountable to people who use those services. By highlighting the learning from complaints we help to improve services for others. Our reports will acknowledge if an organisation has accepted our recommendations and any positive action taken in response to our findings.

### **What happens when we decide to issue a public report?**

Before the report is issued, all parties involved in the complaint have the opportunity to see a draft version of the report and comment on it. We will usually give each party three weeks to provide any comments. We will consider giving a short extension in exceptional circumstances. If we do not receive a response we will proceed with issuing the report so it is important comments are received within the timescales given.

Once we have received all the comments and we have finalised the report, we will send it to the complainant and the organisation subject to the complaint at the same time. We anonymise reports so they do not include the complainant's details or the details of any officers, staff or anyone else involved in the events. We will generally use job titles to refer to senior council officers. However, there may be exceptional circumstances where we decide to name a third party if it is in the public interest to do so (e.g. a care home, care provider or contractor).

### **What happens when the final report is issued?**

Our findings in the report are binding and can only be challenged by judicial review. This is not an appeal and the most a court can do, if successful, is to quash the Ombudsman's decision. The narrow grounds of challenge include illegality, irrationality or procedural flaws.

The organisation has three months from the date of the report to formally consider our findings and any recommendations we have made. Where a complaint is about a council, the report should be submitted to the full council (or committee if the council has delegated the authority to that committee). We may ask for evidence to show you have done this.

The organisation should send a formal written response to us explaining what steps it has taken or will take to comply with the recommendations in the report.

When we are satisfied with the actions an organisation has taken following a report, we will send a letter of satisfaction to you and the organisation explaining this. We then update our website to show we are satisfied with the outcome of the report.

### **What happens if an organisation does not comply with the recommendations?**

Most organisations agree to our recommendations, often before we issue a report. However, if an organisation does not, we can issue a further report. A further report will explain that an organisation has not complied with our recommendations.

The organisation can also add its comments to the further report explaining why it decided not to comply. The organisation has three months to formally respond to the further report.

In the rare cases where an organisation fails to respond within the prescribed time or refuses to comply with recommendations in a further report we will ask the organisation to issue a statement of non-compliance. If an organisation does not agree to do so we can publish it on its behalf.

This statement explains why we are not satisfied with how an organisation has responded to a report or that it has refused to comply with our recommendations. The organisation can add a statement explaining why it has not complied, and the same rules apply about the press.

### **How is the report published?**

Reports are published on our website. We will advise organisations of the earliest date the report will be published. This will be at least six working days after we send the final report to you and the organisation. You can find recent reports on our website in the "News" section.

We will usually send a copy of the report with a press release to the media. We often send out the press release in advance of the publishing date under an embargo. This means the media should withhold writing or broadcasting anything until after we have published the report.

The media will often ask to speak to complainants. We usually pass on details of interested media organisations to the complainants. We would not usually be directly involved in media contact between the complainant and a media organisation.

There are times when we cannot publish public reports (e.g. during an election period). We ask complainants not to speak to the media until we have published a final report.

If an organisation has any questions regarding how we deal with the media when a report is published it may contact the Investigator who can put it in contact with our policy and communications team.

**How does the organisation publicise the report?**

The organisation complained about must place two public notice announcements in local newspapers/ newspaper websites within two weeks of receiving the report. The organisation should also make copies of the report available free of charge at one or more of its offices.

If there is no local newspaper we would expect an organisation to place a public notice in newspapers available in its area.

