

## What sort of things can the Ombudsman investigate?

The Ombudsman can investigate a complaint only if:-

- The complaint is against one of the Member Organisations or one of its constituent members.
- The complaint is about something which happened during the period of membership.
- The complaint relates to a member which operates in England, Wales, Scotland and Northern Ireland. The Ombudsman Scheme does not cover the Channel Islands, Isle of Man or foreign countries.

The Ombudsman will consider a complaint if the complainant believes they have been treated unfairly, the service received is unacceptable or a situation has led to distress, inconvenience or financial disadvantage.

## What is there that the Ombudsman cannot or may not do?

The Ombudsman has no power to investigate something which is being, or has been, decided by some other Tribunal or Court. In some situations, the Ombudsman's powers to investigate are limited. An example of this is:-

- When another Ombudsman has statutory control and regulation of the subject matter of the complaint.
- When the complaint involves an allegation of fraud which must be investigated by police as a criminal activity.

Further information is available in the leaflet

**'How to Complain to the Ombudsman'.**



### The Ombudsman Ronald Barham, LLM, PhD, FCIArb.

Dr. Barham is a Freeman of the City of London and an experienced Arbitrator who also sits as Chairman of a Statutory Tribunal. He was formerly in practice as a chartered surveyor and consulting engineer [formerly a Fellow of the Royal Institution of Chartered Surveyors and of the Rating & Valuation Association, the Chartered Institute of Building, the Architects & Surveyors Institute and the Construction Surveyors Institute as well as a Member of the International Real Estate Federation and the Society of Engineers, registered as a Professional Engineer (UK)]. He has experience as a consultant to, and director of, several industrial and commercial concerns. He is also a member of the arbitration panels of several professional and government bodies.

The Ombudsman is totally independent of the organisations which are members of the scheme and has full autonomy to provide a complaints and dispute resolution service.



### The Quality Assurance Ombudsman

QA Ombudsman Chambers  
Manchester Legal Centre  
3rd Floor, 64 Bridge Street  
Manchester  
M3 3BN

Telephone & Facsimile  
0870-901-5581



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# GENERAL INFORMATION LEAFLET

- see also:- How to Complain to the Ombudsman

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## Objective of The Quality Assurance Ombudsman Scheme

*"To achieve a simple, accessible system which will operate effectively to produce a resolution of disputes by way of mediation, conciliation or arbitration between members of the scheme and their customers with results which are fair and reasonable in the circumstances".*

## What is an Ombudsman?

An Ombudsman is someone to whom you can address a complaint about an organisation or body if you feel you have been dealt with unfairly or have suffered some financial or other loss you would like investigating.

There are a number of Ombudsman Schemes in the United Kingdom. Some Ombudsmen are Government appointed, for example, The Local Government Ombudsman and The Building Societies Ombudsman, whereas others are industry appointed, such as the Banking Ombudsman and the Insurance Ombudsman. The Quality Assurance Ombudsman is a similar non-statutory scheme.

The Quality Assurance Ombudsman can save industry and consumers money. In addition to freeing up the court system, there are also opportunities to explore the potential for mediation and conciliation and come to a negotiated settlement which provides both parties with a means for proposed compromise. If this process proves fruitless, the Quality Assurance Ombudsman can investigate further and, if necessary, provide a determination and award by arbitration which is both legally binding on both parties and enforceable in the same manner as a judgement of the court.



## The Quality Assurance Ombudsman

### When & why was the Quality Assurance Ombudsman Scheme established?

The Ombudsman Scheme was established because there appeared to be a need in the commercial business sector for an independent body to handle complaints about businesses which may not be covered by some other regulating body or Ombudsman Scheme.

It provides a means for redress for justified complaints and provides some limited protection to organisations within the Scheme who may suffer from "professional complainers".

As a direct result of member organisations having set higher standards compared to those of their competitors they can gain an enhanced public image and improved levels of customer confidence and satisfaction.

The procedural rules of the Ombudsman Scheme were first published in September 1996 and have since been updated and modified where changes were deemed necessary to improve the scheme. As of January 2000 the scheme will be open to other organisations which wish to be considered for membership of the scheme.

## Who is the Quality Assurance Ombudsman & what does he do?

The Ombudsman is Dr Ronald Barham. He was appointed by the Member Organisations which set up the Scheme and given full autonomy to deal with complaints and disputes against member organisations and their constituent members in accordance with powers set out in The Quality Assurance Ombudsman Procedural Rules 1996 (*copies available on request to address overleaf*).

The Ombudsman oversees the handling of complaints and disputes resulting from breaches of contract, negligence and non-compliance with quality assurance standards, codes of practice or procedures of member organisations within the scheme.

The Ombudsman is completely independent of the organisations and professional bodies that subscribe to the scheme.

The Ombudsman's primary role is to investigate the way that member organisations and their constituent members have dealt with complaints. Most of the cases referred to the Ombudsman involve allegations of professional negligence, misconduct or poor service by member firms.

The Ombudsman will check that any allegations have been dealt with properly by the member organisation and, if he is not satisfied, he will generally allow the submission of a formal complaint to be dealt with by the Ombudsman himself.

Complaints direct to the Ombudsman will be dealt with either as a case for mediation or, where appropriate, as an arbitration. In either case, the Ombudsman is empowered by the Procedural Rules to carry out, or to have carried out on his behalf, an investigation to ensure that all the facts and evidence are to hand before a decision in the form of a Determination and/or Award is made.

The objective is to ensure that, in appropriate cases, the complainant has received appropriate redress - such as an apology or compensation or the performance of some other task deemed appropriate by the Ombudsman.