

# Undue delay investigations



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This pamphlet explains everything you need to know about the Ombudsman's power to conduct investigations into alleged undue delay.

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## What is undue delay?

There is no legal definition of undue delay, but in general terms it means you think that the time taken to do something is unreasonable or excessive.

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## When can I ask for an investigation?

There is no time limit for making an application for undue delay when your Service Complaint/Matter\* is still being dealt with by the chain of command or on-going through the Service Complaints process. But you should try and resolve the delay with the person that is handling your complaint before making an application to the Ombudsman.

If you have tried to resolve the delay yourself without success and would like the Ombudsman to investigate, you can request an investigation into undue delay where:

- You believe there has been undue delay in the handling of a Service Complaint you have made; or
- You believe there has been undue delay in the handling of a Service Matter; **and**
- The Service Complaint or Service Matter is still open.

\*A Service Matter is any matter that has been raised with the Service and could potentially be a Service Complaint, but a Service Complaint has not been made. This could mean you have made an informal complaint or submitted an Annex F/ statement of complaint but an admissibility decision has not been made yet.

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## How do I ask for an investigation?

You will need to complete the [application for an investigation of undue delay](#) on our website. The form outlines the information we need from you to process your application, including your consent. For undue delay you need to provide:

- Your Annex F form or statement of complaint
- A copy of the admissibility decision (if available)

**Please note:** It is important that we can contact you once you have submitted an application. If we can't contact you we may be unable to process your application or there may be delays in starting an investigation.

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## What happens once you receive my application?

Once we receive your application form you will be sent an acknowledgement within 2 working days. The Enquiries and Referrals Team will check you have provided all the documents needed to process your application before it is passed onto the Investigations Team to conduct an initial eligibility review.

The investigator assigned to your application will check whether we can accept the matter for investigation, against the following eligibility requirements:

- The complaint relates to an on-going Service Complaint or the handling of a Service Matter
- There is an indication of delay
- The application is not deemed frivolous, vexatious, or malicious

If the application meets the eligibility criteria it will be accepted for investigation. If the application is not accepted, a letter will be sent to you and your Service to explain why we have reached this decision.

If the complaint is accepted, the investigator will contact you to clarify the nature of the complaint, the impact of the alleged delay, and to request additional information if required. Then the investigator will write to the person handling your complaint (this could be the Specified Officer, Decision or Appeal Body) to request:

- a timeline of the complaint and any other relevant process to date;
- reasons for any delay;
- details of the steps being taken to resolve the delay;
- timeframe for completion of the Service Complaint or Service Matter;
- any additional information that may be required to conduct the investigation.

A final report will be issued to you and your Service, outlining whether there has been undue delay and, if so, whether this has caused or could have caused injustice to you. The report may also include any recommendations on how the matter should be resolved and wider lessons for the Services concerned, if relevant.

The investigator will aim to complete the investigation within **17 working days**. If the timeframe is not likely to be met, you will be provided with regular updates, including a revised timetable, the reason for the delay and when it is expected we will complete the investigation.



## What do I do if I have a question or issue to raise while you are investigating?

Any questions regarding the investigation process should be sent to the investigator handling your complaint. The investigator will always try to respond to your question within a timely manner, but please allow 2 working days for a response.

Similarly, if you have additional information that you would like us to see, which we have not asked for, please do not send it to us as this may slow the investigation process down. You can make the investigator aware of the documents you have, and they will tell you if and when this information is needed.



### **If you find that there has been undue delay, what can I expect to happen next?**

A final decision will be issued if the Ombudsman finds or does not find undue delay in the handling of your Service Complaint.

Your Service will respond to the findings of the investigation report.

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### **Will you monitor how my complaint is handled once your investigation is finished?**

No. The Ombudsman does not monitor how the complaint is handled after an undue delay decision is made. This is because you have the option to approach the Ombudsman to request another application for undue delay. You can also approach the Ombudsman to request an investigation into substance and/or maladministration at the end of the internal process if you are not happy with the outcome of the complaint.

However, the Ombudsman does monitor any recommendations made in the final report. The Service Secretariat is required to consider the recommendations and provide an update to SCOAF on any action taken.

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### **If I don't agree with your decision, can I appeal?**

All decisions made by the Ombudsman are final. This means that you cannot appeal the decision or submit a further application on the same grounds. If you disagree with a decision that we have made, the only way to challenge this is by making an application for Judicial Review. There is a time limit for applying for Judicial Review, which is usually within 3 months of the date of our final decision.

Please note that a Judicial Review can be a costly legal process. You may wish to consider seeking legal advice about what the process entails and how much it is likely to cost before making a decision about whether to apply for Judicial Review. For more information read [Judicial Review](#).

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### **Where can I get more information?**

For information on the Ombudsman's role, powers and processes and how to make an application for an investigation of undue delay, get in touch at:

☎ 03003690689

✉ [contact@scoaf.org.uk](mailto:contact@scoaf.org.uk)

🌐 [www.scoaf.org.uk](http://www.scoaf.org.uk)

@ [SCOAF\\_UK](#)

For information on the Service Complaints process read [Redress of Individual Grievances: Service Complaints \(JSP831\)](#).

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