



The Gibraltar Public Services

## Ombudsman

### Need Help?

## Do you think you have been treated unfairly?

The Ombudsman may be able to help you if you think you have been treated unfairly by a Government Department or Government Agency or Entity.

### Who we are?

The Public Services Ombudsman is an independent authority, whose functions are to investigate complaints received from the general public about acts of maladministration undertaken by the Government of Gibraltar and certain Public Bodies and Contractors.

### How can the ombudsman help?

The Ombudsman reviews the circumstances giving rise to the complaints in order to establish the facts. Having done so, the Ombudsman forms his independent opinion as to whether the act or decision amounted to a maladministration, on account of it being unreasonable, unjust, oppressive, discrimination or wrong in any manner or form.

The Ombudsman can also consider whether a discretionary power has been exercised in an improper manner or on irrelevant grounds, or whether reasons should have been given for the decision or recommendation.

The Ombudsman can make recommendations for a resolution of a complaint and although he has no power to force its acceptance a substantial number of recommendations are likely to be accepted.

### Can the Ombudsman refuse to investigate a complaint?

The Ombudsman shall not conduct an investigation under the Public Services Ombudsman Act 1998 in respect of any of the following matters, that is to say –

- any action consisting of a decision or ruling by an Authority in respect of which the person aggrieved has or had a right of appeal, reference or review to or before any tribunal howsoever constituted by or under any enactment;
- any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law or board of enquiry;
- any action in respect of which the person aggrieved has or had a right of complaint or review under any complaints procedures established under any enactment, except in manner and to the extent that such an enactment or complaints procedures provides for specific reference to the Ombudsman.

### When can't the Ombudsman help

There are also some things we may not investigate because there is a more appropriate body to deal with your complaint, or because we don't have the legal power to do so. The law is complex and this is not a complete list, but we cannot investigate:

- Having had knowledge of the matters complained about for more than six months, unless there is good reason for the delay.
- Consumer-related matters
- Private Individuals, or private companies
- When proceedings are pending in a court or tribunal or when you have already appealed to a tribunal or have taken court action against the relevant entity.
- Any criminal investigation by the police.
- Personnel matters (about your employment, including pay, pensions or dismissal; or about applications for employment).
- Matters related to the merit of government policy. Matters might affect the relations or dealing between the government and any other government, prejudice the investigation or detection of offences, or be injurious to the public interest.

### How do I make a complaint?

**To submit a complaint, you can either:**

- **Come personally to our office and fill in a complaint form.** *Complaint forms can be collected within our offices and can also be downloaded through our website.*
- **Download our [complaint form](#), fill it in and send it by post** (*freepost service is available when posting from Gibraltar*) **or by fax to our office.**
- **Write a letter of complaint and send it to us by post** (*freepost service is available when posting from Gibraltar*) **or by [email](#).** In the letter write down what the complaint is, what has happened to you as a result and what do you think should be done to fix it.
- **Use the [online complaint form](#)**

If you have difficulty submitting complaint, call at the Ombudsman's Office for help.

## **How will the Ombudsman deal with your complaint?**

### **First stage**

When your complaint is received by the Ombudsman, a decision will be made on whether or not an investigation will be carried out. If the Ombudsman cannot look into your complaint or decides not to, you will be told why.

### **Investigation**

The first step is usually to send your complaint to the relevant department or entity and ask for its comments and any other information we need. We may also need to:

- get further information from you or the department
- examine the department's files
- meet you, government officials or
- visit the site if the complaint is about land or buildings

The Ombudsman has the same power as the Civil Court to obtain evidence from the relevant government department or entity. If the Ombudsman decides to investigate, you will be informed by way of letter. It will set out for you what issues the Ombudsman will look into, and an officer will be swiftly allocated to investigate your complaint(s). When we have completed the investigation and made a final decision, we will give you chance to comment on it.

### **Reports on Investigations**

At the end of investigation you will be sent the Ombudsman's report. A copy is also sent to the entity responsible for the matter you complained about. If your complaint is found to be justified, the Ombudsman can seek for you an apology or other remedy if the need arises. The Ombudsman may also call for changes to be made so that what has gone wrong does not happen again. When the entity you complained about informs the Ombudsman that it will make such changes, the Ombudsman will check that these have been implemented.

### **Is there an appeal against the Ombudsman's decision?**

No. A complaint to the Ombudsman is the final stage in the procedure for persuading a complaint. The Ombudsman's decision is final. The Ombudsman may start a new investigation only if completely new information comes to light which could not reasonably have been known about before.

### **How much will it cost?**

Nothing. There is no charge for making a complaint.

**Where to find us**

10 Governor's Lane, Gibraltar

Tel:(350) 20046001

Fax: (350) 20046002

**Opening Hours**

**Winter hours**

*Monday to Friday 9:30am to 1:00 pm*

*2:30pm to 4:00 pm*

**Summer hours**

*Monday to Friday 9.00am to 2:00 pm*