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# **Membership Application**

# Application form for Ombudsman members

## Form version: August 2023

# Purpose

This form is for use by Ombudsman schemes that wish to apply for membership of the Ombudsman Association (OA). Your completed form will be used by the OA’s Validation Committee (VC) to consider whether your scheme meets the criteria for membership. This process is referred to by the OA as “validation”.

This form is also used by the VC for “revalidation”. Revalidation enables the VC to verify, approximately once every five years, that an existing Ombudsman member continues to meet the membership criteria.

Effective validation and revalidation are critical to protecting the reputation, credibility and brand of both the OA and the Ombudsman office more widely. In addition, the rules of Companies House in the UK require that the title of “Ombudsman” be used only by individuals or bodies that meet the OA’s membership criteria. This gives the OA an important role in protecting consumers and other stakeholders from misuse of the Ombudsman title. The VC therefore takes its responsibilities seriously, and aims to ensure its processes are robust, efficient and fit for purpose.

# Criteria

The criteria for the recognition of Ombudsman members, against which your application will be assessed, are set out in the OA’s Terms and Rules. The Terms and Rules cross-refer to other OA materials that members are required to implement. In preparing your application, we suggest you take account of the following resources: [Terms and Rules](https://www.ombudsmanassociation.org/sites/default/files/2021-03/OA%20Terms%20and%20Rules%20-%20July%202019.pdf); [Guide to Principles of Good Complaint Handling](https://www.ombudsmanassociation.org/best-practice-and-publications/principles-good-complaint-handling); [Guide to Principles of Good Governance](https://www.ombudsmanassociation.org/best-practice-and-publications/guide-principles-good-governance); [OA Strategic Position Statement](https://www.ombudsmanassociation.org/best-practice-and-publications/strategic-position-statement); [OA Service Standards Framework](https://www.ombudsmanassociation.org/best-practice-and-publications/oa-service-standard-framework); [OA Caseworker Competency Framework](https://www.ombudsmanassociation.org/best-practice-and-publications/oa-caseworker-competency-framework).

# Application process

Please complete all sections of this form and return it to oasupport@ombudsmanassociation.org, together with electronic copies of any supporting documentation. Please provide weblinks and references to specific sections of documents (such as scheme rules) wherever possible to verify the information provided. Guidance notes are included throughout the form in italic text. You can delete these when completing the form if you wish.

The VC may request further information or evidence in the course of assessing your application. It may also be appropriate to meet with you. We will let you know if this is necessary. Upon conclusion of the process, the VC will make a recommendation to the OA’s board in relation to the outcome of your application.

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| Part 1: About the applicant |
| Name of the Ombudsman scheme applying for membership |  |
| Date on which the scheme began accepting complaints | *If the scheme has not yet opened, please indicate when it intends to open and then answer the remaining questions by reference to how the scheme will operate once open, making clear where any aspects of the scheme’s operation are not yet finalised.*  |
| Constitution of the scheme | *Please indicate whether the scheme is constituted by statute or is a private body. If statutory, please specify the legislation that gives effect to the scheme. If private, please explain the corporate ownership structure and indicate whether the scheme provides services in order to generate profit for shareholders.*  |
| Bodies within the scheme’s jurisdiction | *Please indicate which bodies, individuals and/or office holders are within the jurisdiction of the scheme (i.e. which parties are subject to investigation). Please also indicate whether it is mandatory or voluntary for those parties to submit to the scheme’s jurisdiction.* |
| Geographic area covered by the scheme |  |
| Sector or sectors in which the scheme operates | *Please describe the sector (or sectors) covered by the scheme and indicate which* [*Standard Industrial Classification (SIC) Codes*](https://www.ons.gov.uk/methodology/classificationsandstandards/ukstandardindustrialclassificationofeconomicactivities/uksic2007) *you believe apply to that sector.* |
| Brief description of the type of complaints the scheme accepts  |  |
| Is the scheme’s core role to investigate and resolve, determine or make recommendations with regard to complaints about maladministration, unfair treatment, poor service or other inequitable conduct by those subject to investigation, using learning from those complaints to drive improvement? *This is the threshold criterion for Ombudsman membership.* | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Does the scheme comprehensively cover complaints in its sector, free from exclusions or exemptions to its jurisdiction? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Is this the only Ombudsman scheme or complaint handling body operating in the relevant sector? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| If you answered “no” or “other” to any of the questions above, please provide further details. |  |

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| Part 2: Impartiality and integrity |
| Please describe the process for appointing and, where relevant, renewing the appointment of the Ombudsman (or equivalent office holder who has ultimate responsibility for determining complaints under the scheme). | *Please include an explanation of who is responsible for appointing the Ombudsman, the criteria applied, and the advertising and selection processes used. Please indicate whether any individuals or organisations involved in the appointment process are affiliated with a body or bodies within the scheme’s jurisdiction. If it is an organisation, rather than an individual, that is appointed under the process, please give details of how that organisation is selected.*  |
| Please describe the governance structure of the scheme, including reporting lines for the Ombudsman (or equivalent office holder) and any other staff with responsibility for decision-making within the scheme. |  |
| Please describe any circumstances in which the Ombudsman (or equivalent office holder) can be dismissed or have their remuneration suspended or reduced.  | *Please include an explanation of who has the power to make these interventions and the specific events that could lead to them. Please provide an extract from the relevant statutory or contractual provisions relating to dismissal or termination.* |
| Is the Ombudsman (or equivalent office holder) appointed for a term of at least five years? *If not, in the box below please state the appointment term and explain why this term is appropriate and does not undermine independence.* | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Is the Ombudsman able to make decisions, including as to whether complaints are within jurisdiction, free from the actual or perceived influence of the sector or the individual bodies under the scheme’s jurisdiction? *Influence could include, for example, the Ombudsman reporting to a board comprised of individuals with sector interests.*  | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Is the scheme’s determination final, unable to be overturned by another body other than the courts or through a statutory appeal route? *In this context, the right of a party to reject a determination does not mean the determination is not final.* | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Is the scheme entitled to publish reports of its investigations and decisions? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| If you answered “no” or “other” to any of the questions above, please provide further details. |  |
| Part 3: Process and outcomes |
| How is the scheme funded? What mechanisms are in place to ensure the scheme is adequately resourced to carry out its role effectively? |  |
| Please describe the approach taken by the scheme to investigating complaints.  | *Please include an indication of whether the approach is adversarial or inquisitorial and how evidence is gathered, assessed and challenged.* |
| What guidance, training or other mechanisms have been put in place to ensure the Ombudsman (and any other decision-making staff) proceed fairly, impartially and in accordance with the principles of natural justice in all aspects of their role? |  |
| Please explain how the scheme ensures that decisions and recommendations of the Ombudsman (or other decision-making staff) are implemented in practice.  | *Please include an explanation of whether decisions are binding on those subject to investigation, how the implementation of decisions and recommendations is monitored and followed up, and any measures or sanctions that can be applied in cases of non-implementation.*  |
| Please describe the quality assurance mechanisms the scheme has in place in relation to its complaint handling practices. | *These might include monitoring of outcomes, annual audits, risk-based spot checks, peer reviews of processes etc.* |
| Please demonstrate, using examples where relevant, how the scheme proactively works to improve the service provision and complaint handling of the bodies within its jurisdiction.  | *This might include publishing complaints data, providing training, producing guidance materials or case studies, collaborating with regulatory bodies etc.* |
| How does the scheme seek and obtain feedback from users, and potential users, about their experience? How is this feedback acted upon to improve the effectiveness of the scheme? |  |
| How are the principal risks affecting the scheme being mitigated or managed? |  |

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| Part 4: Accessibility and information |
| Is the scheme able to investigate a complaint that is within its jurisdiction, free from any barriers? *Barriers might include fees charged to complainants, waiting periods, or a requirement to obtain third-party consent / complain via a third-party.* *A requirement for a complainant to exhaust an internal complaints procedure is not considered a barrier for this purpose.*  | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Are complainants able to lodge a complaint via a range of methods, including post, email/online and phone? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Does the scheme have the right to require all relevant information, documents and materials from those subject to investigation, and (other than in exceptional circumstances) disclose information provided by each party to the other? *Exceptional circumstances include where information is commercially sensitive or where disclosure would be unlawful.* | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Does the scheme provide the parties with written reasons for the final determination of a complaint, including providing the complainant with reasons where a complaint is determined to fall outside the scheme’s jurisdiction?  | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Upon the final determination of a complaint, does the scheme inform the parties about how to appeal (if relevant) and where to get further help? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Does the scheme communicate in language that is accessible to users with a wide range of needs? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| Does the scheme apply its processes flexibly, providing assistance, support and adjustments for complainants and potential complainants to access its processes? | **Yes** [ ]  **No** [ ]  **Other** [ ]  |
| If you answered “no” or “other” to any of the questions above, please provide further details. |  |

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| Please indicate whether the scheme does the activities below. In the righthand column, please provide weblinks to relevant published materials.  |
| 1 | Publishes an annual review and annual accounts | Yes [ ]  No [ ]  |  |
| 2 | Sets out clearly which bodies are within its jurisdiction, for example by publishing a searchable list  | Yes [ ]  No [ ]  |  |
| 3 | Publishes information about the scheme’s legal constitution, governance and funding arrangements | Yes [ ]  No [ ]  |  |
| 4 | Publishes a step-by-step guide to the complaint handling process used by the scheme, including likely timeframes for each step | Yes [ ]  No [ ]  |  |
| 5 | Publishes information about the potential outcomes of a complaint, the remedies available, and how those remedies are determined | Yes [ ]  No [ ]  |  |
| 6 | Publishes service standards to inform users of what to expect from the scheme | Yes [ ]  No [ ]  |  |
| 7 | Requires bodies within the scheme’s jurisdiction to publicise the right to complain to the scheme | Yes [ ]  No [ ]  |  |
| 8 | Requires bodies within the scheme’s jurisdiction to have accessible and fair internal complaint procedures  | Yes [ ]  No [ ]  |  |
| 9 | Proactively raises and monitors awareness of the scheme among potential complainants | Yes [ ]  No [ ]  |  |
| 10 | Publishes and implements a reasonable adjustments policy for scheme users | Yes [ ]  No [ ]  |  |
| 11 | Publishes examples or summaries of decisions made by the scheme | Yes [ ]  No [ ]  |  |
| 12 | Publishes aggregate data on the number of investigations conducted and the outcomes of investigations | Yes [ ]  No [ ]  |  |
| 13 | Publishes aggregate information about the stages at which, and methods by which, cases were resolved | Yes [ ]  No [ ]  |  |
| 14 | Informs scheme users how they can make a complaint about the scheme’s service | Yes [ ]  No [ ]  |  |
| 15 | Publishes information on complaints about, and successful legal challenges against, the scheme  | Yes [ ]  No [ ]  |  |
| If you indicated “no” in relation to any of the activities above, please provide further details. |  |
| Part 5: Expectations on Ombudsman members |
| Please describe the steps you have taken toward implementing the OA’s Service Standards Framework, or an equivalent framework, for the scheme. |  |
| Please describe the steps you have taken toward implementing the OA’s Caseworker Competency Framework, or an equivalent framework, for the scheme. |  |
| Are there any aspects of the OA’s Guide to Principles of Good Governance with which the scheme does not comply? | **Yes** [ ]  **No** [ ]  |
| Are there any aspects of the OA’s Guide to Principles of Good Complaint Handling with which the scheme does not comply? | **Yes** [ ]  **No** [ ]  |
| If you answered “yes” to either of the questions above, please indicate which aspects of the Guide(s) the scheme does not fully comply with, and explain what steps are being taken to bring the scheme in line with the Guide(s) or why compliance is not necessary/appropriate. |

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| Part 6: Revalidation |
| Complete Part 6 only if you are an existing Ombudsman member and you are applying for revalidation of your membership. Otherwise, please proceed to Part 7 (Declaration). |
| Please carefully review all the information in this form, which was provided when you last made an application for membership or revalidation. If anything has changed, please provide an updated response based on current information. Please highlight or otherwise mark all new/amended text in the form.  |
| Is there anything you would like to emphasise or explain about changes to the scheme since your last application? | *This is an opportunity to describe any changes in more detail. For example, you might wish to explain the rationale for a change in the scheme’s scope, highlight improvements in effectiveness under a new structure etc.*  |
| Please explain how you have addressed any recommendations for improvement or other feedback provided by the OA in relation to your last application.  |  |

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| Part 7: Declaration |
| I sign this form as the Ombudsman (or equivalent office holder), or on the Ombudsman’s behalf. All information provided in this application is correct and complete to the best of my knowledge. I do not know of any information, other than as provided in this application, that would mean or be likely to mean that the applicant does not fulfil the OA’s criteria for Ombudsman membership.  |
| Name |  |
| Signature |  |
| Date |  |
| Contact email |  |