

REFERRAL OF A COMPLAINT TO THE INDEPENDENT COMPLAINTS ASSESSOR (ICA) – PROTOCOL

The role of the ICA is to consider whether the agencies of the Department for Transport have handled a complaint appropriately and have given a reasonable decision.

The ICA can look at complaints about

- Bias or discrimination.
- Unfair treatment.
- Poor or misleading advice (e.g. inaccurate information has been given).
- Failure to give information.
- Mistakes.
- Unreasonable delays (e.g. where matters haven't been dealt with promptly).
- Inappropriate staff behaviour (e.g. rude responses or refusing to listen).

The ICA cannot look at

- Matters of government, departmental or agency policy.
- Complaints where there is a specific right of determination by any court, tribunal or other body with specific jurisdiction over the matter.
- Complaints about an ongoing investigation or enquiry.
- Any complaint that has not completed the agency's own procedures.
- Personnel and disciplinary decisions or actions.
- Any complaint that is more than six months old from the date of the final response by the agency.
- Complaints that have been or are being investigated by the Parliamentary Ombudsman.

If you are dissatisfied with the agency's handling of your complaint and you wish to have it referred to the ICA then please write to us, setting out the reasons why you would like the ICA to consider your complaint. We will then pass the papers to the ICA to assess the complaint to see if it is one that he can consider.

If the ICA decides he cannot accept your complaint he will write to you to tell you why.

When the ICA accepts your complaint for review he will consider all the papers, asking for any further documents or explanations he needs from either the agency or you.

When he has completed his review he will issue a formal report with his findings and any recommendations that he considers appropriate.

There might be times where although you have not asked for an independent assessment of your case the agency concerned considers it is in the public interest for the ICA to consider the complaint. The agency will write to you if they are considering that option.