

	Caseworker to complete
	Manager to complete

DECISION FORM 2.0

Caseworker	Auto populated
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Decision	
Assessment decision	Put proposed decision here
Provisional views	Put proposed views here
Final decision	Put proposed decision here

Case details	
Case reference	Auto populated
Person(s) affected	Auto populated
Representative(s) if person affected is not complaining on their own behalf	Personal: Auto populated
	Professional/Organisation: Auto populated
Organisation(s) complained about	
Named person(s) Named persons guidance	Professional registration number if applicable: Representative:
Theme(s) Casework themes guidance	
Category Casework categories guidance	

Risk and mitigation plan Assessing Risk Section 1 - Service Model General Guidance	
1	<p>Using the risk matrix as a guide explain: Casework risk assessment tool</p> <p>Description of type of risk/s: explanation including if no risks identified:</p> <p>Description of the impact: (delete as applicable) People/Financial/Reputational/Political /Customer Service/Legal</p> <p>Severity of the impact on risk:(delete as applicable) - Minor/Moderate/Critical Explanation:</p> <p>Likelihood of risk occurring: (delete as applicable) - Unlikely/Likely/Highly likely Explanation:</p>

	What is the initial risk rating? (delete as applicable) - Low/Medium/High Mitigation plan: Explain if and what we can do to mitigate the risk and to what extent this will reduce likelihood and impact.	
Overall risk rating, in light of mitigation?		Low/Medium/High

	Summary of complaint
2	Claimed failings: Repeat for each organisation/named person Impact the complainant claims flows from each claimed failing/category of claimed failings: Repeat for each organisation/named person Outcomes the complainant wants: Repeat for each organisation/named person
	Assessment planning and complaint background
3	Give details or delete where applicable. Background/chronology: Assessment planning considerations: Key evidence required and impact on the assessment: Named people: Contract arrangements (for primary care):

	Can we investigate the complaint?
4	Is the complaint in remit? Remit guidance Is the organisation complained about in remit? Yes / No (give details then proceed to 19) Is the subject matter complained about in remit? Yes / No (give details then proceed to 19) If answer cannot be found in the service model guidance please contact:
5	Is this case joint working? Joint working guidance No / Yes (If yes, give details and email _____ to obtain approval from JWA decision makers to transfer the case)

6	<p>Is the complainant suitable? Suitable complainant guidance</p> <p>Yes (give details) / No (give details)</p> <p>Representative used? Consent confirmed?</p>
7	<p>Is the complaint premature? Premature guidance</p> <p>No / Yes (If yes, give details and proceed to 19. If yes and also out of time, please manage the complainant's expectations)</p>
8	<p>Time consideration Time consideration guidance</p> <ul style="list-style-type: none"> • Date of complaint to us (health): • Date of complaint to MP (parliamentary): • Date of events: • Date of knowledge: give details • By how long is the complaint out of time? <p>The complaint is: out of time (proceed to 9) / in time (proceed to 10)</p>
9	<p>If out of time, the caseworker should make these considerations according to the circumstances of the case. Out of time guidance</p> <p>Complainant's explanation for the delay:</p> <p>Time taken for local resolution to be completed:</p> <p>Scale of the injustice:</p> <p>Wider public interest:</p> <p>Is an investigation practical/how available is the evidence:</p> <p>Any other factors to consider:</p> <p>Conclusion:</p> <p>We should: Put the time limit to one side / decline as out of time (proceed to 19)</p>
10	<p>Does, or did the complainant have an alternative legal remedy available to them? ALR guidance Also See: Legal briefing note</p> <p>No (give details and proceed to 12) / Yes (fully or partly?)</p> <p>Explain ALR considerations, including whether it is available for all the issues complained about or just some of them.</p>

11	<p>Is it reasonable for the complainant to pursue ALR? ALR guidance Also See: Legal briefing note</p> <p>Factors you may wish to consider if relevant to the case:</p> <ul style="list-style-type: none"> - Is or was the legal route the only way to obtain outcome sought? - Is the amount of financial remedy the person wants proportionate to legal costs? - Would legal action achieve all of the outcomes sought? - Can the complainant obtain the relevant funding for making the claim? - How difficult would be for the complainant to make the claim due to the complexity of the legal action required? - Does the complainant not want to pursue legal action and is there is a good reason why. (E.g. very intimidated or frightened of attending court)? - The age and particular circumstances of the complainant. - The time that the complainant would need to pursue legal action. For example, does the complainant have a terminal illness and we can achieve the outcome they want? <p>Conclusion:(give details)</p> <p>Decision: Not reasonable to pursue ALR / Decline as reasonable to pursue ALR (proceed to 19)</p>
	<p style="text-align: center;">Precedent check Precedent checks guidance</p>
12	<p>Precedent check completed? Yes/No Outcome:</p>

	<p style="text-align: center;">Should we investigate the complaint?</p>
13	<p>Is there another dispute resolution forum that is reasonable for the complainant to pursue? Another dispute resolution forum guidance</p> <p>Forum available GMC / NMC / ICO / Other (please specify) / None (proceed to 14)</p> <p>Give details including whether this addresses all issues raised and provides full outcome sought</p> <p>Is it reasonable for the complainant to pursue it? Yes (explain why and proceed to 19) / No (explain why more suitable for us)</p>
14	<p>Are there any indications of maladministration or service failure? Indications of maladministration guidance</p> <p>Yes / No (proceed to 19) Address each head of complaint</p>

15a	<p>Indications of injustice? Indications of injustice guidance</p> <p>Is there an indication of the claimed impact? Give details. Include consideration for each claimed impact.</p> <p>Does or might it flow from an indicated failing? Give details. Include consideration for each claimed impact.</p> <p>Are there any indications of an injustice flowing from the maladministration or service failure? Yes / No (proceed to 19)</p>
15b	<p>Is the injustice still unremedied? Unremedied injustice guidance</p> <p>Has the organisation already acknowledged the claimed injustice?</p> <p>What has the organisation done to put right the claimed injustice?</p> <p>Is this enough?</p>
16	<p>Have you agreed a resolution? Resolution guidance</p> <p>Yes (give details and proceed to 19) / No (give details)</p>
17	<p>Are there any other reasons to decline to investigate? E.g. cannot achieve outcome sought: Any other reason to decline to investigate guidance</p> <p>Yes (give details & proceed to 19) / No (give details)</p>

Material evidence for assessment decision	
Material evidence (Assessment) guidance	
Please speak with our DP Team for any advice you may need on sharing material evidence externally: Informationrights@ombudsman.org.uk	
Documents	
Activities	

Assessment			
Case discussion notes			
18	<p>Complex/Senior/Caseworkers: (Where applicable) Record key points of discussion with OM/AD and rationale for assessment decision.</p> <p>Complex Caseworkers: If proposing to investigate, use this discussion to agree the scope and focus of the investigation with OM/AD.</p>		
Assessment decision summary			
19	(DELETE AS NECESSARY)	Approved by OM/AD:	
		Date:	

	Adjudicated at assessment Resolution agreed Proposal to investigate	Reason for closure: (one of the grounds above 1-17) Action to be taken: (delete as necessary) proceed to investigation / transfer to team / close with explanation
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	Proposed scope <u>Proposed scope guidance</u>
20a	Record the proposed scope with the exact wording:
	Consideration of comments on proposed scope <u>Comments on proposed scope guidance</u>
20b	Comments received on the proposed scope? Please provide further details.
20c	Does your consideration of the comments indicate we should amend the scope or we should not investigate the complaint for any other reason? Please provide further details.
	Proposed revised scope (where applicable)
20d	This should take account of any preliminary discussions you have had with a clinical adviser about the organisation's/individual's response to the complaint, as well as your discussion with the complainant about their key concerns.
	Agreed scope <u>Confirming the investigation/agreed scope guidance</u>
21	Include claimed failings, injustice and outcomes agreed with all parties.

	Risk assessment <u>Confirm the investigation</u>		
22	A risk assessment is required when we confirm the investigation Casework risk assessment tool Refer to the considerations recorded at the initial risk assessment and provide details of any changes to the risk rating:		
Risk rating: (delete as applicable)	Impact	Likelihood	Overall rating
	Minor/Moderate/Critical	Unlikely/Likely/Highly likely	L/M/H

	Investigation plan <u>Investigation planning guidance</u>
23	Use the Work Plan at section 31 to record target completion dates for key milestones throughout the investigation Agreed communication plan with the complainant: Agreed communication plan with the organisation:

	<p>Senior/caseworkers: Use the following sections where applicable. Complex caseworkers: Use the following sections as the basis for discussion with your operations manager/AD.</p> <p>Particular issues to be aware of Diversity (complaint): Diversity (complainant/aggrieved): Human rights:</p> <p>Precedent information: Include any relevant precedent information (previous investigations into the organisation(s), whether the complaints were upheld, any recommendations made for systemic redress and information about recent action by the organisation/organisations following those recommendations)</p> <p>Section 6 - Service Model Main Guidance Evidence needed to address the complaint:</p> <p>Interviewing Interviewing guidance Say whether or not you propose to interview the complainant and/or clinical staff and give reasons for your proposal. (E.g. whether it is necessary to offer a face to face meeting on Skype or in person). Your proposal should take account of whether an interview will add value to the investigation, and the risks associated with not conducting interviews.</p> <p>Clinical advice (including proposed questions to the adviser)</p> <p>Any other advice? (e.g. legal advice)</p> <p>Specific proposal for discussion at planning meeting Any other specific proposals for discussion at the meeting beyond those issues already considered</p>		
	<p style="text-align: center;">Investigation Case discussion and planning notes</p>		
24	<p>Senior/caseworkers: (Where applicable) Record key points of discussion with OM/AD. Complex caseworkers: Use this discussion to agree next steps in the investigation with your OM/AD and record the key points.</p>		
	<p style="text-align: center;">Manager/director agreement to the record of the outcome of the planning meeting</p>		
25	<p>Approved by OM/AD:</p>		<p>Date:</p>
	<p style="text-align: center;">Analysis of evidence and advice Section 7 Service Model Main Guidance</p>		
26	<p>Provide analysis of the evidence and advice you have received (where applicable) that you will use in the provisional views report</p> <p>Consider weighting of evidence: (Clearly evidencing how clinical and/or legal advice has had a bearing on reasoning). Include any evidence you have not relied on and why. Include any clinical/legal advice that you have challenged and why.</p>		

Risk assessment <u>Provisional Views</u>			
27	A risk assessment is required when before we send the provisional views Casework risk assessment tool Refer to the considerations recorded at the initial risk assessment and provide details of any changes to the risk rating:		
Risk rating: (delete as applicable)	Impact	Likelihood	Overall rating
	Minor/Moderate/Critical	Unlikely/Likely/Highly likely	L/M/H
Please confirm you are satisfied with the provisional views			
28	Provisional views:	(Delete as applicable) Upheld / Partly upheld / Not upheld	
	Approved by OM/AD:	Date:	

Comments on provisional views <u>Comments on provisional views guidance</u>	
29a	Comments received from organisation / named persons Give details and consideration of comments
29b	Comments received from complainant Give details and consideration comments

Material evidence for investigation decision <u>Material evidence (Investigation) guidance</u>			
Please speak with our DPA Team for any advice you may need on sharing material evidence externally: Informationrights@ombudsman.org.uk			
Documents			
Activities			
Please confirm you are satisfied with the final decision			
30	Final decision	(Delete As applicable) Upheld / Partly upheld / Not upheld	
	Approved by OM/AD:	Date:	

31	Work plan Remember to take account of leave, existing workload and other factors which will affect the speed of the investigation. Your manager and director will expect you to adhere to the work plan unless stated otherwise.		
Target for confirming scope of investigation to organisation			DD/MM/YYYY
Target for confirming scope of investigation to complainant			
Target for interviewing complainant			
Target for requesting advice			
Target for receipt of advice			
Target for case conference (if needed)			
Target for clinical interviews (if needed)			

Target for sharing provisional views with OM	
Target for sharing provisional views with Director (if needed)	
Target for sharing provision views with organisation	
Target for sharing provisional view with complainant	
Target for receiving comments/additional evidence on provisional views	
Target for issuing final report	
Plan agreed on:	
Updates to the work plan Provide an explanation for any substantive changes to the work plan here.	