

# Referral of a complaint to the Independent Complaints Assessor (ICA)

**The role of the Independent Complaints Assessor (ICA) is to decide whether the agencies of the Department for Transport have handled a complaint appropriately and have given a reasonable decision.**

Complainants, who have received a final response to their complaint from the agency concerned and are dissatisfied with it, can ask for their case to be referred to the ICA. It does not cost you anything to have your complaint assessed by the ICA and the service is open to anyone to use.

Ian Bynoe BA OBE is the Independent Complaints Assessor. He is not a civil servant and is not part of the management of any of the agencies or the Department for Transport. Mr Bynoe is a former practising lawyer. He has undertaken a wide range of non-executive and advisory roles, including as a Commissioner with the Independent Police Complaints Commission.

## 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 complaint process
- 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 & Health Service Ombudsman.

## The ICA can look at complaints about

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

If you wish to have your complaint referred to the ICA please write to the agency concerned, setting out the reasons why you would like the ICA to assess your complaint. The agency will then pass the papers to the ICA to review the complaint to see if it is one that he can assess. 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 assessment 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 assessment 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 believes it is in the public interest for the ICA to consider assessing the complaint. The agency will write to you if they are considering that option.