

HOW TO MAKE A COMPLAINT AGAINST THE TREASURY SOLICITOR'S DEPARTMENT

If you are unhappy with the service you have received please contact the relevant Head of Division who will try to resolve any problem quickly. You should receive a substantive response within 10 working days of receipt of your complaint. If this is not possible, we will tell you when you can expect our reply.

Heads of Division are:

Litigation Hugh Giles

Employment: Simon Harker

Bona Vacantia: Zane Denton

European: Paul Berman

CAD: David Noble

Alternatively, you can complain directly to the Treasury Solicitor, Paul Jenkins:

e-mail: thetreasurysollicitor@tsol.gsi.gov.uk

Our postal address is:

The Treasury Solicitor's Department

One Kemble Street

London WC2B 4TS

If you are still unhappy after the Department's reply to your complaint and you feel that you have sustained injustice as a result of maladministration, you may wish to consider an approach to the Parliamentary Commissioner for Administration (the Ombudsman), who investigates complaints made by members of the public about government departments and other bodies. To do this, you will need to make your complaint in writing to an MP who can refer it to the Ombudsman, with your consent, with a request that an investigation be conducted.

There are some complaints on which the Ombudsman does not have jurisdiction to investigate. For example:

- The investigation of crime, judges' decisions or matters relating to national security.
- Staff issues – such as recruitment, pay and discipline.
- Commercial or contractual issues, except where they involve the compulsory purchase of land.

In other cases, there may be another more appropriate organisation to deal with your complaint, for example for some complaints the only or best way for you to get the remedy you want may be through going to court or to a tribunal. We recommend you call the Parliamentary and Health Service Ombudsman Helpline 0845 015 4033 to check that they can help with your complaint and for advice on filling in your form.

EXAMPLES OF MALADMINISTRATION

This is just a list of some of the things which the Ombudsman might well find to constitute maladministration.

The "Crossman" list, examples quoted in 1966 by the late Richard Crossman as Leader of the House of Commons when the Parliamentary Commissioner Bill was being taken through Parliament, gives: "Bias, neglect, inattention, delay, incompetence, ineptitude, turpitude, arbitrariness and so on".

The **Parliamentary Commissioner for Administration's** latest guidance states:

Generally, "maladministration" means poor administration or the wrong application of rules. Some examples include:

- avoidable delay;
- faulty procedures or failing to follow correct procedures;
- not telling you about any rights of appeal you have;
- unfairness, bias or prejudice;
- giving advice which is misleading or inadequate;
- refusing to answer reasonable questions;
- discourtesy, and failure to apologise properly for errors;
- mistakes in handling your claims; and
- not offering an adequate remedy where one is due.

NB: Neither of these lists is intended to be a comprehensive definition of maladministration.