



Complaints and Compliments Procedure

| | |
|---|--|
| Document Type: Procedure | Is the document New, Revised or Existing: Revised V6 (July 2017) |
| Lead Manager: CEO/Operations Director (Helene Kempster SPoC) | Date of Next Review: August 2017 |

© Copyright The Thames Valley Community Rehabilitation Company Limited

The Thames Valley Community Rehabilitation Company Limited.

Registered office: The Sherard Building, Edmund Halley Road, Oxford, OX4 4DQ

Registered number: 08802542 England & Wales.

Contents

| | |
|---|----|
| 1. Introduction | 3 |
| 2. Definitions | 3 |
| 3. Using this procedure | 3 |
| 4. Exclusions to this procedure..... | 5 |
| 5. Data processing under this procedure..... | 5 |
| 6. Vexatious and unreasonably persistent complaints | 5 |
| 7. Anonymous feedback..... | 6 |
| 8. Equality of access to this procedure | 6 |
| 9. Remedies under this procedure | 6 |
| 10. Compliments | 7 |
| 11. The Complaints process..... | 7 |
| 11.4 Independent advice | 7 |
| 11.5 Stage One (Informal) | 7 |
| 11.8 Stage Two (Formal)..... | 8 |
| 11.15 Stage Three (Appeal) | 8 |
| 12. The Prisons and Probation Ombudsman and Parliamentary Ombudsman | 9 |
| 13. Personal information (Data Protection requests) | 10 |
| 14. Publication of this procedure | 10 |
| 15. Periodic review of this procedure | 10 |

Thames Valley CRC Complaints & Compliments Procedure

1. Introduction

- 1.1 Thames Valley Community Rehabilitation Company aims to provide a high quality service. We recognise, however, that there may be occasions when we get things wrong, or when people are dissatisfied with some aspect of our service. This procedure explains how people can tell us about their dissatisfaction, how we will investigate their complaint, what we will do to correct problems and how we will monitor our service quality.

2. Definitions

- 2.1 The terms below have the following definitions in this procedure.

'complaint' is an expression of dissatisfaction, however made, about the standard or quality of service, action or inaction by an organisation, its employees or agents, that affects one or more people in receipt of a service provided by the organisation¹.

'data protection' has the meaning set by the Data Protection Act 1998.

'NPS' means National Probation Service

'personal data' has the meaning set by the Data Protection Act 1998.

'PO' means the Parliamentary Ombudsman.

'PPO' means the Prisons and Probation Ombudsman.

'TV-CRC' means Thames Valley Community Rehabilitation Company

'we', 'us' and 'our(s)' means Thames Valley Community Rehabilitation Company.

3. Using this procedure

- 3.1 This document describes the procedure for service users and public consultation and engagement. We are committed to providing consistently high quality services, and for most of the time our services are provided to very high standards. Occasionally things do go wrong and we need to know when this happens.
- 3.2 This procedure does not apply to any current employee of ours. Our employment policies cover all matters relating to current employment with us, these policies are published on our intranet.
- 3.3 We welcome both positive and negative feedback from our service users and the public, because these valuable sources of information help us to:
- Improve the standard of services we provide;
 - Put things right when they have gone wrong; and
 - Learn from our mistakes.
- 3.4 The following are 'service users' who are eligible to use this policy.
- Service Users subject to any form of Community Supervision;
 - Service Users in custody or those released from custody on Licence and who are subject to our supervision;
 - Contractors undertaking work on any premises occupied by us;
 - Members of the public who voluntarily agree to receive services from us;
 - Tier 2 and Tier 3 Providers
 - Stakeholders including the National Probation Service

¹ As defined by the Local Government Ombudsman

3.5 Under this procedure we provide a fair, consistent and structured process for service users and the public to:

- Express satisfaction with the service they received;
- Express dissatisfaction with the service they received;

3.6 This procedure aims to make the following expectations clear to service users and the public:

- How they can submit a compliment or make a complaint
- What will happen when we receive a compliment or complaint
- What we will do as a result of a compliment or complaint, and
- What a service user or member of the public can do if they are dissatisfied with our response.

3.7 People making use of this procedure can expect:

- that their identity will remain confidential unless a complaint investigation or information request cannot proceed without the complainant being identified;
- to be kept informed of the progress of their complaint;
- to receive an appropriate remedy where a complaint is upheld.

3.8 This procedure does not affect the right of a service user or member of the public to seek assistance or advice from a Member of Parliament. Where a complaint is made by an MP on behalf of an individual, it will be handled under this procedure.

3.9 Under this procedure, our staff and contractors can expect to be treated with respect and courtesy at all times by service users and the public. Equally, service users and the public can expect that our employees act according to standards of probity and professional behaviour as defined by our Code of Conduct².

3.10 Complaints will be resolved as quickly as possible. We will deal with complaints effectively and the lessons we learn will influence future service improvements. At the heart of this procedure are the following four principles.

| Principle | Objective |
|-------------------------------|---|
| Responsiveness | We will respond to each complaint or information request by the deadline in law or under this policy. |
| Improvement | We are open and receptive to complaints and compliments because this helps us to improve the quality of our services. |
| Accessibility and publication | We will accept complaints either in person or in writing. In writing includes by electronic means. Complaints made by telephone should be followed up in writing. Assistance will be provided to complainants with specific needs including the provision of translation and interpretation services. |
| Effective management | We will treat all complaints seriously and objectively. We will resolve problems as quickly as possible and in a manner that respects confidentiality and privacy. |

² TV-CRC Code of Conduct Policy

4. Exclusions to this procedure

4.1 The following exclusions apply to this policy.

- Dissatisfaction with a rule of law that we are required to apply when providing a service;
- Matters that are the responsibility of another body for example, the Ministry of Justice, the NPS, the police, the judiciary. In these instances, we will provide the correct contact details.
- Matters subject to Criminal Investigation, or subject to the decision of a Court, a Statutory Tribunal, the Parole Board, the Crown Prosecution Service or the Criminal Cases Review Commission or if the issue or issues that form the basis of the complaint have been determined by any of these.
- Matters for which there is a right of appeal to an independent tribunal, for example, the Parole Board.
- All matters about us as an employer are covered by our employment policies and current employees are not covered by this policy.
- Any issue that is subject to any form of legal action by or against us.

4.2 Although the Ministry of Justice has its own complaints policy, complaints made directly to the Ministry about TV-CRC will, in most cases, be referred back to us to be dealt with.

5. Data processing under this procedure

5.1 When dealing with feedback and requests we will:

- Maintain a record of all compliments and complaints that we receive;
- Monitor the nature and pattern of feedback and requests to identify where our services need to improve;
- Use this and other information to form a more complete picture of stakeholder satisfaction with, and interest in, our services; and
- Monitor and analyse our performance in handling feedback and information requests.

5.2 Complaints information will be collated and periodically reported to our internal management groups and Board for the purpose of ensuring improvement in service provision.

5.3 As far as possible, all complaints will be treated in confidence. The only exception is where the law requires us to notify one or more specific agencies about certain types of complaint.

5.4 The identity of complainants will not be disclosed more than is necessary to deal with the matter by us. Where a complaint involves another service user it may be very difficult for us to properly investigate matters without involving that service user. Where it is necessary to disclose complaint information to other organisations for example, HM Prison Service, the police or local authorities, we will first seek the complainant's permission. If consent is not given by the complainant in this situation, we may be unable to reach a satisfactory conclusion to the complaint.

5.5 Where a complaint relates to our general management and where other service users may reasonably have an interest, we reserve the right to investigate the matter through established service user feedback channels.

6. Vexatious and unreasonably persistent complainants

6.1 The Local Government Ombudsman's definition of unreasonably persistent complainants is below and this definition applies to this policy.

"Those who, because of the frequency or nature of their contact with an authority, hinder the authority's consideration of their, or other people's, complaints."

- 6.2 Responding to vexatious or unreasonably persistent complainants consumes scarce resources while achieving no benefit for service users or the public. Where at any stage we consider a complaint unreasonably persistent, deliberately repetitious or vexatious, our complaint process will end with no further action.
- 6.3 A complainant is being vexatious or unreasonably persistent if they:
- refuse to specify the grounds of their complaint, despite offers of assistance from our staff;
 - refuse to co-operate in the investigation while still expecting resolution of their complaint;
 - refuse to accept that their complaint falls outside the remit of this policy, despite having been provided with information about the scope of this policy;
 - change the grounds of their complaint during the investigation;
 - require us to take into account trivial or irrelevant new information or introduce many detailed but irrelevant questions and require that we respond to every information item and question;
 - adopt a 'scattergun' approach by simultaneously pursuing a complaint through a variety of channels, for example via the Ministry of Justice, an MP, an Ombudsman;
 - repeatedly make complaints about broadly the same issue after having received a response about broadly the same matter;
 - consume an unreasonable quantity of our resources as a consequence of repetitive contact using any medium.

7. Anonymous complaints

- 7.1 Anonymous complaints may not be fully dealt with because we would often need a dialogue with the person submitting the information. We may however decide to investigate a complaint received by this means in so far as is possible.

8. Equality of access to this procedure

- 8.1 Where a service user or a member of the public wishes to express satisfaction or dissatisfaction under this procedure, our staff will provide the person with information about the procedure to follow. Our staff will also assist the service user or member of the public by, for example:
- Helping the person to write down what they wish to say;
 - Providing specific assistance such as British Sign Language, translation or interpretation services, or by aiding wheelchair access.
- 8.2 We will monitor the extent to which this procedure enables equal access by all service users and members of the public. If to use this procedure but require an alternative format or a translation in another language please contact:

The Director
Thames Valley Community Rehabilitation Company
Talisman House
Units 9 & 10 Talisman Business Centre
Talisman Road
Bicester, OX26 6HR
Telephone: 01869 328500

9. Remedies under this procedure

- 9.1 Where a complaint is upheld, an appropriate remedy will be applied. The Local Government Ombudsman provides the following guidance to local authorities and the principle contained in this guidance applies to this procedure.

“The general principle is that, as far as possible, complainants should be put in the position they would have been in if things had not gone wrong”.

9.2 The remedy will be made as quickly as possible after the decision to uphold the complaint. Examples of remedies include the following:

- An apology offered either in writing or face-to-face with the complainant;
- Provide any part of a missing service;
- Accept the remedy proposed by the complainant;
- Where the service user has suffered a financial loss, provide appropriate compensation;
- Prevent repetition by amending relevant procedures.

10. Compliments

10.1 Compliments by the public or service user should be expressed to the employees responsible for the service or the relevant service manager, who will record and acknowledge the compliment within five working days of receipt.

11. The complaints process

11.1 The procedure has three stages. Most complaints begin at stage one and may proceed to the remaining stages. A complainant should express the complaint to the employees responsible for the service or the relevant manager. The recipient will record the complaint and advise the complainant about what happens next.

11.2 A complaint must be made within three months of the date on which the matter which is the subject of the complaint occurred or three months of the date on which the matter which is the subject of the complaint came to the notice of the complainant.

11.3 We may decide to accept and investigate a complaint outside the time limit if:

- having regard to the circumstances, the complainant had good reasons for not making the complaint within the time period; or
- it remains possible to investigate the complaint effectively and efficiently despite the time that has elapsed.

11.4 **Independent advice** - We aim to informally resolve most complaints at stage one. Where a complainant needs independent advice before proceeding with a formal complaint at stage two, independent advice may be sought through, for example, the Citizens Advice Bureau or consulting a solicitor.

11.5 **Stage One (Informal)** - Most complaints are quickly resolved where complainants make these at an early stage to the employee responsible for the service or the relevant manager. The employee or manager will record the complaint within 24 hours of receipt. The complainant will receive a response within ten working days of receipt. We expect to successfully deal with the majority of complaints at this stage.

11.6 A record must be kept of the complaint. In most circumstances this should be on nDelius. It should comprise the date of the complaint, the action that was taken to address it and the outcome (including scanned copies of any correspondence).

11.7 Where a complainant is dissatisfied by our response at stage one, the complainant may ask the Director to deal with the complaint under stage two. Service users who have received a response under stage one and are dissatisfied should make a written request:

By email to TVY.CRCInformation@thamesvalleycrc.org.uk or

By post to: The Director
Thames Valley Community Rehabilitation Company
Talisman House
Units 9 & 10 Talisman Business Centre
Talisman Road
Bicester, OX26 6HR

- 11.8 **Stage Two (Formal)** – Upon receipt of a letter of complaint, the Director will first of all verify that attempts to resolve the complaint have been exhausted under Stage One and that the service user has received a written response. If this is not the case, the service user will be advised that the matter has been referred to the relevant office, in order to seek a resolution and make a response to the service user under Stage One of the process. Complaints referred to local offices under Stage One should be sent to the relevant middle manager and staff member, as appropriate.
- 11.9 Where it is confirmed that efforts to resolve the complaint have been made and the service user has received a written response, the service user should be advised that the matter will be investigated formally under Stage Two of the process.
- 11.10 The Corporate Business Manager on behalf of the Director will acknowledge receipt of a complaint under stage two within three working days of receipt. The Director will ask the Head of the relevant service to respond directly to the complainant within 25 working days of receipt.
- 11.11 The Head of Service will then initiate an investigation that ensures a degree of independence from the staff member or service that is the subject of the complaint. The Head of Service should ask for the investigation to be conducted outside of the office or Unit. The investigating officer should complete the investigation and provide the Head of Service with a written report in sufficient time for the Head of Service to be able to respond to the complainant within the 25 day timescale. Responses to complainants under stage two should always be signed off by the Head of Service.
- 11.12 Complaints about serious service failures will always begin at stage two. Examples of serious service failure include instances of maladministration with intent by us or gross misconduct by our employees.
- 11.13 Complaints about the Director personally should be directed to the CEO of MTCnovo (owners of TV-CRC), who will arrange for them to be investigated.
- 11.14 Where a complainant has a response from us under stages one or two and is dissatisfied, the complainant may appeal under stage three. Complainants should submit their appeal in writing within 20 working days from receipt of the reply (Formal):
- By email to TVY.CRCInformation@thamesvalleycrc.org.uk or
By post to: The Director
Thames Valley Community Rehabilitation Company
Talisman House
Units 9 & 10 Talisman Business Centre
Talisman Road
Bicester, OX26 6HR
- 11.15 **Stage Three (Appeal)** - This final stage enables complainants to have their complaint reviewed by a panel of at least two senior people, to include the CRC Director and one other representative of the TV-CRC Board or a senior MTCnovo representative, who must be nominated by the Chief Executive Officer of MTCnovo (Parent Company), all of whom have not been involved in the subject of the complaint or its investigation.
- 11.16 The Director will acknowledge the appeal request within 5 working days of receipt. The Director will convene a panel to adjudicate on the appeal.

- 11.17 The appeal panel will review the investigating officer's report and if required, the investigating officer will attend the appeal to explain their conclusion. The Director may request additional information prior to the appeal hearing. The appeal panel may also adjourn the panel for additional information to be provided where necessary.
- 11.18 On completion of the panel's adjudication, the Director will respond to the complainant within 20 working days.
- 11.19 If complainants are not satisfied with the outcome of the appeal they may refer their complaint to the Prison and Probation Ombudsman.

12. The Prisons and Probation Ombudsman and Parliamentary Ombudsman

12.1 The Prisons and Probation Ombudsman (PPO) investigates:

- complaints from prisoners, people under probation supervision and immigration detainees held at Immigration Removal Centres
- deaths of prisoners, residents of probation service Approved Premises, and those held in Immigration Removal Centres.

12.2 The PPO is appointed by the Secretary of State for Justice and is independent of HM Prison Service, the National Probation Service, Community Rehabilitation Companies and other probation service providers and the Border and Immigration Agency. The PPO will not handle a complaint unless our three-stage process is complete and the problem remains unresolved. The following people are eligible to complain to the PPO:

- a prisoner serving a prison sentence;
- a prisoner on remand;
- an ex-prisoner complaining about a problem that occurred while in prison;
- someone serving a community sentence under our supervision;
- someone on parole or Licence and under our supervision;
- anyone who has had a report written about them by us; and
- a detainee held in an immigration removal centre.

12.3 Those people who are eligible to complain to the PPO can:

- Download, complete and return a complaint application, available from:
<http://www.ppo.gov.uk/how-to-make-a-complaint.html>
- Ring the PPO on 020 7633 4100
- Write to: The Prisons and Probation Ombudsman
P.O. Box 70769
London SE1P 4XY

12.4 The Parliamentary Ombudsman (PO) can investigate complaints about Probation services. Two conditions apply to complaints before the PO can handle them:

- our three-stage process must be complete and the problem is unresolved;
- the complaint must have been investigated by the Prisons and Probation Ombudsman, if the PPO has jurisdiction (this applies to most complaints about us); and
- the complaint must be made via an MP

12.5 The PO undertakes independent investigations into complaints that government departments, a range of other public bodies in the UK, and the NHS in England have not acted properly or fairly or have provided a poor service. This remit includes NOMS, the NPS and CRCs. A complaint form which gives all the information needed to make a complaint to the Parliamentary Ombudsman can be found at <http://www.ombudsman.org.uk/> or can be requested by calling 0345 015 4033.

13. Personal information (Data Protection Requests)

- 13.1 We comply with the eight statutory data protection principles that require personal data to be:
- Obtained and processed fairly and lawfully;
 - Obtained for only the purpose specified in our notification to the Office of The Information Commissioner;
 - Relevant, sufficient and not excessive for the purposes specified;
 - Accurate and kept up-to-date;
 - Kept only as long as necessary;
 - Processed in accordance with the rights of data subjects;
 - Protected against unauthorised use, loss or disclosure; and
 - Restricted from transfer outside countries in the European Economic Area.
- 13.2 Anyone under supervision by us or who has been the subject of a pre-sentence report may request to see the personal data that we hold about them. Those people who are eligible to see information about themselves are called 'data subjects'.
- 13.3 A request to see data about yourself is a 'data subject access request'. All such requests will be completed within 40 days of receipt by us. Requests may be refused where the law allows, for example to prevent crime or to protect a vulnerable person.
- 13.4 All data subject access requests must be made in writing to the person providing the service or the relevant manager. The request will be recorded together with our response. We may charge a data subject for providing personal data in circumstances where the law allows this.
- 13.5 Where the name or location of the person providing the service is unknown, data subject access requests must be made in writing and sent to us;
- By email to TVY.CRCInformation@thamesvalleycrc.org.uk ; or
- By post to: The Director
 Thames Valley Community Rehabilitation Company
 Talisman House
 Units 9 & 10 Talisman Business Centre
 Talisman Road
 Bicester, OX26 6HR

14. Publication of this procedure

- 14.1 This procedure will be published and distributed as follows:
- A full copy of the policy will be available on our website;
 - Copies of a complaints leaflet summarising the policy and procedures will be available at every office.

15. Periodic review of this procedure

- 15.1 Unless required by changes in the law or operational need, this procedure will be reviewed every third year.