

Customer Complaint Policy

June 2016

CUSTOMER COMPLAINT POLICY

1. INTRODUCTION

The statutory objective of the Police Ombudsman for Northern Ireland (the Office) is to secure the efficiency, effectiveness and independence of the police complaints system and the confidence of the public and the police in that system.

The Office is committed to providing the highest possible standard of customer service to its service users and stakeholders and strives to continually improve service performance.

The Office Service Charter and Values are based on the principles of independence, impartiality, accountability and treating people in a respectful and professional manner.

The Police Ombudsman's Code of Ethics also outlines the requirements for staff in terms of their general conduct and behaviour. Everything that the Office does should be ethical and embrace high standards in relation to privacy, confidentiality, equality, integrity and accountability. Failure to comply with the Code of Ethics may constitute a breach of the Disciplinary Policy and procedures of the Office.

The aim of this policy is to outline a consistent process for dealing with complaints received by the Office. The policy is supported by procedures to be followed in dealing with complaints. It comes into effect for customer complaints received on or after 15 June 2016.

2. POLICY STATEMENTS

Service users and stakeholders have the right to complain about how they have been dealt with by the Office and its staff. Service users and stakeholders are in a good position to assess how the Office is performing and to assist the Office in understanding when things might have gone wrong. The Office takes all complaints seriously and will deal with them in a professional manner and in accordance with this policy.

- a) The Office will attempt to address and resolve customer complaints in line with the Office's statutory objectives, Service Charter and Values;
- b) The complaints service should be accessible, straight-forward and involve minimum bureaucracy;
- c) All complaints made to the Office will be acknowledged, investigated appropriately and responded to promptly;

- d) One of the main objectives of managing complaints is to gather essential feedback in order that the Office can improve the service it provides and ultimately enhance confidence in both the Office and the Police Complaints system;
- e) The Office will ensure that information about the complaints procedure is easily accessible and available in different formats on request. The Office will invite people to provide details of any specific communication needs they might have;
- f) The Office, so far as is practicable and in accordance with the law, will respect confidentiality;
- g) Complainants and staff (against whom the complaint has been made) will be updated regularly with regard to the progress of their complaint;
- h) All members of staff have a responsibility to adhere to the principles and procedures within this policy;
- i) The Current Investigation Directorate has overall responsibility for all instructions, guidance and procedures for dealing with complaints. It will identify and record complaints; identify any trends relating to complaints; and manage any related risks to the operations and reputation of the Office;
- j) The Office is committed to the promotion of equality of opportunity and good relations and has subjected this policy to equality screening.

3. WHAT IS A COMPLAINT AGAINST THE OFFICE?

The Office defines a complaint as:

“An expression of dissatisfaction about the Office, the manner in which it has dealt with your complaint against police, the behaviour of Police Ombudsman staff, the service provided or poor or inefficient management or administration”.

Examples of complaints would be:

- Dissatisfaction with the investigation process;
- An unnecessary and/or unexplained delay in a case;
- Administrative/process error;
- Lost documents;
- Poor customer care; not responding to phone calls, letters, emails; or
- Discrimination/harassment; allegations of discrimination/harassment.

However, experience would indicate that the majority of complaints received by the Office relate to the outcome of an investigation or resolution process. It should be noted that there is no statutory appeal mechanism within the Police (Northern Ireland) Act 1998 for decisions taken by the Police Ombudsman. However, in the

interests of providing an open and accountable complaints system to the public and the police the Police Ombudsman will review cases in instances where a stakeholder has made a customer complaint. In dealing with this type of customer complaint, the Office will be mindful to ensure that the processes undertaken to reach the conclusions/outcome in the investigation/resolution subject of the complaint have been fair and in keeping with the standards and values of the Office.

Complaints in relation to the outcome of an investigation will also be recorded as such.

The contents of this policy do not cover the following issues, which are more appropriately dealt with by other organisations or for other reasons:

- Dissatisfaction with Police Ombudsman's policies;
- Legislation which is the responsibility of Ministerial Departments to address;
- Matters which have been investigated through this policy and which have not been subject of the customer complaints Appeal process;
- Internal staff complaints – i.e. about internal processes or matter dealt with under the Office's disciplinary procedures.

4. TIME LIMITS FOR RAISING COMPLAINTS

The normal time limits for making complaints are:

- Within 12 months of the incident giving rise to the problem;
- Within 12 months of becoming aware that you have cause for complaint.

These limits may be extended if there are good reasons why there was a delay in making the complaint.

5. MAKING A COMPLAINT

A customer complaint does not have to be made in writing. Complaints can be made by telephone, email, fax or letter. Complainants will, however, be encouraged to detail their complaint in writing if the matter cannot be resolved quickly and to their satisfaction.

If a customer complaint is made by telephone, the issues subject of the complaint will be confirmed with the complainant in the call and then set out in writing in the acknowledgement that is issued to the complainant.

6. DEALING WITH COMPLAINTS

All issues that are considered to be customer complaints will be logged by the Quality Assurance Team in the Current Investigations Directorate.

All complaints will be forwarded to the relevant Director e.g. Current or History who will either allocate the case to a Responding Officer (RO) or will undertake the role themselves.

The RO should be someone of sufficient grade within the Office to deal with the complaint, usually of DSIO grade or above, but who has not had significant interaction with the complainant as part of the original case handling and has not played an active role (for example in signing off the outcome of the investigation/complaint) in the original investigation.

Where a complaint relates to a Director, the complaint will be forwarded to the Chief Executive. Where the complaint relates to the Chief Executive, the matter will be dealt with by the Police Ombudsman. Where the complaint relates to the personal conduct of the Police Ombudsman, for example, that the Ombudsman behaved in a rude or offensive manner and/or treated an individual or family unfairly during a meeting, the complainant will be advised to refer the matter to the Department of Justice.

Complaints of maladministration against the Police Ombudsman and his staff can be raised with the Department of Justice only after the internal complaints process has been exhausted.

The RO will investigate the customer complaint; issue a response to the complainant; and update the relevant staff member(s). Copies of all responses issued will be collated by the Quality Assurance Team (QAT).

The Office's IT Department, in the interest of public confidence, will prioritise requests for assistance in retrieving telephone call recordings relating to customer complaints.

7. OUTCOMES

These may take the form of:

- An apology – the complainant may receive a full and frank apology, where appropriate. An apology is not an invitation to litigate or a sign of systemic organisational weakness;
- An explanation – detail of what happened and/or what went wrong;
- Remedial action – this may include for example a revision of practice, revising published material, providing training or enhanced supervision of staff, disciplinary proceedings or any combination of these;
- No further action – the complainant may receive a letter to indicate that having conducted an investigation into the customer complaint or having reviewed the investigation giving rise to the complaint the RO is of the view that the

Police Ombudsman's Office has acted appropriately and/or that the conclusions reached were appropriate.

8. FEEDBACK ON THE COMPLAINTS PROCEDURE

The QAT of the Current Investigations Directorate will monitor the implementation of any recommendations arising from complaints and report to Senior Management Team (SMT) twice a year on progress.

A summary of complaints will be provided to Quality and Standards Board on a bi-annual basis 'for information' and in addition will be a substantive SMT agenda item quarterly.

The Annual Report of the Office will include information regarding customer complaints.

9 UNREASONABLE AND/OR UNREASONABLY PERSISTENT COMPLAINANTS

The Office is committed to dealing with all complaints impartially and in a timely manner. However, the Office does not expect staff to tolerate behaviour by individuals which is unacceptable (for example, abusive, offensive or threatening).

Similarly, the Office does not expect staff to deal with habitual/persistent people who are unreasonably persistent in contacting the Office regarding the same set of circumstances/complaint and thereby hindering investigation of the complaint.

The Office will take steps to protect staff from such behaviour or unreasonable persistence. The Director of Investigations (Current) (DOI(C)) will decide whether to declare a person 'unreasonable' and/or 'unreasonably persistent'.

Where a complainant's behaviour is deemed unreasonable and/or unreasonably persistent despite the complaint being closed they will be advised of this in writing and, if necessary, steps will be taken to restrict contact with the Office. Examples might include:

- Limiting phone calls taken;
- Restriction to one channel of communication e.g. letters;
- Formally stating that the Office will no longer respond to the person.

Whatever action is taken will be reviewed periodically.

10. PROCEDURES

Queries and Issues of Minor Dissatisfaction

Where appropriate, the relevant Director may decide to deal informally with queries and issues of minor dissatisfaction. These may arise where a complainant has not chosen to raise a complaint formally in writing but perhaps has raised a minor issue in a telephone call with an investigator or when completing the complainant satisfaction survey. Such would amount to a complaint of a minor nature.

Experience has shown that on occasion minor issues arise, which can be dealt with quickly and would not necessitate the application of the Customer Complaint Policy.

Such matters will normally be dealt with through an immediate telephone response. In most cases these can be dealt with by front line staff/investigator response. Similarly, where a person has a query about another aspect of the Office (for example an administrative issue in a recruitment process) such matters should be dealt with in the same way, if possible.

All such complaints and responses will be logged by the QAT and classified as such. The relevant Director will decide whether such matters should be recorded as a complaint.

Dealing with queries or issues of minor dissatisfaction in this way will allow the opportunity for timely and proportionate resolution to such matters, whilst also promoting complainant satisfaction within Directorates and Teams.

Where it is not possible to resolve the issue to the complainant's satisfaction then the complainant will be invited to put his/her complaint in writing to the Director or have the complaint recorded formally by the Office and the matter will be treated formally as a Customer Complaint.

Complaints of a serious nature will always be dealt with by way of the Customer Complaints Policy.

Customer Complaints

When a formal complaint is received it will be forwarded to the DOI (C) immediately.

The customer complaint will be logged by the QAT and the DOI (C) will send an acknowledgement to the complainant detailing the timescale for response and details of the RO. This will be completed within 3 working days.

If the complaint relates to the work of another Directorate, the DOI (C) will discuss the case with the appropriate Director who will have responsibility for dealing with the complaint themselves or appointing an appropriate RO.

If necessary, a discussion can be held with Directors and the Chief Executive regarding to whom the case should be allocated. However, this will be the exception.

The matter will be investigated by the RO with a view to resolving the matter to the satisfaction of the complainant and in a timely manner.

The RO will aim to look into the issues raised and provide a full response within 30 working days. In certain cases, which may be more complex, it may be necessary to extend the time period for investigation. If this is the case the complainant will be provided with a written or verbal update on the progress of the case and a likely timescale for completion.

The RO will write to the complainant explaining:

- The findings with regard to each aspect of the complaint;
- Whether each aspect is upheld or not and the reasons for the decision;
- How the complainant can progress the complaint should he/she be dissatisfied with the outcome (see Appeals section below).

If the RO considers it appropriate, for example, because of the complex nature of the complaint and/or the potential for adverse complainant/public reaction to the findings, he/she may take the opportunity to discuss the matter with his/her Director by way of quality assurance of the proposed response.

The RO will indicate to the complainant that he/she can appeal the outcome of the Customer Complaint within 28 days of the date of the letter detailing the outcome.

The completed file and response will be forwarded to the QAT for filing, administrative and reporting purposes.

Appeals

If the complainant indicates that he/she is not satisfied with the outcome, the complaint will be subject of an appeal process.

The time limit for the complainant to indicate that he/she is dissatisfied with the outcome of the Customer Complaint procedure is 28 days from the date of the letter issued by the RO.

Matters which are subject of an appeal will be referred to the Chief Executive who will either allocate an Appeals Officer or deal with the matter personally.

The Appeals Officer will prepare a response to the complainant on the findings of the appeal review. This will include:

- Whether the complaint or some aspect of it is upheld in light of the review;

- Whether there are more general observations about the Office's handling of complaints;
- Whether revision to any Office procedures is required.

The Chief Executive will inform the Ombudsman of all such appeals and at his/her discretion the Ombudsman may undertake the role of the Appeals Officer.

The decision of the Appeals Officer is the final stage of the internal complaints procedure.

The Quality Assurance Team will record all matters which are subject of the appeal process.

The appeal process will normally be completed within 30 working days. If this is not possible then the complainant will be advised accordingly and provided with a date by which the matter will be completed.

If, after the complaint has been dealt with by the Office, the complainant remains dissatisfied he/she can write to the Department of Justice. Complainants, however, should be aware that the Department of Justice will consider all complaints of maladministration regarding the Office's actions or inactions which result in a customer experiencing a service which does not match the Office's aims or commitments, but will not deal with complaints about the outcome of an investigation. Where the complaint is about the outcome of a Police Ombudsman investigation it may be possible to pursue the matter by way of judicial review. Complainants may wish to seek advice from a solicitor or the Citizens Advice Bureau in relation to this.

In exceptional cases, if the complainant indicates that he/she is dissatisfied with the outcome of the Customer Complaint procedure and a determination has been made that the application of the Appeal procedure, in the circumstances, would clearly not alter the outcome of the customer complaint, the Chief Executive will refer the matter directly to the Department of Justice.

If a complainant considers that he/she has grounds for a complaint of maladministration he/she should write to the Department of Justice at the address given below providing full details of the maladministration complaint including the grounds for complaint together with a copy of the final letter they received from the Police Ombudsman on the matter.

Department of Justice
Block B
Castle Buildings
Stormont
BELFAST BT4 3SH

HOW TO CONTACT THE OFFICE OF THE POLICE OMBUDSMAN

Please write to:

The Director of Investigations (Current)
The Office of the Police Ombudsman for Northern Ireland
New Cathedral Buildings
11 Church Street
BELFAST
BT1 1PG

Telephone: 028 9082 8600

Fax: 028 9082 8659

Text phone: 028 9082 8756

E-mail: info@policeombudsman.org

Website: www.policeombudsman.org

A copy of this policy can be made available in alternative formats upon request.

Linked Policies:

Service Charter

Office Values

Office Code of Ethics

Disciplinary Policy

Customer Complaint Guidance for Responding Officer

Customer Complaint Staff Guidelines

Grievance Policy