



Northern Ireland  
**Public Services**  
Ombudsman

# Investigation Report

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## Investigation of a complaint against Choice Housing Association

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**NIPSO Reference: 201917436**

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## **The Role of the Ombudsman**

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

## **Reporting in the Public Interest**

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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**Case Reference: 201917436**

**Listed Authority: Choice Housing**

## **SUMMARY**

I received a complaint about the actions of Choice Housing Ireland Limited (Choice). The complainant said that Choice had failed to investigate his reports of Anti-Social Behaviour (ASB) by other tenants in the apartment block where he lived. He said that Choice had unfairly issued him with a warning letter for making false allegations of ASB. He also said that Choice had failed to deal with, or acknowledge his complaint in respect of the first two issues.

I obtained all relevant information, including the records held by Choice. In the course of the investigation, telephone discussions took place with Choice staff in relation to complaint handling and investigating ASB.

My investigation found that Choice took appropriate action to resolve the issue of the warning letter, when it withdrew the letter and apologised to the complainant. However, my investigation found failures in how Choice recorded its actions and decision-making processes when it investigated allegations of ASB.

I concluded the maladministration I identified caused the complainant an injustice, namely upset and frustration and the time and trouble of bringing a complaint to this office.

I recommended that Choice should apologise to the complainant. I also recommended that Choice review its ASB procedures and ensure that its staff are reminded of the importance of record keeping when conducting ASB investigations.

## THE COMPLAINT

1. I received a complaint about the actions of Choice Housing Ireland Limited (Choice). The complainant was a tenant in an apartment block owned and managed by Choice. The complainant said that Choice had failed to deal with, or acknowledge a letter of complaint he hand delivered to its office, concerning ongoing Anti-Social Behaviour (ASB) in the block. He also said that Choice had unfairly issued him with a warning letter for making '*false accusations and malicious complaints*' against another tenant. The complainant said that he was upset by Choice's questioning of his honesty and integrity.

### Background

2. The complainant said that he had experienced ongoing ASB from another tenant, Neighbour A for many years. The issues included noise nuisance and substance abuse. The complainant said that another tenant, Neighbour B was also involved in the noise nuisance and substance abuse. The complainant believed that Neighbour B was supplying Neighbour A with cannabis. He believed that both tenants were having '*drink and cannabis parties*' with people from outside their households in contravention of coronavirus lockdown regulations in place in 2020. The complainant also reported threats and hate speech from another tenant, Neighbour C.
3. The complainant said that he reported a number of incidents of ASB to Choice, who told him that it could not investigate his allegations due to a lack of evidence. He said that Choice staff refused to discuss the allegations of cannabis use by Neighbours A and B and told him that if he had concerns about illegal drug use, he should report them to the police. In April and May 2020, the complainant reported a number of incidents of noise nuisance and cannabis use at Neighbour A's flat to security guards who patrol the building and are tasked to respond to out of hours reports of ASB. The guards who attended the property reported that there were no signs of ASB when they arrived. As a result, Choice issued the complainant with a warning letter in which it stated that he had made '*false accusations and malicious complaints*' about Neighbour A.

4. The complainant hand delivered a letter of complaint to Choice's offices on 28 May 2020. When Choice did not respond, the complainant contacted a Councillor who followed up the complaint by email on 28 August 2020. The Councillor sent another follow up email on 8 September 2020, but did not receive a response from Choice. Choice subsequently acknowledged the delay in responding to the complaint and apologised to him. In December 2020, the complainant told Choice that he wanted to escalate his complaint to Stage 2 of the complaints procedure, as he was unhappy with its original response. Choice stated that it had not declined the complainant's request to escalate the complaint to Stage 2, but that he was raising the same issues without additional evidence. It stated that it had offered to meet with the complainant and the Councillor to discuss the issues.

#### **Issue(s) of complaint**

5. The issue(s) of complaint accepted for investigation were:

**Issue 1: Whether Choice's decision to issue the complainant with a warning letter was in accordance with policies and procedures?**

**Issue 2: Whether Choice's handling of the complaint was appropriate and in accordance with the relevant standards?**

**Issue 3: Whether Choice dealt with reports of Anti-Social behaviour in accordance with policies and procedures?**

#### **INVESTIGATION METHODOLOGY**

6. In order to investigate this complaint, the Investigating Officer obtained from the Choice all relevant documentation together with its comments on the issues raised by the complainant. This documentation included information relating to Choice's handling the complaint.

## Relevant Standards and Guidance

7. In order to investigate complaints, I must establish a clear understanding of the standards, both of general application and those which are specific to the circumstances of the case. I also make reference to relevant regulatory, professional and statutory guidance.

The general standards are the Ombudsman's Principles<sup>1</sup>:

- The Principles of Good Administration
- The Principles of Good Complaints Handling

8. The specific standards and guidance referred to are those which applied at the time the events occurred. These governed the exercise of the administrative functions of those individuals whose actions are the subject of this complaint.

The specific standards and guidance relevant to this complaint are:

- Choice Housing Ireland Limited Anti-Social Behaviour (ASB) Procedure June 2017 (ASB procedure);
- Choice Housing Ireland Limited Anti-Social Behaviour (ASB) Policy 2017 (ASB policy);
- Choice Complaints, Compliments and Comments undated,(Choice Complaints leaflet) and
- Choice Tenancy Agreement and Conditions of Tenancy (Conditions of Tenancy).

Relevant sections of the guidance considered are enclosed at Appendix three to this report.

9. In investigating a complaint of maladministration, my role is concerned primarily with an examination of the administrative actions of Choice. It is not my role to question the merits of a discretionary decision taken unless that decision was attended by maladministration.

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<sup>1</sup> These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

10. I did not include all of the information obtained in the course of the investigation in this report but I am satisfied that everything that I consider to be relevant and important was taken into account in reaching my findings.
11. A draft copy of this report was shared with the complainant and Choice for comment on factual accuracy and the reasonableness of the findings and recommendations.

## **THE INVESTIGATION**

### **Issue 1: Whether Choice's decision to issue the complainant with a warning letter was in accordance with policies and procedures?**

#### **Detail of Complaint**

12. The complainant said that he considered that the warning letter Choice gave him on 6 May 2020 was libellous and '*grossly unfair*'. He said that he deeply resented the language used by Choice, which he believed questioned his honesty and integrity. The complainant said that he wanted the letter withdrawn.

#### **Analysis and Findings**

13. During the course of the investigation Choice acknowledged to this Office that by failing to give the complainant the opportunity to respond to the allegations of ASB, it had not followed its ASB procedure. Choice formally retracted the warning letter and wrote to the complainant to apologise for the upset the letter had caused him. It also acknowledged that the use of the words '*false*' and '*malicious*' was subjective and unfair.
14. I am pleased to note that representatives from Choice worked with this Office to rectify the issue. I consider that this reflects well on Choice as an organisation. It showed willingness to acknowledge its mistake and took action to resolve the matter to the satisfaction of the complainant. I therefore consider that that this issue of complaint has been satisfactorily resolved and that the matter is now settled.



## **Issue 2: Whether Choice's handling of the complaint was appropriate and in accordance with the relevant standards?**

### **Detail of Complaint**

15. The complainant said that he submitted a complaint in May 2020, which took Choice five months to acknowledge. The complainant said that he was unhappy with Choice's response to his complaint and asked Choice to escalate it to Stage 2 of the process on three occasions, which it had not done. The complainant believed Choice had also failed to address any of the issues he raised in his original complaint.

### **Evidence Considered**

#### **Legislation/Policies/Guidance**

16. I considered the following policies:

- Choice Complaints leaflet;

### **Choice's response to investigation enquiries**

17. Choice stated that it could find no trace of the original complaint submitted on 28 May 2020 in its records. It explained that its office was closed during lockdown, which had caused disruption to the way in which post was normally distributed. It stated that it had received the Councillor's follow up email of 8 September 2020, but that it considered the complaint '*as part of an existing ASB case investigation that was initiated by [the complainant] against the alleged perpetrators*'. Choice acknowledged that this was not the correct approach and apologised to the complainant for its failure to respond to him.

18. In response to the complainant's concern that Choice had not escalated his complaint to Stage 2, despite three requests from him to do so, Choice stated that the complainant was '*raising the same issues without further or additional information. We can confirm that we have not declined [the complainant's] request to progress his complaint to Stage 2*'. It stated further that it had offered to meet with the complainant and his representative '*under Stage 1 of the*

*Complaint process and we are still awaiting confirmation from [the complainant] of how he would like this meeting facilitated'*

## **Analysis and Findings**

19. On 27 November 2020, Choice responded to the original complaint. Choice apologised to the complainant for not acknowledging, or responding to his complaint, which it stated it was unable to source. I note that in its letter, Choice advised that if the complainant was dissatisfied with the response, he could request that Choice escalate the matter to the next stage of its complaints procedure.
  
20. The complainant originally contacted this Office on 3 November 2020, as Choice had not responded to his complaint. Following correspondence with this office on 10 December 2020, Choice proposed a meeting with the complainant to offer further apologies and to discuss the progress of ASB investigations. On this basis, this Office considered the matter had been resolved.
  
21. On 16 December 2020, the complainant stated that he was unhappy with Choice's response to his complaint and requested that Choice proceed to Stage 2 of the process. Instead, Choice suggested a virtual meeting with the complainant and the Councillor, which the complainant said was unsuitable, as he did not own a webcam. In its response to Investigation enquiries Choice stated that *'we are still awaiting confirmation from [the complainant] of how he would like this meeting facilitated'*. However, I note that in response to the complainant advising that he did not own a webcam, Choice stated that it would *'explore alternate means to communicate in relation to your complaint and we will respond with possible solutions.'* There is no evidence that Choice attempted to find another way to proceed with the meeting. It also advised that in relation to Stage 2 proceedings, a panel would have to meet to discuss the complaint. It stated that this would be *'challenging'* because of COVID restrictions in place at the time. It stated that it *'may need to place proceedings on hold until such time as localised government regulations are relaxed so that we can suitably progress [the complainant's] complaint.'*

22. I note the disparity between Choice's responses to the complainant and to Investigation enquiries. Choice suggested to the complainant that it would find ways to facilitate a meeting to discuss his complaint. However, its response to this Office appears to suggest that the onus for finding a solution to the issues rested with the complainant. Choice did not meet with the complainant until May 2021, following the involvement of this Office. I consider that Choice made no effort to progress the complaint and used lockdown restrictions to justify its inaction. The Third Principle of Good Complaints Handling, being 'Open and Accountable', requires bodies to provide '*honest evidence based explanations and give reasons for decisions*'. In its response to the complainant about finding ways to facilitate the meeting, I do not consider that Choice met this standard for the reasons outlined above. I am satisfied that this failure to provide an honest evidence-based explanation to the complainant constitutes maladministration.
23. As part of the complaints process Choice offered to hold a virtual meeting with the complainant, yet it suggested that it would need to postpone any Stage 2 proceedings, as the panel would be unable to meet due to the restrictions in place. Choice did not explain why it could facilitate a virtual meeting with the complainant to discuss the complaint, but needed the panel to meet face to face to progress Stage 2 of the complaint. The Fourth Principle of Good Complaints Handling, 'Acting fairly and proportionately', requires bodies to '*ensure that decisions and actions are proportionate, appropriate and fair*'. I am satisfied that Choice's failure to progress to Stage 2 of its complaints procedure when the technology was available to facilitate this constitutes maladministration.
24. Consequently, I am satisfied that the maladministration identified caused the complainant to experience the injustice of frustration, upset and the time and trouble of bringing a complaint to this Office. Therefore, I uphold this issue of complaint.
25. I am pleased to note that Choice subsequently agreed to issue an apology to the complainant in respect of this issue of complaint.

### **Issue 3: Whether Choice dealt with reports of Anti-Social behaviour in accordance with policies and procedures?**

#### **Detail of Complaint**

26. The complainant said that Choice had failed to deal with Neighbour A's ASB despite his '*consistent and unvarying*' complaints of noise nuisance over the years. The complainant reported a number of incidents to the security guards, which they investigated; however, he believed they had misrepresented the nature and extent of ASB in relation to Neighbours A and B. The complainant was also unhappy with what he said was Choice's unwillingness to discuss Neighbours A and B's cannabis parties and Neighbour B's drug dealing.

#### **Evidence Considered**

##### **Legislation/Policies/Guidance**

27. I considered the following policies:

- ASB procedure

#### **Choice's response to investigation enquiries**

28. In relation to its actions in dealing with the complaints of ASB, Choice stated that there was a lack of evidence to substantiate the complainant's allegations. It stated that when the complainant reported an incident, it checked CCTV footage outside Neighbour A's flat, but it did not support the complainant's version of events. It stated that it investigated any reports of alleged incidents of ASB and that if it gathered sufficient evidence to support the allegation, then it would take action in accordance with its ASB procedure.

29. Choice stated that it was unable to comment on the complainant's allegation that security staff had misrepresented the nature and extent of Neighbours A and B's ASB. It stated that if the complainant had further evidence of ASB then it would review it when the complainant provided it.

30. Choice stated that it was '*not unwilling*' to discuss the complainant's concerns of drug dealing and use in the block, but that it could not discuss incidents

relating to other tenancies during an investigation because of GDPR<sup>2</sup>.

### **Choice's records**

31. Records show that between 11 March 2020 and 7 November 2020, the complainant reported 13 separate incidents of noise nuisance and/or substance abuse relating to Neighbour A and Neighbour B. The complainant also made a number of complaints about Neighbour C. The records also showed that the complainant continued to report allegations of ASB against Neighbours A, B and C to Choice following the submission of his complaint to this office. The records show that the complainant gave Choice a letter from the Council in which it offered to install a recording device in his flat. The complainant declined. I note further that the complainant refused to allow Choice staff entry to his flat to discuss the noise nuisance.

### **Discussion with the complainant**

32. As part of the investigation, the Investigating Officer spoke by telephone with the complainant on several occasions. He said that Choice's failings '*had continued without pause or interruption*' despite the involvement of this Office. He said that Neighbour B assaulted him in January 2021 and that he was breeding dogs to sell in his flat. He also said that Neighbour C had sent him threatening letters and had verbally abused him.

### **Analysis and Findings**

33. I note the complainant's concern that Choice failed to properly investigate or deal with his reports of ASB in the block. I considered Choice's ASB records, which showed that security guards responded on multiple occasions to allegations from the complainant about noise nuisance and cannabis use in the block. In the majority of occasions, the guards reported that there was no evidence of noise nuisance or smell of cannabis. I note the complainant's concern that the guards misrepresented the nature and extent of ASB occurring in the block. In investigating the complaint, I considered the contemporaneous records provided by Choice as well as the complainants account. On the basis

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<sup>2</sup> General Data Protection Regulation: the general data protection regime that applies to most UK businesses and organisations

of the information I have received, I cannot conclude that the security guards misrepresented the nature and extent of ASB in the block.

34. On 25 August 2020, a security guard witnessed Neighbour C being verbally abusive towards the complainant. The guard reported the incident to Choice who issued Neighbour C with a formal written warning that it would begin legal proceedings if the ASB persisted
35. On 27 October 2020, a security guard investigated a report from the complainant of noise nuisance at Neighbour A's flat. The guard confirmed that there was loud music coming from the flat and that Neighbour A did not turn the music down, despite his requests to do so. The security company reported the incident to Choice who issued Neighbour A with a formal written warning that it would begin legal proceedings if the ASB persisted.
36. Choice carried out an investigation into the complainant's allegation that Neighbour B was illegally breeding dogs in his property. In its investigation, Choice liaised with another agency to obtain advice on the issue. I note that the agency inspected Neighbour B's flat and advised Choice of the situation. Based on the information obtained Choice determined that Neighbour B had not breached his conditions of tenancy. I am satisfied that Choice's investigation into the allegation was reasonable and appropriate.
37. I note further the complainant's concern that Choice failed to investigate his allegation that Neighbour B assaulted him. The complainant also reported the matter to the Police Service of Northern Ireland (PSNI). Choice provided the PSNI with evidence relating to the alleged assault, including CCTV footage of the incident. The PSNI informed the complainant that it would not be charging Neighbour B with assault due to lack of evidence. I consider it reasonable that in reviewing the same information, Choice determined that it did not have sufficient evidence to take action against Neighbour B.
38. The complainant contacted Choice's Service Centre on numerous occasions in relation to noise nuisance and cannabis use in the block. Choice stated to this Office and to the complainant that there was insufficient evidence to

substantiate his allegations. I note further that Choice stated that it checked the CCTV footage outside Neighbour A's flat as part of its investigations.

39. Choice provided reports from the security guards as proof that it had investigated the complainant's reports of ASB. On review, the reports would appear to support Choice's claim that in the majority of cases there was insufficient evidence to substantiate the allegations. However, I note the lack of detail in many of the reports, which record that a guard visited Neighbour A's Flat and did not hear noise, or find anyone else at the property. The reports do not verify how the guard knew there were no other people in the property. In addition, it is often unclear from the reports how long the guard visited the property after the complainant reported an incident; I note that this was of concern to the complainant.
40. The ASB procedure states that in the preliminary evidence gathering stage of an investigation, the Investigating Officer will '*[s]eek to substantiate the reports of Anti Social Behaviour by independently corroborating or refuting the allegations. This may necessitate the Investigating Officer interviewing other witnesses...*' I have been unable to find evidence in Choice's records to verify its claim that it checked CCTV footage in relation to the allegations the complainant made against Neighbour A. In summary, there is no record of Choice's decision-making process on whether or not to investigate an allegation of ASB. I consider this to be poor record keeping. Recording of discussions and considerations is a key tenet of good administration, and a 'shield' for a public body to defend its actions when challenged.
41. I note that there are specific instructions within the ASB procedures for recording interviews with complainants, witnesses and alleged perpetrators. There is no evidence of contemporaneous notes of discussions or interviews taken during the course of Choice's investigations. I consider this further evidence of poor record keeping. The Third Principle of Good Administration 'Being Open and Accountable' requires bodies to '*State its criteria for decision making and giving reasons for decisions*' and to '*Keep proper and appropriate records*'. I do not consider that Choice meets these standards for the reasons outlined above. I am satisfied that this failure to evidence its decision-making

and to keep proper and appropriate records constitutes maladministration.

42. In considering whether Choice dealt with the complainant's reports of ASB in a reasonable and appropriate manner, I examined its ASB call logs, the reports from the security guards and the complainant's tenancy file. I found several examples where Choice took action against the perpetrator when there was corroborating evidence in the form of a witness or CCTV footage. I found examples where Choice took steps such as involving other agencies in its investigations, to attempt to substantiate the allegations. However, there were also examples when Choice told the complainant that there was insufficient evidence to substantiate his allegations without keeping a record of its decision making process, or detailing the checks it carried out to investigate the allegations. While I cannot conclude that Choice failed to investigate the complainant's allegations of ASB, it is nevertheless clear that it did not follow its internal ASB procedures in that it consistently failed to record how it investigated the complaints.
43. The First Principle of Good Administration requires a public body to '*Act in accordance with the public body's policy and guidance (published or internal)*' and '*Take proper account of established good practice*'. I consider Choice's failure to record how it investigated the complaints constitutes maladministration.
44. Consequently, I am satisfied that the maladministration identified caused the complainant to experience the injustice of frustration and upset. Therefore, I uphold this issue of complaint.
45. I note that the complainant has continued to make allegations of ASB against Neighbours A, B and C, in particular threats and intimidation from Neighbour B. I note further that he has expressed scepticism that Choice will properly investigate his complaints, or take actions to remedy a situation that he says he finds intolerable. I consider that Choice can take steps to alleviate the complainant's concerns by implementing the recommendations listed at the end of this report.



## **Residual Matters**

46. Though not an issue raised by the complainant, I note that in its responses to the complainant and Investigation enquiries, Choice stated that it had issued a warning letter to the complainant in accordance with its complaint policy, as his complaints were persistent and unreasonable. Choice's complaints policy relates to *'the service, actions or inactions of Choice or its officers which requires a response'*. The issues the complainant raised related to another tenant and not Choice staff and the warning letter issued by Choice clearly stated that the tenant was in breach of his tenancy conditions and outlined his obligations as a tenant. It is clear Choice's complaint procedure was not the appropriate policy for dealing with this issue. I am concerned that Choice used the incorrect policy to issue the warning letter. I would ask Choice to reflect on this and learn from the complainant's experience.

## **CONCLUSION**

47. I received a complaint about the actions of Choice. The complainant said that Choice had failed to investigate his reports of ASB by his neighbours. He said that Choice had issued him with a libellous and unfair warning letter for making false allegations and that Choice had not acknowledged or dealt with his letter of complaint in respect of the first two issues.
48. I investigated the complaint and found maladministration in the actions taken by Choice in relation to the following
- The failure to give a clear, evidence based explanation to the complaint as to why it delayed the meeting to discuss his complaint;
  - The failure to make a fair and proportionate decision in respect of escalating the complaint to Stage 2; and
  - The failure to accurately record its actions and decisions when investigating allegations of ASB.
49. I am satisfied that the maladministration identified caused the complainant to experience the injustice of, upset, frustration and the time and trouble of bringing a complaint to this office.

## Recommendations

50. I recommend that Choice provides the complainant with a written apology in accordance with NIPSO 'Guidance on issuing an apology' (June 2016), for the injustice caused as a result of the maladministration identified in issues 2 and 3 within **one month** of the date of this report.
51. I further recommend for service improvement and to prevent future recurrence :
- Choice review its ASB policy and implement best practice guidance to ensure that ASB is managed and investigated effectively;
  - Choice reminds all staff involved in complaints handling of the importance of providing full, clear, and thorough responses to every element of a complaint raised by, or on behalf of a tenant.;
  - Choice provides evidence that it has reviewed why its own investigation did not identify or acknowledge all the failings highlighted here
  - Choice ensure that staff tasked to investigate ASB are reminded of the importance of making accurate contemporaneous records during an investigation and recording decisions ; and
  - Carry out a random sampling audit of ASB cases to ensure that actions and decisions are being recorded accurately and contemporaneously.
52. I recommend that Choice implement an action plan to incorporate these recommendations and should provide me with an update within **three** months of the date of my final report. That action plan should be supported by evidence to confirm that appropriate action has been taken (including, where appropriate, records of any relevant meetings, training records and/or self-declaration forms which indicate that staff have read and understood any related policies).

**MARGARET KELLY**  
Ombudsman

**June 2022**

## Appendix 1

### PRINCIPLES OF GOOD ADMINISTRATION

**Good administration by public service providers means:**

#### **1. Getting it right**

- Acting in accordance with the law and with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

#### **2. Being customer focused**

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

#### **3. Being open and accountable**

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

#### **4. Acting fairly and proportionately**

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

#### **5. Putting things right**

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

#### **6. Seeking continuous improvement**

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

## **Appendix 2**

### **PRINCIPLES OF GOOD COMPLAINT HANDLING**

**Good complaint handling by public bodies means:**

#### **1. Getting it right**

- Acting in accordance with the law and with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learned from complaints.
- Including complaint management as an integral part of service design.
- Ensuring staff are equipped and empowered to act decisively to resolve complaints.
- Focusing the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure in the right way and at the right time.

#### **2. Being customer focused**

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including where appropriate co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

#### **3. Being open and accountable**

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.
- Publishing service standards for handling complaints.
- Providing honest evidence-based explanations and giving reasons for decisions.
- Keeping full and accurate records.

#### **4. Acting fairly and proportionately**

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions and actions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants

#### **5. Putting things right**

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

#### **6. Seeking continuous improvement**

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and the changes made to services, guidance or policy.

