



Northern Ireland

Public Services

Ombudsman

1 July 2023

MCHP

The **Local Government** Model
Complaints Handling Procedure



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Introduction

The Northern Ireland Public Services Ombudsman is leading a public sector complaints process to develop and support the implementation of new Complaints Standards. This will establish a consistent and streamlined approach to complaints handling throughout public bodies. The aim is to help complainants understand how to make a complaint and what level of service to expect when they do so.

The Statement of Principles

The Statement of Principles are overarching basic principles that public bodies' complaints handling procedures should reflect and comply with. These principles aim to help drive a focus on the early resolution of complaints and promote the use of complaints information for learning and improvement.



The Model Complaints Handling Procedure Document

The Local Government Model Complaints Handling Procedure (MCHP) document sets out the two stage complaints procedure and key operational guidance. It has a publication and start date of 1 July 2023.

Part 1 of the MCHP sets out the two-stage process for handling complaints for the Local Government sector.

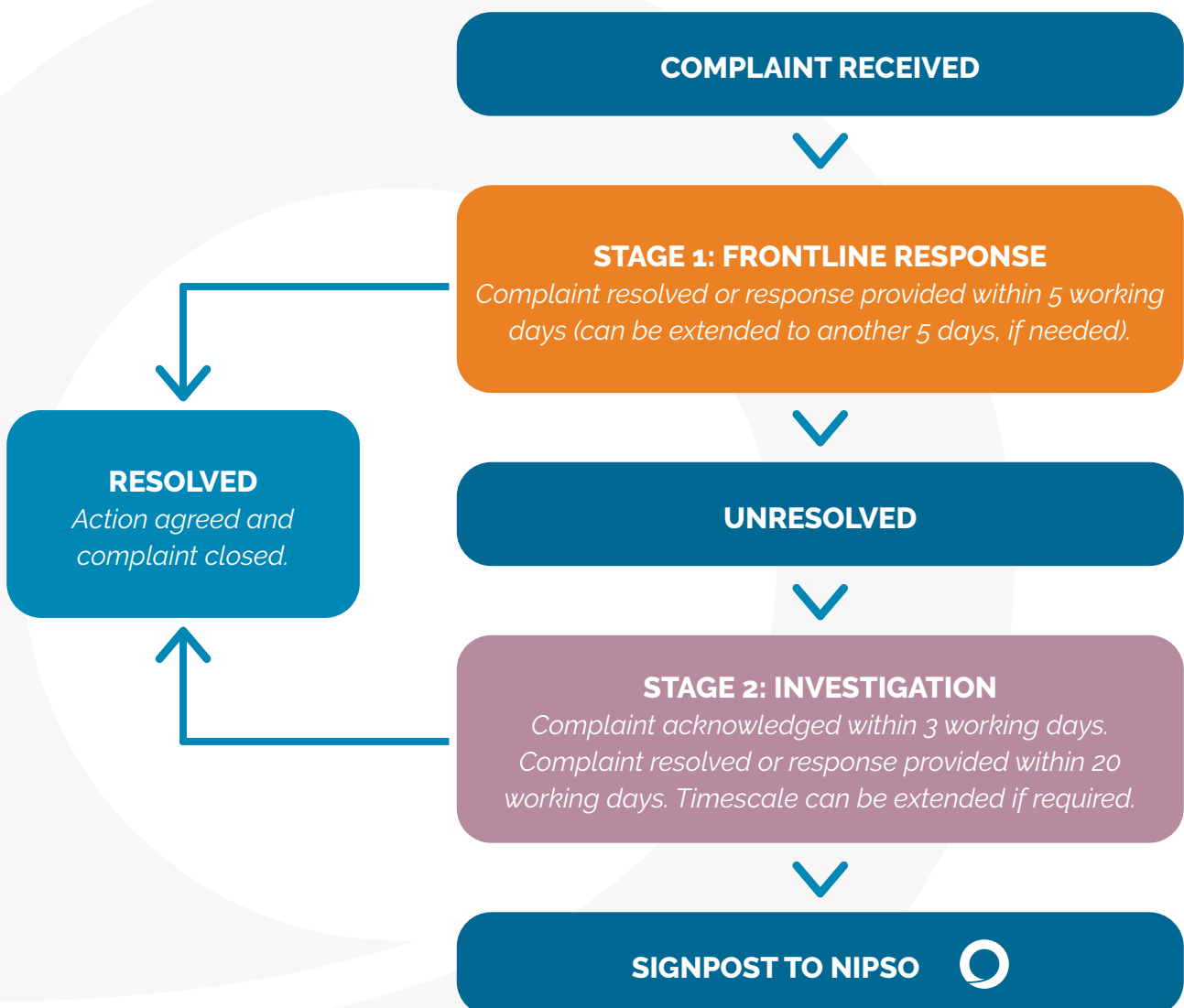
Part 2 of the MCHP sets out guidance for staff to support implementation of the MCHP including the timeline for implementation and essential compliance activity.

Part 3 of the MCHP sets out key information which must be provided to complainants.

To comply with the Local Government MCHP, your complaints handling procedure and practice must comply with the procedures and guidance set out in Parts 1 – 3 of the MCHP documentation and be underpinned by the Statement of Principles..

MCHP - Two Stage Complaints Procedure


It is anticipated that the majority of complaints will be handled at Stage 1. If the customer remains dissatisfied after Stage 1, they can request that the organisation look at it again, at Stage 2. If the organisation considers a complaint is complex, and requires an in-depth investigation, the organisation should consider it first at Stage 1 and, following discussion and agreement with the customer, move the complaint to Stage 2.



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Introduction

To support the implementation of the Local Government MCHP, your organisation must provide guidance for staff on your organisation's complaints handling procedure and practice.

Part 3 of the Public Services Ombudsman Act (Northern Ireland) 2016 (the legislation) provides the legislative basis for NIPSO to publish MCHPs for public bodies within its jurisdiction. The Local Government MCHP was developed by NIPSO in partnership with an operational network of Local Government staff, published on **1 July 2023**.

Key Information to comply with the MCHP

This Organisational Guide, is intended to support organisations to develop their own internal, procedural document to provide staff with clear guidance on how to implement the MCHP. It is each organisation's responsibility to ensure that their guidance reflects organisational corporate writing conventions or style guides whilst complying fully with the requirements of the MCHP. To ensure compliance with the MCHP, the following elements of the MCHP should not be amended:

- a definition of a complaint (which meets as a minimum the one provided in the MCHP)
- the number of stages
- timescales at each stage
- the requirements to record, report and publicise complaints information
- the requirement to learn from complaints
- ensuring information on how to complain is widely publicised
- the provision of support to removing any barriers to complain.



The rest of this document sets out detailed information which organisations may find helpful to develop Staff Complaints Handling Guidance which complies with the MCHP.

Background

Part 2 of the MCHP provides the key requirements and detailed guidance for organisations to help them implement the MCHP in their organisation. If an organisation follows the guidance contained within Parts 1 to 3 it is expected that their complaints handling procedure will be in line with the statutory requirements established by the Public Services Ombudsman Act (NI) 2016. These documents will also ensure that there is a standardised and streamlined approach to managing complaints across the public sector and promote a culture of learning from complaints. They will also support practice to remove barriers for those who wish to complain about their experience of public services.

NIPSO's MCHP Parts 1-3 takes account of NIPSO's research report on Complaints Handling in the public sector in Northern Ireland (NI) published in June 2021. The aim of the research was to gain greater understanding of the complaints processes, procedures and practices of a range of public bodies within NIPSO's jurisdiction. This document takes account of stakeholder views expressed through NIPSO's public consultation from June - September 2021. Parts 1-3 also reflect NIPSO's Complaints Handling Statement of Principles approved by the NI Assembly on 19 January 2022.

About the MCHP

The purpose of the MCHP is to provide a standardised approach to dealing with customer complaints across the public sector in NI. In particular, the aim is to implement a standardised and consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages public bodies to make best use of lessons learned from complaints.

All public bodies within NIPSO's jurisdiction will be required to implement a complaints handling procedure in line with the MCHP when one relevant to their organisation is published by NIPSO. Over time the MCHP will apply to all public bodies listed in Schedule 3 of the Public Services Ombudsman Act (NI) 2016. Implementing a complaints handling procedure in line with NIPSO's published MCHPs for public sectors will ensure that an organisation's procedure complies with the Statement of Complaints Handling Principles approved by the Northern Ireland Assembly.

Adopting the MCHP

Organisations who are covered by a MCHP published by NIPSO will need to ensure that their complaints handling procedure meets the requirements of Parts 1 to 3 of the MCHP. This will ensure that the complaints handling procedure meets NIPSO's MCHP test of compliance.

NIPSO recognises the importance of providing scope for organisations to reflect their own structure, operational systems and corporate style when adopting the MCHP. For this reason, there is flexibility for your organisation to adapt this Organisational Guidance to ensure that, together with any supporting documentation developed by your organisation, the MCHP reflects your organisation's corporate identity and language.

This Organisational Guide is intended to support organisations to develop their own internal, procedural document to provide staff with clear guidance on how to implement the MCHP. It is each organisation's responsibility to ensure that their guidance reflects organisational corporate writing conventions or style guides whilst complying fully with the requirements of the MCHP.

To ensure compliance with the MCHP, the following elements of NIPSO's MCHP should not be amended

- a definition of a complaint (which meets as a minimum the one provided in the MCHP)
- the number of stages
- timescales at each stage
- the requirements to record, report and publicise complaints information
- the requirement to learn from complaints
- ensuring information on how to complain is widely publicised
- the provision of support to removing any barriers to complain.

NIPSO recommends that organisational Staff Guidance includes a foreword from your Chief Executive as a sign of endorsement of the MCHP.

The Organisational Guidance which follows in the rest of Part 2 has been developed to include sections which NIPSO consider are necessary to ensure the effective implementation of a complaints handling procedure. Therefore, the term Complaints Handling Procedure is used to reflect that this will be internal guidance for staff.

There are 3 Sections in Part 2 of the MCHP

- Section 1: When and How to Use the Complaints Handling Procedure (CHP)
- Section 2: The Operations of the CHP
- Section 3: Governance of the CHP

Three Appendices provide further information

- Appendix 1: Potential Stage 1 Complaints
- Appendix 2: Complaints not to be handled through the CHP
- Appendix 3: Timelines

Section 1:

When and How to Use the Complaints Handling Procedure (CHP)

1.1 What is a Complaint?

The organisation must include a definition of a complaint, and this must be contained in both this guide and the Guidance for Complainants (Part 3). NIPSO requires as a minimum the following definition of a complaint: *'An expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of an organisation.'*

An organisation may amend the definition above to provide greater clarity in relation to the type of services that it provides, however any amendment must not be any more restrictive in relation to what an organisation will consider under its complaints handling procedure.

NIPSO recommends that a detailed list of what may be considered as a complaint is provided to staff to assist with ensuring consistency in the implementation of the complaints handling procedure. The following are examples of areas generally considered to fall within the scope of an organisation's definition of a complaint and therefore can be dealt with under the complaints handling procedure:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with a policy or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves: please see section **Complaints about contracted or commissioned services**)
- a concern about the actions or service of an organisation who is delivering services on behalf of the organisation
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process)
- dissatisfaction with how an element of a decision was administered.

Appendix 1 provides a range of examples of potential complaints organisations may receive at Stage 1, and how these may be handled.

A complaint **is not**:

Organisations should include guidance to staff on what they consider **cannot** be considered as a complaint under the complaints handling procedure. This should include information to assist staff to sign-post the customer on the most appropriate route to have their issues dealt with. Listed below are matters which are generally not considered to fall within the scope of an organisation's complaints handling procedure;

- a routine first-time request for a service or reporting of a fault. Though it is important to indicate to staff that failure to provide the service or deal with the fault in a timely way would fall within the scope of the complaints handling procedure (see section **Complaints and service requests**)
- a request for compensation only (see section **Complaints and compensation claims**)
- issues that are in court or have already been heard by a court or a tribunal and where that process has dealt with the issues raised in the complaint and the court or tribunal had the ability to provide an appropriate remedy in relation to the matters raised in the complaint. (see section **Complaints and legal action**)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as Freedom of Information requests), or an established appeals process followed throughout the sector (such as planning, pensions or a parking ticket appeal). Organisations should set out clearly those aspects of their service where appeal processes exist
- a request for information under the Data Protection or Freedom of Information (Northern Ireland) Acts and requests for reviews of decisions under these statutory regimes
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff which was not about a service they received (such as a whistleblowing concern).

It is important for organisations to include sufficient information to enable staff to explain to customers why the matter cannot be dealt with under the complaints handling procedure and to be able to direct them to the appropriate route to deal with their concerns. This may include providing details of advocacy and support that is available to assist individuals. Organisations should ensure that advice and support is available to front line staff dealing with complaints when issues are raised which do not fall clearly into the guidance provided.

Some complaints can provide a greater degree of challenge for the organisation to manage. This can include complaints which relate to the actions of senior staff in decision making. Organisations should identify the types of complaints which they consider provide a greater degree of challenge and provide guidance to staff on how the complaints handling procedure should be applied should such a situation arise. Any guidance or changes in process must still comply with the approach set out in the MCHP.

Organisations may wish to include detailed guidance on issues which may not be appropriate for consideration under their complaints handling procedures. Further information on more common issues is included at **Appendix 2**. The section on **Complaints relevant to other agencies** provides information about some of the other agencies that may be able to assist customers if their complaint is not appropriate for an organisation's complaints handling procedures.

1.2 Who can make a complaint?

NIPSO recommends that guidance for staff includes a section on who can make a complaint. This should be kept as open as possible taking account of any statutory requirements. It is expected that anyone who receives, requests or is affected by the organisation's services can make a complaint. It is also important that an organisation's definition of service users includes a role for relatives or other representatives to act on behalf of complainants where they have been given authority to do so. Organisations may wish to provide guidance to staff on the steps to be taken when a complainant wishes someone to act on their behalf. An organisation's definition of who can make a complaint should also include people who come into contact with or are affected by its services. Two examples are listed below:

- a resident living in a neighbourhood where the organisation is running an event
- a third-party stakeholder interested in the administration of a planning decision.

Further information on managing complaints made by representatives of service users is provided in the section **Complaints by a third party**.

1.3 Supporting the customer

It is crucial that everyone can easily access an organisation's complaints procedure. In order to ensure this is the case organisations need to recognise the barriers that some customers may face when seeking to raise a complaint. These may be physical, sensory, communication or language barriers, but can also include their own personal anxieties and concerns. Customers may need support to overcome these barriers.

Organisations may wish to set out for staff the legal context for making adjustments including under section 75 of the Northern Ireland Act 1998. In addition, organisations should set out clearly in the information for staff their commitment to addressing barriers to raising a complaint and the organisational arrangements that have been put in place to enable individuals to overcome barriers. This should be part of an organisation's clear commitment to valuing complaints and ensuring accessibility to this important service for all. Where organisations have separate documents setting out their approach to equality or support, they may wish to include references to these and the information contained within them as part of their complaints handling procedure. Organisations will also need to consider whether they need to conduct an Equality Impact Assessment (EQIA) as part of the process for introducing a new complaints procedure to comply with an MCHP published by NIPSO.

The range and type of adjustments that an organisation may need to provide will depend on the services that it provides. Some examples of common adjustments that may be relevant to remove barriers to complaining include:

- asking staff to proactively check whether members of the public who wish to complain require additional support to do so
- offering alternatives to writing a complaint and assisting customers to record their complaint where this is a barrier to raising their complaint. NIPSO considers it would not be in compliance with a MCHP to require a customer to make their complaint in writing
- providing information about the complaints process in a range of languages and different formats. For example, 'easy read' and sign language, and formats suitable for those with a visual impairment. Organisations should also provide interpretation and/or translation services for those who need them
- helping customers access independent advocacy relevant to the issues being raised in the complaint. NIPSO recommends that organisations consider which advocacy or support groups may be able to assist users of their service with making a complaint and provide information to customers and staff about these organisations and the services that they can offer.

In addition to meeting its legal obligations under equality obligations the MCHP requires organisations to ensure that support is available to vulnerable individuals and groups to access the complaints procedure. Organisations should go beyond equality legislation in considering more widely what factors may impact on people's access to complaints handling (for example, bereavement or homelessness). There may also be users (or a specific group of users) who are subject to additional barriers to raising a complaint which goes beyond the support required for accessing day to day services. Organisations should consider consulting with relevant third sector organisations in developing advice for staff in relation to supporting customers to complain.

Examples of appropriate actions may include:

- helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
- helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through signposting to advocacy and support groups who work in the area which is the subject matter of the complaint);
- providing a neutral point of contact for complainants (where the relationship between customers and frontline staff is significant and ongoing).

1.4 Expected behaviours

NIPSO anticipates that all organisations will have arrangements (including information and training) in place that make clear to staff the importance of candour, honesty and openness when dealing with and investigating complaints. Guidance for staff should also make clear that the organisation's approach to complaints is non-defensive and complaints should be received with a willingness to listen to challenge about services and/or service delivery. Staff should be trained and encouraged to build trust with customers who have raised a complaint as an effective way of promoting the organisation's values and complying with the MCHP.

Organisations may wish to set out the behaviours they expect from staff when dealing with complaints. This may include a commitment that staff will behave in a professional manner and treat customers with courtesy, respect and dignity.

Likewise it is acceptable within Staff Guidance to set out the expected behaviour of customers in similar terms. Organisations may wish to develop guidance for customers which assists them understand what may be expected of them during the complaints process. This may include requesting that:

- customers provide details of their key issues of concern including providing any supporting information they want to submit (It is important to recognise that some people will require support to do this and the need to ensure they are aware of the support that is available to them)
- working together to ensure that there is an agreed understanding of the issues of complaint
- responding to reasonable requests for information
- organisations may also wish to refer staff to their Promoting Positive Behaviour Policy (or equivalent)

It is important that organisations recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can also affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer displaying unacceptable behaviours. Organisations should provide information and training to staff to assist them to manage such situations.

Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and it is important that all complaints are taken seriously. However, NIPSO recognises that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards staff. NIPSO recommends that organisations develop guidance on how it deals with behaviours from customers which it considers are unacceptable (if they have not already done so). The action taken should be the minimum necessary (and for the minimum time) to achieve the organisation's objective in implementing its procedure to deal with the behaviour it considers is unacceptable. Actions under the organisation's procedure should not result in the customer's complaint not being dealt with, or the customer not receiving a response. Where implementation of the organisation's procedure results in action being taken, a mechanism should be in place to allow a customer to have this reviewed if they do not agree. Actions to control an individual's access to the complaints procedure should be proportionate and should also be reviewed proactively by organisations to ensure that they are still necessary.

1.5 Maintaining confidentiality and data protection

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality as well as confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

Ensuring confidentiality should not prevent organisations from being open and transparent, as far as possible, in managing complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as is permissible. When sharing information, organisations should be clear about why the information is being shared and their expectations on how the recipient will use the information. This should not be used to prevent legitimate comment by customers about their complaint but should be used to ensure the protection of information where there is a reasonable expectation of privacy and confidentiality.

Organisations should bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. Organisations may wish to include guidance for complaint handling staff on arrangements, such as where staff should seek advice on data processing matters, and where to find relevant policies, guidance and legislation. The **Information Commissioner's Office** has detailed guidance on data sharing and has issued a data sharing code of practice.

Organisations may wish to provide guidance to staff on how to deal with situations where full disclosure of information regarding the management of a complaint may not be possible. Organisations may provide examples where this may be the case and provide information on where staff can obtain support. Examples include:

- where a complaint has been raised regarding the actions of a staff member and the investigation indicates that a disciplinary investigation may be necessary
- where someone has raised a concern about how a child or adult safeguarding issue was managed. In such circumstances the response would most likely be restricted to whether the safety concern had been properly dealt with.

1.6 How complaints may be made

The organisation's guidance for staff should make it clear complaints may be made verbally or in writing, including face-to-face, by telephone, letter or email. Organisations should be as flexible as possible to remove any barriers to customers submitting complaints.

Where a complaint is made **verbally**, organisations should set out the expectations for staff, but as a minimum it is expected staff will make a record of the key issues raised in the complaint. It is permissible for an organisation to have a complaint form that captures key information about a complaint and which adds to the effectiveness of how a complaint is managed. The completion of a complaints form should however never be a barrier to complaining or reduce access to the organisation's complaints procedure.

Many organisations now use digital platforms including social media as a means of communicating with their customers. If this is the case organisations should include guidance for staff. Organisations should choose whether to respond to complaints on social media. However, organisations must at least acknowledge complaints that are raised in this way. NIPSO considers organisations should adopt the following approach:

Where a complaint issue is raised via a digital channel managed and controlled by the organisation (for example an official Twitter address or Facebook page), explain that the organisation does not accept complaints made on social media and explain to the person how they can complain. If organisations wish to accept or respond to simple complaints on social media, they should provide further guidance to staff. For example, responding to very simple complaints on social media where an issue is likely to affect a large number of people, and a very simple response is all that is required which could be beneficial to others (for example, an apology for a cancelled bin service or late cancellation of an information session).

Organisations may also wish to consider providing guidance to staff on its approach if it becomes aware that an issue has been raised via a digital channel not controlled or managed by it (for example a YouTube video or post on a private Facebook group).

In managing complaints on social media and digital platforms organisations should be mindful of its data protection obligations [see section **Maintaining confidentiality and data protection**].

1.7 Time limit for making complaints

Organisations should set out clearly for staff and customers the time limit for raising a complaint and how to approach complaints received after this time period. To ensure uniformity within and across sectors NIPSO requires organisations to permit complaints to be raised up to 6 months after the events occurred or the complainant becoming aware of the issue. However, organisations should not apply the time limit rigidly and should provide guidance to staff on how to consider complaints raised outside of this timescale.

Similarly organisations should set out the time limit for a customer requesting that an organisation progress a complaint to Stage 2 of the complaints process following receipt of a Stage 1 response. In order to ensure consistency within and between sectors NIPSO requires a minimum period of 30 days be provided to enable a person to consider whether to continue with their complaint. Again, organisations should not apply this rigidly to the detriment to customers and should provide guidance for staff on how to consider requests received outside this timescale.

In determining whether to apply discretion outside these time limits, NIPSO considers as a minimum the following factors should be considered in determining whether to apply discretion: the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical outcome for the customer or useful learning for the organisation.

At the conclusion of the complaints procedure, the customer has the right to bring their complaint to NIPSO and the time limit for this is usually within six months of completing an

organisation's complaints procedure. NIPSO has discretion to waive this time limit and may do so if NIPSO considers special circumstances apply. Organisations should provide information to staff on the role of NIPSO and on the organisation's obligation to signpost complainants to NIPSO at the end of the organisation's complaints process.

1.8 Particular circumstances

Complaints by a third party

(See also 'Complaints about contracted or commissioned services')

Sometimes a customer may be unable or reluctant to make a complaint on their own. Organisations should accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, the customer's consent should be sought where they are able to provide this. It is good practice to ensure the customer understands their personal information may be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered not to have capacity to make decisions for themselves.

Organisations should provide guidance for staff on obtaining consent. It is important that the approach does not become overly bureaucratic, it should be proportionate and should be sufficient to ensure the organisation meets any duty of confidentiality.

In certain circumstances, a person may raise a complaint which may involve the organisation considering the personal data of another person. In these circumstances it is likely that the organisation can still investigate the complaint, but the investigation and response may be limited by considerations of confidentiality. The organisation should provide advice to staff on how to deal with such issues and where to obtain additional support and guidance. Where limitations apply the person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

1.9 Maintaining confidentiality and data protection

Organisations may wish to provide further guidance or examples in relation to issues around capacity, providing and gaining consent and information sharing, for example in relation to Power of Attorney or Guardianship arrangements.

1.10 Anonymous complaints

Organisations should provide guidance to staff on how to manage anonymous complaints within the context of valuing all complaints. Organisations should have a commitment to investigate anonymous complaints where it is appropriate to do so. Factors relevant to the consideration of anonymous complaints include whether there is enough information in the complaint to enable further enquiries. NIPSO recommend that any decision not to pursue an anonymous complaint be authorised by an appropriate manager with the rationale for not investigating recorded.

If an anonymous complaint raises serious issues, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant to child protection, adult protection or disciplinary procedures.

1.11 What if the customer does not want to complain?

The organisation should develop guidance for staff on how to manage situations where a customer has expressed dissatisfaction in line with the definition of a complaint but does not want to complain. In such circumstances it is expected that organisations would explain to the customer the benefits of raising a complaint in improving services. Encouraging a customer to submit their complaint and allow it to be handled through the CHP will ensure that the customer is updated on the action taken and gets a response to their complaint, though the approach should not be overbearing.

Where customers insist they do not wish to complain, organisations are not required to progress the complaint through the complaints procedure. NIPSO recommends that the issues raised are recorded as an anonymous complaint and dealt with as outlined in the section above regarding anonymous complaints. This approach enables tracking of trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with the organisations' services, greater emphasis should be placed on investigating the complaint.

Appendix 1 provides further guidance.

1.12 Complaints involving more than one area or organisation

Organisations should consider whether they need to provide guidance to staff relating to the management of complaints which raise issues about two or more areas within the organisation. Key to managing such complaints is good communication between service areas and co-ordinated communication with the customer which sets out what they can expect to receive and from whom.

Where customers complain about the service of another organisation or public service provider, staff should help customers where possible to identify who can assist in dealing with their complaint.

Organisations should consider whether they may receive complaints which relate to both their service and the service of another organisation or public service provider. In circumstances where this may occur the options available include one organisation taking the lead in considering the complaint or each organisation dealing with the issues relating to them. Regardless of the approach good communication between the organisations and the customer is essential. Where a customer journey is such that they may not be aware that they are dealing with two separate organisations, co-operation in managing the complaint is likely to maximise the opportunity for learning. Organisations will also need to consider whether any data protection issues arise. Further guidance is contained in the section **Maintaining confidentiality and data protection**.

1.13 Complaints about contracted or commissioned services

Where organisations contract the delivery of their services via a third party they will need to consider how complaints about these services are managed and by whom. Information for customers and staff should clearly explain these arrangements. There are a number of ways in which such arrangements could be managed however in order to comply with the MCHP the arrangements must not consist of any more than two stages in total and must meet the relevant aspects of the MCHP. It is the responsibility of the contracting/commissioning organisation to ensure that the procedure in place meets the requirements of this MCHP. NIPSO considers that complaints are best managed by the organisation that delivers the services with appropriate oversight by the commissioning/contracting organisation. This should include taking over responsibility for the investigation of complaints should the commissioning/contracting organisation feel it is necessary to do so.

Within the Local Government Sector should the complaint not be resolved and be brought to NIPSO then NIPSO is most likely to investigate the contracting/commissioning organisation. An example might be a charitable organisation delivering leisure and culture services on the organisation's behalf. The responsibility for ensuring that complainants are signposted to NIPSO rests with contracting/commissioning organisation.

When commissioning or contracting services with external organisations, organisations should ensure that the recording and reporting arrangements in place will enable it to comply with the MCHP.

1.14 Complaints about senior staff

Complaints which involve decisions or actions involving senior staff can be more difficult, as there may be a conflict or perceived conflict of interest for the staff investigating the complaint. When complaints are raised which involve senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation to avoid any perceived conflict of interest. For example, a director for managing an investigation against the actions of a Chief Executive. Guidance for customers and staff should set out clearly how complaints involving senior staff will be managed. Further advice and assistance may be available from the Local Government Staff Commission.

1.15 Complaints and other processes

Complaints can sometimes be confused (or overlap) with other processes e.g. service requests. Specific examples and guidance on how to handle these should be included within the guidance for staff.

1.16 Complaints and disciplinary or whistleblowing processes

Issues can be raised in a complaint which overlap with issues which may be dealt with under a disciplinary or whistleblowing process. Organisations should provide guidance to staff to ensure that complaints are managed appropriately, ensuring that there is no breach of confidentiality. The fact that either a disciplinary or whistle blowing investigation is ongoing may

not prevent some aspects of a complaint being investigated and responded to. It may be that some information cannot be disclosed to the customer and where this is the case they should be advised accordingly. Staff should have access to appropriate guidance and support to assist them in managing such complaints.

1.17 Contact from MLAs or Councillors

It is recognised that Councillors, MLAs and MPs may make complaints in their capacity as an elected member or member of the public, as well as supporting their constituents in bringing complaints about public services. While organisations may wish to provide guidance to staff on distinguishing between complaints made by elected member and complaints brought by elected members in support of a constituent, it is important that no matter whether a complaint is made by an elected member, brought by an elected member on behalf of a constituent or brought by a customer, the level of service and process must be the same.

Organisations may wish to consider the guidance from the **Information Commissioners Office** in relation to seeking third party consent where elected members are bringing complaints on behalf of their constituents.

1.18 Complaints and compensation claims

Organisations may wish to offer guidance to staff on managing complaints where a customer is seeking financial compensation. Where a customer uses the complaints procedure to seek compensation it is likely that it would not be appropriate to progress this through the complaints procedure and the customer should be redirected to the appropriate person within the organisation. In some cases, the customer may complain about matters leading to financial loss, and they may also seek additional outcomes, such as an apology or an explanation. It is likely that such issues can be progressed through the complaints procedure. It is also possible that someone may complain and one element of that may be financial loss which the organisation may decide to re-imburse as one element of redress. This can be undertaken via the complaint's procedure. Staff will need access to appropriate guidance and training to support how this action is managed.

1.19 Complaints and legal action

Organisations should provide guidance to staff to enable them to manage complaints involving legal action or proposed legal action. Where legal action is ongoing and relates to matters brought by a complainant this is unlikely to be considered as a complaint. Guidance for staff should provide information on how such issues should be managed. The guidance should also assist staff in managing complaints where customers indicate they are considering legal action and explaining the implications of this on managing their complaint.

1.20 Complaints relevant to other agencies

Organisations should consider whether they receive complaints about the actions of other public services. Where this is the case organisations may wish to provide advice to staff on where to direct customers and on organisations who may provide customers with advice and support.

Section 2:

The Operations of the CHP

This section provides detailed guidance on the practical operation of a CHP which organisations may find useful in developing their procedures.

2.1 The definition of a complaint

Key to ensuring effective complaints handling is ensuring that an organisation's CHP provides a clear definition of what a complaint is. The MCHP agreed definition of a complaint is: '*An expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of an organisation.*'

2.2 The complaints handling process

The MCHP aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. The aim is, where possible, to resolve the complaint to the customer's satisfaction. Where this is not possible, the customer should be provided with a clear and reasoned response to their complaint. Complaints should be managed in an open and transparent way which builds trust in the organisation's complaints handling process.

2.3 Resolving the complaint

A complaint is resolved when both the organisation and the customer agree what action (if any) will be taken to provide full and final resolution of the complaint.

Organisations should try to resolve complaints wherever possible, although this will not be possible in all cases. Key to being able to resolve a complaint is listening to a complainant with empathy and building a trusting relationship with the customer.

A complaint may be resolved at any point in the complaints handling process, including during the investigation stage. Effort to resolve a complaint can be a very effective approach where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint [please see section **Alternative complaint resolution approaches**].

Where an organisation has resolved a complaint without the need for a written response it is not normally necessary to provide a response unless this is requested by the customer. Organisations should however make a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. Where a complaint cannot be resolved then it should be processed through the stages of the CHP with signposting to NIPSO at the end of the process.

In all cases, it is important to record the complaint outcome. The recording enables organisations to meet their internal and external reporting obligations under the MCHP [please also see section **Signposting to NIPSO**].

2.4 What to do when you receive a complaint

Staff may find it useful when they receive a complaint to consider four key questions. This will help you to either to resolve the complaint or respond to the complaint quickly (at Stage 1).

i. What exactly is the customer's complaint (or complaints)?

- It is important to be clear about exactly what the customer is complaining about. Staff may need to ask the customer for more information and probe further to get a full understanding
- Staff will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit the ability to respond to the customer (such as the time limit for making complaints, confidentiality, anonymity or the need for consent)
- If the matter is not suitable for handling as a complaint, staff should explain this to the customer and signpost them to the relevant procedure or other organisations for further advice. If the customer wishes to complain about their complaint not being accepted by the organisation they should be directed to NIPSO.

ii. What does the customer want to achieve by complaining?

- At the outset, staff should clarify the outcome the customer wants. Sometimes, the customer may not be clear about this, and staff may need to probe further to find out what they expect, and whether this can be achieved through the CHP.

iii. Is it achievable and if not, how to explain why not?

- Organisations should have sufficiently trained staff dealing with complaints who understand their level of authority. This enables resolutions to be achieved quickly or explanations to be provided where a remedy is not achievable. It is always better to be clear with customers of what may be achievable or not achievable as soon as possible
- **Stage 1: Frontline response** provides an opportunity for organisations to resolve or respond to complaints quickly and effectively.

iv. If a response cannot be provided, who can help?

- When staff receive complaints where they feel they do not have the appropriate skills and experience (for example, they are unfamiliar with the issues or area of service involved), they should be able to pass the complaint to someone who can deal with the issues. It is important that the transfer of complaints between staff does not result in a reduction in service to the customer.

2.5 Stage 1: Frontline response

Frontline response aims to respond quickly (**within 5 working days**) to complainants.

Organisations should decide which staff can deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). Staff should be aware of their level of authority to resolve or respond to complaints at this stage. A key principle is - listen to customers with empathy and to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.

Responding to a complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and (where possible), what will be done to stop this happening again can be very effective. Particularly if a customer trusts the organisation, this occurs quickly and there is a commitment to improve the service for future customers. NIPSO's '[Guidance on issuing an Apology](#)' is a useful guide.

If a complaint is about the actions of another staff member, it is good practice for the complaint to be shared with them, where possible, before responding (although this should not prevent responding to the complaint quickly, for example where it is clear that an apology is warranted).

2.6 Timelines

Frontline response must be completed **within 5 working days**, although in practice it should be possible to respond to complaints sooner where complaints are managed by appropriately trained staff operating an effective CHP focused on resolution. In operating the CHP the date of receipt is normally considered to be the day a complaint is received unless it is received after normal business hours or is received on a weekend or bank holiday in which case the date of receipt is the next working day.

2.7 Extension to the timeline

In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Organisations should have appropriate arrangements in place to ensure that extensions do not become the norm, undermining the intention of Stage 1 of the MCHP. It may be appropriate that manager agreement is sought prior to extensions being granted. Where an extension is necessary then the organisation must advise the customer of the extension, the expected response date and the reason that the extension was necessary.

The maximum extension that can be granted at Stage 1 is 5 working days (that is, no more than ten working days in total from the date of receipt).

If a complaint has not been responded to within 10 working days and there is no clear date when a response will be issued, the customer should be able to request that the complaint be escalated to Stage 2. (**Appendix 3** provides further information on timelines.)

Responding to the complaint at the frontline response stage

There are a number of ways in which a decision at Stage 1 can be conveyed to the customer. This includes face-to-face discussion or on the telephone. Where resolution of the complaint has been achieved it is not necessary to write separately to the complainant though the organisation may wish to do so. A note of the discussion and the outcome of the complaint should be recorded. At Stage 1 organisations must:

- tell the customer the outcome of the complaint
- explain the reasons for the decision or the agreed action taken to resolve the complaint [please see section **Resolving the complaint**].
- explain to the customer that they can escalate the complaint to Stage 2 if they remain dissatisfied and explain how to do so
- organisations should keep a full and accurate record of the decision given to the customer. Where it has not been possible to contact the customer by telephone, or speak to them in person, a written response to the complainant should be provided either by email or post covering the points above. It is good practice to determine the customer's preferred method of contact and to use this where possible throughout the complaints process
- organisations may provide further guidance or examples about when to provide written confirmation of the decision at the Frontline Stage of the procedure
- it is important that staff members handling complaints consider whether any learning has been identified. Where learning has been identified, this should be recorded to enable reporting [please see section **Learning from complaints**].

2.8 Stage 2: Investigation

Stage 2 is appropriate where:

- the customer is dissatisfied with the frontline response. Responses to Stage 1 should clearly identify how to escalate to Stage 2 and the time limit for doing so. Time limits should never be rigidly applied and organisations should have procedures for considering special circumstances for complaints received outside of specified time limits.

An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents the final position of the organisation. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area/department). The organisation should decide at what level in the organisation a final complaint response at Stage 2 can be signed off.

Details of the complaint should always be recorded on the complaints system so that all records and information are available to those investigating or responding to the complaint.

The beginning of Stage 2 is a good time to reconsider whether complaint resolution approaches other than investigation may be helpful [please see section **Alternative complaint resolution approaches**].

2.9 Acknowledging the complaint

Complaints must be acknowledged **within 3 working days** of receipt of the complaint at Stage 2. The same process applies as at Stage 1 in determining day one.

Acknowledgements should be in a format which is accessible to the customer, taking into account their preferred method of contact.

Where the issues of complaint and expected outcomes are clear from the complaint, it is good practice to set these out in the acknowledgement and ask the customer to get in touch if they consider the issues have not been appropriately understood (see section **Agreeing the issues of complaint and outcome sought**).

Where the issues of complaint and expected outcomes are not clear, the organisation should tell the customer in the acknowledgement letter that it will contact them to discuss this. It is always good practice to make contact with the customer when investigating a complaint.

2.10 Agreeing the issues of complaint and outcome sought

It is important to be clear from the start of Stage 2 about the issues of complaint to be investigated and what outcome the customer is seeking.

Where the issues of complaint and outcome sought are not clear, it is important to contact the customer to confirm these. This can be by phone, face-to-face or virtually. In some cases, it may be possible to clarify complaints in writing where this is preferred by the customer or it is not possible to contact the customer by other means. The key point is ensuring a shared understanding of the complaint. It is important to keep a clear record of any discussion with the customer.

Key areas to have a clear shared understanding of include:

- **The issues of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the issues of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The issues of complaint should be specific enough to direct the investigation, but broad enough to ensure the maximum opportunity to learn from the complaint.

Where it has not been possible to agree the issues of the complaint an organisation should investigate the complaint on the basis of their understanding.

- **Is there anything that can't be considered under the CHP?**

Organisations should explain if there are any issues that are not suitable for handling under the CHP.

- **What outcome does the customer want to achieve by complaining?**

Asking what outcome the customer is seeking helps direct the investigation and enables a focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

It may be the case that a customer expects more than can be provided under the CHP or has unrealistic expectations about the scope of the investigation. Where this is the case this, should be made clear to the customer as soon as possible.

2.11 Notifying staff members involved

If the complaint is about the actions of a particular staff member/s, it is good practice to notify the staff member/s involved (including where the staff member/s is/are not named but can be identified from the complaint). Organisations should:

- share the complaint information with the staff member/s (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how the organisation will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met. It is important that there is clear separation between the complaint and the disciplinary process and that staff are aware of the remit of both. An inability to share and involve a member of staff involved in a complaint should not cause an unreasonable delay in responding to a complaint.

2.12 Investigating the complaint

It is important to plan investigations. The staff member investigating the complaint should consider what information they have and what they need. Key questions include:

- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
- what should have happened? (this should include any relevant policies or procedures that apply); and
- is there a difference between what happened and what should have happened, and is the organisation responsible?

In some cases, information may not be readily available. It is important to balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, where they hold key information about a serious complaint).

2.13 Alternative complaint resolution approaches

Where it is appropriate organisations should consider alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter. This can reduce the risk of the complaint escalating further and rebuild/maintain relationships. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches can help the organisation and the customer to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, exploring the customer's desired outcome or resolving one of the issues.

Where the organisation, a customer (and any staff member/s involved) agree to using alternative complaint resolution approaches, an extension to the timeline may need to be agreed. This should not discourage the use of these approaches.

2.14 Meeting with the customer during the investigation

To effectively investigate a complaint, it may be necessary to arrange a meeting with the customer. Where a meeting is necessary or appropriate this should take place early in the investigation and should not unreasonably delay responding to the complaint. The availability of staff should not delay having a meeting unless the presence of that member of staff is essential. Meetings with a large number of staff should be kept to a minimum and only those strictly necessary to address the complaint should be included. Where it is not possible to meet and respond to the complaint within 20 working days it may be appropriate to extend the timescale for responding to the customer. This should be discussed with the customer.

As a matter of good practice, a written record of a meeting should be completed and provided to the customer. Alternatives to this may be considered as part of a reasonable adjustment.

The following deadlines are appropriate to cases at the investigation stage

- complaints must be acknowledged **within 3 working days**
- a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

2.15 Timelines and extension to the timelines

It should be possible for the majority of complaints to be responded to within 20 working days. It is however permissible to extend the timescale. Where the timescale is extended the customer should be advised and be provided with the reason for why the extension is necessary as well as the expected response date. It is poor practice to extend the response date on multiple occasions and this often leads to a loss of trust on the part of the customer. Others involved in the complaint should also be advised of the extension to the timescale.

Organisations should have in place appropriate arrangements for the approval of extensions to the timescale for investigations. A clear rationale should be recorded on each occasion. There should be a clear record of what action has been taken to progress the complaint during the extension timeframe before a further extension is approved. A customer and any member/s of staff complained about should be contacted **at least once every 20 working days** to update them on the progress of the investigation.

Extensions should be the exception and long delays due to the absence of a member of staff are unlikely to be acceptable.

Appendix 3 provides further information on timelines.

2.16 Closing the complaint at the investigation stage

In addition to the customer's preferred method of contact, the customer must always receive a written response to their complaint. This ensures the customer has a written response and conclusion to their complaint. It also provides staff details to clarify any aspect of the response the customer does not understand or does not agree reflects the response they agreed to.

A customer must always receive a written response to their complaint. The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy) and any other action to be taken to put things right [see NIPSO's ['Guidance on issuing an Apology'](#)]
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter.

In the same correspondence, and within two weeks of the day the complaints procedure is exhausted/completed, the customer **must** be advised that;

- they have exhausted/completed the complaints procedure;
- if they remain dissatisfied, they may bring their complaint to NIPSO [please see section **Signposting to NIPSO**].

Where a complaint is about the actions of particular staff member/s, it is good practice to share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

A record of the decision, and details of how it was communicated to the customer, should be recorded on the organisations complaints system.

Before the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. Where learning has been identified, this should be recorded to enable reporting and sharing.

The complaint should then be closed and the complaints system updated accordingly.

2.17 Signposting to NIPSO

Once the investigation stage has been completed, the customer has the right to approach NIPSO if they remain dissatisfied. It is important to make clear to the customer:

- their right to ask NIPSO to consider the complaint
- the time limit for doing so
- how to contact NIPSO.

NIPSO considers complaints from people who remain dissatisfied at the conclusion of an organisation's complaints procedure. NIPSO looks at issues such as service failure and maladministration (administrative fault), and the way an organisation has handled complaints. There are some subject areas that are not within NIPSO's jurisdiction, but it is NIPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). At the conclusion of an organisation's complaints procedure all customers must be signposted to NIPSO.

NIPSO recommends that the following wording is used to inform customers of their right to ask NIPSO to consider their complaint. This information should only be included on an organisation's final response to the complaint.

Information about NIPSO

The Northern Ireland Public Services Ombudsman (NIPSO) is the final stage for complaints about the majority of public services in Northern Ireland. This includes complaints about **[the organisation]**. NIPSO is an independent organisation that investigates complaints. The service provided by NIPSO is free. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have considered this response, you can ask NIPSO to look at your complaint. NIPSO generally expect complaints to be brought to it:

- within 6 months since you received correspondence from **[the organisation]** informing you that the complaints handling procedure is complete and of your right to refer your complaint to NIPSO.

NIPSO will generally ask complainants to provide details of their complaint and a copy of the final response from the organisation. You can do this online at www.nipso.org.uk or call Freephone 0800 34 34 24.

NIPSO's contact details are:

The Northern Ireland Public Services Ombudsman

33 Wellington Place,
Belfast, BT1 6HN

Tel: Freephone: 0800 34 34 24

Email: nipso@nipso.org.uk

Web: www.nipso.org.uk

If you would like to visit in person, the office is open from 10am – 4pm Monday to Friday.

An appointment is recommended but not essential.

2.18 Post-closure contact

Where a customer contacts an organisation for clarification when they have received a final response, it is permissible to have further discussion with the customer to clarify a response and answer their questions. This can be used as a further opportunity to try to resolve the complaint and the organisation's commitment to improvement and learning. However, if the customer is dissatisfied with the organisation's response or does not accept the investigation findings, then the organisation should explain that it has already given its final response on the matter and signpost them to NIPSO. It is important that the clarification of the organisation's response does not go on for a long period and unnecessarily prolong the complaints process.

Section 3:

Governance of the CHP

3.1 Roles and responsibilities

NIPSO recommend that as part of introducing the MCHP, all staff are made aware of:

- the MCHP
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible;
- their clear authority to attempt to resolve any complaints they may be called upon to deal with
- Awareness training on the CHP which should be part of an organisation's induction process for all new staff. More in-depth and refresher training should be provided to relevant staff on a regular basis.

Senior management should ensure that:

- The final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of the organisation and that the complainant's concerns have been fully investigated and taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about commissioned and contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the investigative process.
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the organisation
- complaints information e.g., number of complaints received, types/issues of complaint received, number of complaints resolved/upheld/not upheld/partially upheld, complaint outcomes, [please see section **Recording, reporting, publicising and learning from complaints**] etc. is annually published
- learning from complaints information to improve services is evident from regular publications.

Elected members/ Board members have an important role and play a key part in the overall accountability and governance of complaints data and trends. Their role is to:

- ensure complaints data and trends are analysed and routinely considered as part of leadership information

- provide the necessary challenge and hold senior staff to account for the organisation's performance in complaints handling and management
- provide strategic leadership to drive the required culture of openness in organisations where complaints are welcomed and valued.

The strategic oversight and scrutiny role of elected members/board members is designed to promote effective organisational learning from complaints. This helps to ensure early warning signs are identified and acted upon so that the need for potential future actions, such as public inquiries into wider and more serious issues, which often originate from complaints, may be negated.

The following are examples of questions elected members may ask senior staff in their scrutiny of complaints data:

- What were the main issues of complaint received?
- What was the organisational learning from the complaints received?
- What actions were taken as a result of lessons learned from complaints?
- How many complaints were subsequently submitted to NIPSO?
- What were NIPSO's recommendations and were they complied with (if applicable)?

The organisation may wish to add more examples.

The roles and responsibilities in each organisation will vary depending on size, organisational structure, portfolio responsibilities and a host of other business considerations. The following paragraphs provide general examples of the roles and responsibilities that an organisation may consider appropriate in respect of complaints handling. Organisations are, however, free to manage the CHP in the most efficient and effective manner for their organisation.

The following paragraphs explaining roles and responsibilities should be amended to suit the organisation. However, there must remain a clear description of the roles and responsibilities in relation to complaints handling for each level of the organisation.

Chief Executive:

The Chief Executive provides leadership and direction in ways that guide and enable an organisation to perform effectively across all services. This includes driving a culture change where complaints are welcomed and valued, ensuring that there is an effective CHP that is followed by all staff and assists organisational learning from the complaints received and having an appropriate recording and reporting system in place to enable the organisation to report annually on complaints performance and learning from complaints. The Chief Executive may be actively involved in the management of complaints, or may delegate responsibility to senior staff to sign-off on final complaint responses. Regular management reports assure the Chief Executive of the quality of complaints performance.

The Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors/commissioned services. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between an organisation and contractors/commissioned services
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide an overview of how the contractor/ALEO is meeting its objectives.

Directors:

On the Chief Executive's behalf, directors are responsible for:

- managing complaints and the way the organisation learn from them
- reporting complaints quarterly [as a minimum] to the senior management team
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints
- deputising for the Chief Executive on occasion
- They are also responsible for preparing and signing-off organisational responses where this has been delegated so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, directors may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, directors should retain ownership and accountability for the management and reporting of complaints.

Heads of service:

Heads of service are involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing-off on decision letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints investigator:

The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team, and will be involved in the investigation and in coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

The human resources/training officer:

The HR or training officer is responsible for ensuring all new staff receive awareness training on the CHP as part of the induction process, and that complaints handling staff receive more in-depth training and refresher training on a regular basis.

The organisation's NIPSO liaison officer/s:

The NIPSO liaison officer/s role includes providing complaints information in an orderly, structured way within requested timescales, co-ordinating the organisation's comments on factual accuracy in response to NIPSO reports, and confirming and verifying that recommendations have been implemented.

3.2 Recording, reporting, publicising and learning from complaints

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across an organisation. By recording and analysing complaints data, an organisation can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

An organisation should also have arrangements in place to ensure complaints about contractors/commissioned services are recorded, reported on and publicised in line with this CHP.

3.3 Recording complaints

All complaints must be recorded. It is important to record suitable data to enable the organisation to fully investigate and respond to the complaint, as well as using complaint information to track themes and trends. As a minimum, the following should be recorded for each complaint:

- the date the complaint was received
- the customer's name and contact details
- the issue/nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline (Stage 1) response
- any extension authorised at Stage 1 (if applicable)
- the date frontline (Stage 1) response was issued
- the date request for investigation (Stage 2) was received (if applicable)
- any extensions authorised at Stage 2 (if applicable)
- action taken and outcome at investigation (Stage 2) (if applicable)
- whether the complaint was resolved, upheld, partially upheld, not upheld
- date the investigation response was issued at Stage 2 (if applicable)
- the underlying cause of the complaint and any remedial action taken
- any organisational learning as a result of the complaint
- Organisations should also consider the outcome of any NIPSO's investigation (where applicable and possible). It is good practice to record the full journey of a complaint, as this allows organisations to use the information to identify good practice or areas for improvement. For example, where there are a high number of complaints 'not upheld' by the organisation but then 'upheld' by NIPSO, this could suggest that there are opportunities to improve complaints handling at a local level.

Where a customer submits their complaint to NIPSO and NIPSO decide to investigate the complaint, the organisation will receive a copy of the report and the details of the complaint.

Organisations may wish to add detail on their local retention policy. In deciding how long to keep complaint files, consideration should be given to the timescales involved in a NIPSO investigation.

Organisations may provide further guidance and/or examples in relation to how to record complaints in line with their system.

3.4 Reporting of complaints

Organisations must have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of areas where services need to improve.

Organisations must report at least **quarterly** to senior management on:

- complaints performance statistics
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

Organisations should also internally report every **6 months** (as a minimum) information on complaints outcomes and actions taken to improve services i.e. good practice and lessons learned.

The organisation may provide further guidance and/or examples in relation to how complaints information will be reported internally.

3.5 Publishing complaints information

To comply with the MCHP organisations must externally publish complaints information on an annual basis (at minimum). For example, in an annual report or similar. This can summarise and build on the quarterly reports to senior management produced about service complaints and the six monthly reports on complaint outcomes and lessons learned. Annually, published information should include:

- complaint performance statistics
- complaint trends and the actions that have been or will be taken to improve services as a result
- lessons learned from complaints.

This information must be easily accessible to members of the public and available in alternative formats as requested.

Organisations may add more detail on what will be published in addition to NIPSO's guidance on complaints information to be published. The focus is on promoting a culture of learning and the value of complaining. This could take the form of case studies, examples of how complaints have helped improve services, or 'you said, we did'. Publication may be through newsletters, leaflets, websites or other forums used to communicate with customers.

Going forward, NIPSO will expect the Local Government Sector to work together on an annual Complaints Information document for the sector.

3.6 Acting upon and learning from complaints

Organisations must have clear systems in place to act on issues identified in complaints. As a minimum, organisations must:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence
- systematically review complaints performance reports to improve service delivery.

Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.

Where organisations have identified the need for service improvement in response to an individual complaint, they will need to take appropriate action. Organisations may wish to include details on their process for learning from complaints as part of their guidance to staff.

The process should meet the following minimum standard:

- the action needed to improve services must be authorised by an appropriate manager
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- any learning points should be shared with relevant staff.

Senior management should review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where review identifies the need for service improvement, organisations should take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

Organisations may provide further guidance and/or examples in relation to how complaints information will be used to learn from complaints and/or how learning from complaints will be shared within the organisation. As detailed in the previous section this should also be shared externally to help promote a culture of how the organisation welcomes and learns from complaints.

3.7 Monitoring compliance and performance

Compliance

All Local Government bodies are required to ensure that they have in place a CHP which meets the requirements of NIPSO's Complaints Handling Principles (see Part 1) as well as complying with the Local Government MCHP. Although published on 1 July 2023, there is a 6 month implementation phase meaning that **compliance is required to be operational from 1 January 2024**.

NIPSO expect organisations to have appropriate self-assessment arrangements in place to assure themselves that their CHP is operating in accordance with the MCHP and to track performance as set out in their CHP.

NIPSO will monitor compliance with the MCHP both through the complaints it investigates and through liaison with organisations. This may include quality checks of published complaints data, and information and guidance on an organisation's complaints procedures. Where NIPSO identify any concerns about the operation of a complaints handling procedure, it will provide feedback to enable the issues to be resolved.

Under the terms of the Complaints Standards legislation, NIPSO may declare that an organisation's CHP is non-compliant. Where this is the case NIPSO may require steps to be taken to ensure that the CHP becomes compliant so that the declaration can be withdrawn.

Future revisions of the MCHP

The MCHP may be reviewed and revised periodically by NIPSO and any revisions to the MCHP will be managed by NIPSO. Where a public body considers that an amendment to Parts 1, 2 or 3 of the MCHP is required, this should be submitted to NIPSO. This should briefly describe the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

NIPSO will consider and decide upon any request, in consultation with the relevant public sector and other relevant stakeholders. This will help to ensure consistency of approach within and between sectors by ensuring that only the current agreed version of a MCHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

3.8 NIPSO advice and support

Training

NIPSO's MCHP Parts 1-3 places a strong emphasis on timely management of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints. All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively. This includes being aware of how to identify complaints and when they are authorised to use a range of measures to respond to a complaint such as a simple apology where appropriate.

It is for organisations to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. NIPSO's staff will endeavour to provide training and guidance on specific aspects of complaints handling. Further details may be obtained from www.nipso.org.uk/nipso.

NIPSO website

The NIPSO website contains information to help support improvement in public sector complaints handling, including published MCHPs for public bodies in NI, implementation and compliance guidance, best practice and training resources.

Local Government Best Practice Network

NIPSO supports a Local Government best practice complaints handling network. The remit of this group includes identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network is used to help take forward the ongoing standards work of NIPSO in areas such as developing standardised complaints recording categories.

Appendix 1

The following tables give examples of complaints that may be considered at the frontline stage and suggest possible actions.

COMPLAINT	POSSIBLE ACTIONS
<p>A customer reports that their bin has not been emptied for two weeks in a row.</p>	<ul style="list-style-type: none"> • Apologise to the customer. • Liaise with the waste management department to investigate the reason for the service fault. • Maintain contact with and update the complainant whilst liaising with relevant organisational personnel. • Ensure that the service is provided the following week. Check in with the customer the following week to ensure the service was provided. • Record all details of the complaint for monitoring and learning purposes.
<p>A customer complains that the changing facilities in a council operated leisure facility are dirty.</p>	<ul style="list-style-type: none"> • Communicate clearly with the customer by thanking them for drawing the matter to the organisation's attention and assure them that the complaint will be investigated. • Liaise with leisure centre management personnel to investigate the status of the changing facilities. • Ensure leisure centre management rectify the issue. • Maintain communication with the customer and update them on the progress of the complaint. • Record all details of the complaint for monitoring and learning purposes.

COMPLAINT	POSSIBLE ACTIONS
<p>A customer complains that they have been unable to access their online pensions account for several months due to technical problems with the online system.</p>	<ul style="list-style-type: none"> • Apologise to the customer for the inconvenience caused. • Liaise with relevant technical personnel to ensure that the technical issues are resolved for the customer. • Maintain regular contact with the customer until the technical issues are completely resolved and the customer can access their online account. • Record all details of the complaint for monitoring and learning purposes.
<p>A customer complains that a night-working refuse collector woke her up by making excessive noise.</p>	<ul style="list-style-type: none"> • Apologise to the customer for the inconvenience caused. • Explain the policy on refuse collection, in particular the approach to night working. • Tell the customer that you will pass on details of the complaint to the service to highlight the noise issue and ask the service to do what they can to control noise in the future. • Record all details of the complaint for monitoring and learning purposes.
<p>A customer expresses dissatisfaction in line with the definition of a complaint but says she does not want to complain – just wants to tell the organisation about the matter.</p>	<ul style="list-style-type: none"> • Tell the customer that the organisation values complaints because they help to improve services and/or service delivery. • Encourage them to submit the complaint. • In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. • If the customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter. • Record all details of the complaint for monitoring and learning purposes.

Appendix 2

Issues which may not be appropriate to address through the CHP

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to persist in asking for service.

1. In some cases, a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner.
2. The following paragraphs provide examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.

Planning decisions

3. Concerns about planning decisions may be dealt with in a number of ways including through the complaints handling procedure, appeal or judicial review. The correct approach to dealing with planning concerns will depend on who is raising the issues and what the concerns are. Concerns raised can include a range of issues such as: the planning decision, attitude of staff, failure to neighbour notify, failure to follow the correct procedure, failure to consider the appropriate planning policies, the time taken to process an application and the failure to properly investigate breaches of planning control. This is not an exhaustive list but indicates the range of issues that may be raised. The appropriate mechanism for dealing with concerns about planning depends on who is raising the issue, what the concerns raised are and the remedy sought. The guidance below aims to help staff make decisions on the appropriate way to deal with complaints about planning issues.
4. Where dissatisfaction about a planning decision is raised by planning applicants, or their agent and the outcome sought is a change in the planning decision, they have the right to appeal to the Planning Appeals Commission. Planning applicants or their agents seeking a change to a planning decision should therefore be directed to lodge an appeal with the Planning Appeals Commission. Appeals may be determined on the basis of a hearing, written representations with an accompanied site visit or by written representations with a Planning Appeals Commissioner's site visit. Other complaints about planning issues raised by planning applicants or agents such as the attitude of staff, failure to process an application in a timely manner or failure to follow the correct procedure may be dealt with through the council's complaints handling procedure. The council's complaints procedure however is unable to overturn a planning decision and therefore is not an appropriate route to achieve this outcome.

5. Those who are not a planning applicant or agent and who may have an interest in a planning application (such as neighbours) are often referred to as third parties. Third parties do not have a right to appeal a planning decision to the Planning Appeals Commission. Where a person concerned about a planning decision does not have a right of appeal, they may seek leave to appeal the decision by means of a judicial review. A judicial review is an expensive legal process which has the ability to quash a planning decision taken by the council. This process is unlikely to be viable for most third parties. If a third party chooses to seek leave, the matters raised in the leave application and any subsequent judicial review, should not be considered under the Councils complaints handling procedure. Where concerns about the planning process are raised which are not subject to appeal or judicial review such as complaints about staff, procedures, timeliness or general administration of the planning process, these should be considered through the CHP.

Claims for compensation only

6. A customer may seek to use the CHP to obtain compensation if they consider the organisation liable. This includes issues such as personal injury or loss of. Where it is clear from the information provided by the customer that the matter is not a complaint but is a claim only and the outcome sought is compensation, it may not be appropriate to consider the matter as a complaint. Claims for compensation only are not complaints, so you must not handle them through the CHP. You should be clear, however, that where a customer wants to complain about the matter leading to their request for compensation, for example the condition of a public road causing damage to a motor vehicle, you may consider that matter as a complaint. The request for compensation may or may not be dealt with separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you do this, you must notify the customer and explain that the complaint will be fully considered when the compensation claim has been decided.
7. If you receive a compensation claim, you should explain to the customer the process for claiming compensation in line with the relevant policy on these claims..

Some organisations may have a policy on making time and trouble payments. If so, organisations should clarify that this is distinct from compensation (so complaints where the customer is asking for a time and trouble payment can be handled under the CHP). Example text:

You may still make 'time and trouble' payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

Licence decisions

8. Some organisations are responsible for issuing various licences, including public entertainment, HMO (Houses in Multiple Occupation), caravan licenses. These have their own legal redress. Customers who are dissatisfied with these decisions will have to pursue this through the correct procedure for the type of licence they want.

Appendix 3

Timelines

General

1. References to timelines throughout the CHP relate to working days. Non-working days, for example weekends, public holidays and days of industrial action where service has been interrupted are not counted.

The date of receipt will be determined by the organisation's usual arrangements for receiving and dating of mail and other correspondence - organisations may wish to include more detail on local arrangements, for example if mail received after a certain time is marked as received the next working day.

Timelines at frontline response (Stage 1)

2. Organisations should aim to achieve frontline response within 5 working days. The date of receipt is day 1, and the response should be provided (or the complaint escalated) on day 5, at the latest.
3. If the organisation extend the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on day 10, at the latest.

Transferring cases from frontline response to investigation:

4. If the customer wants to escalate the complaint to the investigation stage, the reason must be recorded at Stage 1 and the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

Timelines at investigation (Stage 2)

5. For complaints at the investigation stage, **day 1** is: the day the customer requested or agreed the matter to be considered at the investigation stage (Stage 2).
6. The organisation must acknowledge the complaint **within 3 working days** of receipt at Stage 2 i.e. **by day 3**.
7. The organisation should respond in full to the complaint by **day 20**, at the latest. The organisation has **20 working days** to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
8. Exceptionally, the organisation may need longer than the 20-working day limit for a full response. If so, explain the reasons to the customer, and update them (and any staff involved) at least **once every 20 working days**.

Frequently asked questions

What happens if an extension is granted at Stage 1, but then the complaint is escalated?

9. The extension at Stage 1 does not affect the timeframes at Stage 2. The Stage 2 timeframes apply from the day the complaint was received at Stage 2 (20 working days from this date, unless an extension is granted).

What happens if the organisation cannot meet an extended timeframe?

10. If the organisation cannot meet the extended timeframe at Stage 1, the customer should be notified. The complaint should be discussed with the customer and if in agreement, the complaint should be moved to Stage 2. The maximum timeframe allowed for a Stage 1 response is 10 working days.
11. If the organisation cannot meet the extended timeframe at Stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. There should be a clear record of what action has been taken to progress the complaint during the extension timeframe before a further extension is approved. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, organisations should explain the situation to the customer and give them a revised timeframe for completion. Organisations must update the customer and any staff involved in the investigation at least once every 20 working days.

What happens when a customer asks for Stage 2 consideration a long time after receiving a frontline response?

12. Unless exceptional circumstances exist, customers should bring a Stage 2 complaint within six months of learning about the problem, or within 30 days of receiving the Stage 1 response (whichever is latest).

Organisations should provide a list of examples of exceptional circumstances and develop a guide for organisational decision-makers on what constitutes an exceptional circumstance.

3

Key Information for Complainants

- 49 Introduction
- 49 Key Information for Complainants
- 50 A quick guide to the Complaints Procedure
- 51 Guidance to develop customer facing complaints information



Introduction

To comply with the Local Government MCHP, your organisation must provide and publish guidance for complainants on how to make a complaint.

We have set out below the **key information** NIPSO expect to see in complaints guidance, to enable a member of the public to make a complaint about a Local Government organisation. You should also refer to the Statement of Principles (see Part 1) to inform your information for complainants.

Key Information for Complainants

i Accessibility

Information about how to make a complaint must be easily accessible and available in a variety of formats (for example, this should include different languages and how to request an interpreter). Some complainants may require extra support or reasonable adjustments to make a complaint, examples of these and how to request support should be clearly set out in your information. If you work with or are aware of other organisations who may be able to provide support for complainants, ensure this information is available also.

ii Definition of a complaint

Provide a definition of a complaint and illustrate this with some examples relevant to your organisation. The suggested definition for the Local Government sector is:

"An expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service provided by or on behalf of an organisation".

iii Complaints Procedure

Clearly set out the complaints procedure and the timescales involved in the two stages. A sample diagram of this is provided on page 5 of this document. Describe what will happen at each stage so that a complainant knows what to expect and how long it should take.

iv Sign-Posting

If someone is dissatisfied at the end of the complaints process, sign-post complainants to NIPSO and provide NIPSO's contact details



The rest of this document sets out detailed information which organisations may find helpful to develop their customer facing guidance. You may already have much of this guidance in your organisation already, in which case please check that the above key information is provided and that the contents fully reflect the Model Complaints Handling Procedure.

A quick guide to the Complaints Procedure

COMPLAINTS PROCEDURE

You can make your complaint in person, by phone, by email or in writing. We have a **2 stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need in-depth investigation, we will talk to you about this, agree a way forward and keep you updated on our progress.

STAGE 1: FRONTLINE RESPONSE

We will always try to respond to your complaint quickly, **within 5 working days** if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.

STAGE 2: INVESTIGATION

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints at this stage, if following discussion and agreement with you, it is clear that an in-depth investigation is needed.

We will acknowledge your complaint within **3 working days**. We will confirm the issues of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

NORTHERN IRELAND PUBLIC SERVICES OMBUDSMAN

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask NIPSO to consider it. NIPSO will assess whether there is evidence of service failure or maladministration not identified by us which requires further investigation. NIPSO will signpost you to alternative independent reviewers and provide contact details (where relevant).

Guidance to develop customer facing complaints information

This information has been created to help public bodies develop their customer facing complaints information. Customer facing information should be clear and concise and written in a way that is as simple and straightforward as possible.

It is important to make customers aware of their right to complain and how to do so. Information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain.

How to make a complaint must be widely publicised, simple and clear, and made available in all areas of service provision. Public bodies should consider the most effective ways to ensure maximum accessibility, such as online information about how to access the complaints procedure. This should be clearly visible on the landing/home page of the organisation's website. Traditional methods such as leaflets can also be helpful and organisations should consider where these can most effectively be displayed.

Customers should have the support they need to articulate their concerns and successfully navigate the complaints procedure. Organisations should proactively consider and advertise a range of methods for complaining – this might include verbal complaints, a staff member writing for the complainant, or providing an interpreter. Use your complaints data to learn about accessibility and diversity in your area and ask customers what kind of support they would find helpful.

Suitable arrangements should be made for the specific needs of those who wish to complain, including access to support or advocacy, information in a variety of formats and languages, use of suitable venues and at suitable times. The information should make clear that adjustments are available, provide some examples of these and how they can be accessed or requested.

i Suggested Contents

Suggested contents and where to find further information in this document is detailed overleaf. A short easy read guide to making a complaint should also always be developed.

Contents

50	A quick guide to the complaints procedure
52	What is a complaint?
52	What can people complain about?
53	What can't be dealt with through the complaints procedure?
53	Who can complain?
54	How do people complain?
54	How long do people have to make a complaint?
54	What happens when someone makes a complaint?
54	Stage 1 Frontline Response
55	Stage 2 Investigation
55	What if the complainant is still dissatisfied?
56	Getting help to make a complaint
57	Organisations' contact details

ii Ensure your complaints information makes it clear that you welcome and value complaints and will use the information to help improve your service delivery.

Encourage customers to tell you if something goes wrong or if they are dissatisfied with your services. Have an easily accessible, short leaflet to describe your complaints procedure and how to make a complaint.

iii What is a complaint?

Provide a definition of a complaint, suggested definition *"an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by us or on our behalf"*.

iv What can people complain about?

Provide some examples of what people can complain about, for example

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service

- dissatisfaction with one of our policies or its impact on you
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves)
- a concern about the actions or service of an organisation who is delivering services on our behalf
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector)
- dissatisfaction with how an element of a planning decision was administered.

v What can't be dealt with through the complaints procedure?

There may be a small number of issues that cannot be processed as part of the complaints procedure (for example, a case that is subject to legal proceedings in court). However, it is important that organisations, as part of a culture of encouraging and learning from complaints – do not rule out addressing issues of concern.

NIPSO therefore suggests simply advising customers to raise issues and if it is strictly outside the complaints procedure this can be advised on a case-by-case basis. Provide information to complainants if there are other procedures or rights of appeal that can help resolve their concerns.

vi Who can complain?

Anyone who receives, requests or is directly affected by your services, or a service contracted or commissioned by your organisation, can make a complaint. This includes the representative of someone who is dissatisfied with your service (for example, a relative, friend, advocate or adviser). Provide information to help someone making a complaint on behalf of someone else, this will normally require their written consent.

Please also read the section on **Getting help to make a complaint** below.

vii How do people complain?

Set out clearly the variety of different ways someone can make a complaint. This may include in person [provide details of relevant offices if appropriate], by phone, in writing, by email or online. Explain to complainants that many issues are easier to resolve if they are made directly to the service concerned when the issue arises or as soon after as possible. Think about using posters, leaflets or other reminders to encourage people to share their complaint and reassure them that staff are there to help.

There will be key information you want complainants to share when making a complaint. Encourage them to provide this information. This information might include:

- full name and contact details
- details about the complaint
- what has gone wrong
- what outcome they are seeking.

viii How long do people have to make a complaint?

Make sure your organisation's policy on timeframes is clearly communicated and available to complainants. In many cases a complaint must be made within six months of:

- the event occurring; or
- the complainant finding out that they have a reason to complain.

In exceptional circumstances, your organisation may be able to accept a complaint after the time limit. Set out clearly in what circumstances this might apply so that a complainant can decide whether to contact you.

ix What happens when someone makes a complaint?

Reassure people how you will look after their personal details and information. You may wish to provide a summary or a link to your data protection policy. You must also tell complainants who is dealing with their complaint and provide contact details. Then set out the two stages of the complaints procedure.

Stage 1: Frontline response

Explain what a frontline response could be in your organisation and how you aim to resolve complaints quickly wherever possible. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem. Provide some examples so that a complainant can understand what this might look like. Set out the timescale for Stage 1, which is to provide a decision within 5 working days or less, unless there are exceptional circumstances.

If the complainant is not satisfied with the Stage 1 response, set out what you will do next. For example, explain clearly that a complainant can ask for a Stage 2 investigation and that if doing

so, what the timescale for this. In exceptional circumstances, your organisation may be able to accept a Stage 2 complaint after the time limit. Set out clearly the circumstances in which this might be considered.

Stage 2: Investigation

Stage 2 deals with two types of complaint: those that have not been resolved at Stage 1 and exceptionally, those that clearly require in-depth investigation. It is good practice to discuss this with the complainant and move to Stage 2 with their agreement.

Set out the timescales and what will happen at Stage 2, for example.

- that your organisation will acknowledge receipt of the complaint within **3 working days**
- that your organisation will check their understanding of the complaint and the outcome the complainant is seeking
- that your organisation will try to resolve the complaint where possible
- if your organisation uses alternative complaint resolution approaches, (such as mediation) provide details of that
- explain the timeframe for a Stage 2 response, and that the complainant should receive a response within 20 working days.

If an investigation will take longer than 20 working days, the complainant should be notified and kept updated with revised time limits and progress.

x What if the complainant is still dissatisfied?

NIPSO is the final stage for complaints about the majority of public services in Northern Ireland. NIPSO is an independent organisation that investigates complaints. The service provided by NIPSO is free. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If a complainant remains dissatisfied when they have a final response from your organisation, they can ask NIPSO to look at their complaint. NIPSO generally expect complaints to be brought to it:

- within 6 months since the complainant received correspondence from your organisation informing them that the complaints handling procedure is complete and of their right to refer their complaint to NIPSO.

NIPSO will generally ask 'a complainant' to provide details of their complaint and a copy of your organisation's response to their complaint. This can be done online at www.nipso.org.uk or call them on Freephone 0800 34 34 24.

Complainants may wish to get independent support or advocacy to help them progress their complaint. See the section on **Getting help to make a complaint** below.

NIPSO's contact details are:

The Northern Ireland Public Services Ombudsman

33 Wellington Place,
Belfast, BT1 6HN

Tel: Freephone: 0800 34 34 24

Email: nipso@nipso.org.uk

Web: www.nipso.org.uk

If you would like to visit in person, the office is open from 10am – 4pm Monday to Friday.

An appointment is recommended but not essential.

The **freepost address** is: FREEPOST NIPSO

If NIPSO cannot investigate a complaint and the complaint requires an alternative route for independent review, NIPSO will tell the complainant and provide the relevant contact details.

xi Getting help to make a complaint

Include here an organisational commitment to accessibility and inclusion. For example *"We are committed to making our service easy to use for all members of the community. In line with our statutory equality duties, we will always ensure that reasonable adjustments are made to help you access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on [insert telephone number], email us at [insert email address] or text us at [insert textphone number]."*

Set out clearly the steps your organisation is taking to make the complaints process accessible and inclusive. This could include links to:

- easy read versions of your complaints information
- sign language videos of your complaints information
- complaint information in other languages
- how to request information in other formats (for example, large font or braille) or in a different language
- how to request an interpreter
- who to contact if complainants would like to discuss their accessibility requirements or have

questions.

Some complainants may need additional support to make a complaint. Set out clearly that you welcome complaints brought on behalf of another person and the circumstances to do this. You may wish to provide examples of people who can bring a complaint, such a friend, relative or an advocate.

Provide contact information for support agencies and advocates in your area or signpost complainants to other useful organisations as relevant. You should always let organisations know if you are including them in your complaints information and check they are content for you to do so.

xii Provide organisations' contact details

Make it clear who to contact if a member of the public wishes to make a complaint or has questions about how to do so. If you do not have one single point of contact who can sign-post people, provide the relevant, key contact details and their remit as clearly as possible.





Northern Ireland
Public Services
Ombudsman

**Northern Ireland Public
Services Ombudsman**

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