Tribunals Service

TS Customer Administrative Complaints Handling Procedure

Version 6
Updated 1.05.08
Released 1.05.08

Ministry of JUSTICE

Contents

Foreword by Customer Strategy Unit ……....4
1. Introduction ……6
What is a complaint? 6
Identify 7
Investigate 7
Consider 8
Resolve 8
Remedy 8
2. The Complaints Procedure: Roles and Responsibilities.....9
2.1 The Tribunal Manager ……11
Response Targets 12
Telephone/Minicom or Counter 12
E-mail or letter/fax..... 13
Claims for Compensation 13
Legal advice..... 13
Correspondence from MPs and Peers 13
Complaint file 13
File construction 14
2.2 Area Manager……15
Response Targets 16
Telephone/Minicom or Counter 16
E-mail or letter/fax..... 16
Claims for Compensation 16
Legal advice..... 16
Correspondence from MPs and Peers 17
Complaint file 17
2.3 Chief Executive ……...19
Response Targets 20
Claims for compensation 21
Legal advice..... 21
Complaint file 21

Annexes

A - Handling Complaints in Person 23
B - Handling Telephone Complaints 26
C - Handling Written Complaints 30
D - Admission of Liability 32
E - Recommended acknowledgement 34
F - Recommended acknowledgment to MP/MEP etc.....35

G - Recommended holding letter 36
H - Recommended holding letter to MP 37
I - Escalation paragraph – First contact to Step 1 38
J - Escalation paragraph – Step 1 to Step 2 39
K - Escalation paragraph – Step 2 to Step 3 40
L - Escalation paragraph – Step 3 to Ombudsman 41
M - Recommended letter referring complaint to another agency 42
Annex N – Complaints handling process flowchart – First Contact 43
Annex O – Complaints handling process flowchart – Step 1 44
Annex P – Complaints handling process flowchart – Step 2 45
Annex Q– Complaints handling process flowchart – Step 3.....46
Annex R – Customer Strategy Unit organisational chart and contact details.47

Foreword by Customer Strategy Unit

The effective handling of complaints is critical to our drive to put the customer first. Each customer's complaint is 'free' consultancy to us. We should aim to learn something from it and improve our practice so that where possible the customer never has to suffer from that particular complaint again.

The continuing transformation of our organisation provides a number of challenges to how well we look after our customers. One of these challenges is achieving a consistent approach to complaint handling across the Tribunals Service. To integrate the different approaches to complaints handling, so that customers see us as an organisation that is competent, fair and consistent in dealing with their complaints. The procedure has been changed to reflect the change from jurisdictional based structure to the new regional structure of the Tribunals Service. Another ongoing challenge is ensuring that from the customer's point of view we arrange to have any complaint dealt with that relates to the hearing or the outcome of a hearing. Such a complaint is not administrative and falls outside of this procedure and needs to be referred to the appropriate judicial procedure.

How effectively we handle complaints is a good test of our commitment to our customer. We must react quickly to customer concerns; no matter how small they might seem to us, they matter enormously to the customer. We need to listen carefully and understand their perspectives - not think defensively about our own. We must also demonstrate honesty and integrity at all levels in how we respond, whether in person, on the telephone, or in writing. As well as putting things right, when they have gone wrong, we must apologise. If financial loss has occurred as a result of a mistake we have made, we should offer reasonable financial redress as soon as possible.

The procedure contains useful and important reference material, written in plain English, on many aspects of complaints handling, including:

- Procedures to follow when a complaint is received
- Advice and tips on how to deal with different types of complaints; for example those that might need to be handled outside of the administrative complaints procedure, those relating to the listing of cases, general administrative delays, etc.
- Best practice guidance
- Boxed "quick guides" for speed referencing
- Standard letters to use in some circumstances
- Standardised paragraphs to escalate the complaint to the next step in the procedure
- Complaints handling process maps
- Contact details for the Customer Strategy Unit (CSU) and elsewhere for further help

CSU are responsible for maintaining this guidance which will continue to develop over the coming months with amendments being made in line with customer feedback and continuous improvement. Changes will be announced in real time via the weekly Tribunals Service Email Bulletin with links to the procedure on the intranet. We welcome your feedback about the guide. Please tell us whether the instructions are clear or you have any suggestions for improvements or additional information that you would like included in the guidance. The CSU organisational chart and contact details are included at Annex S.

Customer Strategy Unit

1. Introduction

What is a complaint?

The Tribunals Service definition is:

> **'Any clear expression of dissatisfaction within the administrative service or facilities where a response is required'**

Independent Charter Mark assessors agree with this definition. All complaints start by being justified from the customer's perspective and can originate at any time and from any situation. It will always be difficult to avoid complaints being made. But when a complaint is lodged we need to know how to deal with it in the most appropriate and efficient way and aim to satisfy the complainant on the spot as far as possible.

The guidance is designed to help you consider and address complaints quickly, with the aim of resolving the complaint at source and where possible without the customer being passed from pillar to post. This procedure provides more detailed help to resolve complaints that are more complicated or that can't be resolved directly.

The standards and principles of complaints-handling remain the same at any level of the organisation, whether you are talking directly to a customer at a hearing or on the telephone, or investigating a claim for compensation. The standards we set ourselves are that:

- We will take a positive approach to complaints and encourage customers to tell us what they think
- We will undertake to treat all complaints seriously, whether we believe them to be justified or not
- We will respond to a complaint promptly by whatever means will provide the best service to the customer
- We will consider and respond to all the issues raised by the customer's complaint

- We will at all times be polite, courteous, open and honest in our complaints handling procedure
- We will apologise for any inconvenience and, if appropriate, give a full and clear explanation and provide compensation where appropriate.
- We will attempt to put things right at the earliest opportunity
- We will learn from our mistakes, spread best practice to our colleagues and if appropriate alter our systems so that the mistake does not reoccur
- We will keep the customer informed about the progress of their complaint
- We will treat people as they – and we ourselves - would wish to be treated

To achieve those standards we must follow these basic principles:

Identify

It sounds obvious but the first step is to be aware of when a complaint is being made. Listen to and read communications from customers with care. Sometimes the expression of dissatisfaction will not be made clear or it will not be made very forcefully. A letter or telephone call from a customer might also highlight a problem before the customer himself or herself is aware of it. If the cause of a complaint can be identified early, we should take action to resolve the situation. This should minimise the customer's dissatisfaction and the extra work and delay that can arise when a complaint has been aggravated by the customer feeling ignored.

Investigate

If it is not possible to prevent the complaint occurring, we must take thorough action to establish the cause of the complaint. Only once we know and fully understood the cause of the problem can we take a decision on how best to resolve the situation for the customer. If we offer inappropriate redress because we have not understood or established the real cause of a complaint, we can exacerbate the complaint and extend the time it takes to resolve the problem, thereby causing further dissatisfaction. Fully knowing the cause of a complaint also allows us to understand how we can correct our systems and procedures to avoid the problem occurring again.

Consider

Having identified the complaint, the issues it raises, and investigated to find the cause of the problem, you can consider how best to resolve the situation for the customer. If the complaint cannot be resolved with positive action to correct the problem, it is possible that some form of redress will need to be offered to the customer. This might be an apology or if actual financial loss has occurred it might mean some financial compensation.

Resolve

With these three principles established, you can decide the best way to resolve the complaint. In the case of a simple error, it might be possible to achieve a quick resolution by picking up the phone to the customer and apologising. Consider sending an e-mail, if that facility is an option and it is appropriate. Often it will be necessary to write a letter in order to detail the events that have occurred. Think about how to respond and what method to use because it can be as important as the resolution you are trying to achieve.

Remedy

Having identified, investigated, considered and resolved the complaint, we must ensure that the same problem cannot occur again. We must take all remedial action necessary to correct our procedures and systems or the way in which we are dealing with our customers *and* then communicate what we have learned to our colleagues. The most important part of handling a complaint is to give a satisfactory response to the customer. The second is learning and trying to make sure it cannot happen again. The best solution to a complaint is to stop the complaint happening in the first place or if that is not possible, to resolve it quickly with early remedial action and prevent reoccurrence.

Dealing with customers who have complaints is not easy! Help is always at hand from colleagues in your own line management and from staff in the Customer Strategy Unit (CSU). Following correct complaints handling procedure is essential to achieving our goal of customer service excellence.

2. The Complaints Procedure: Roles and Responsibilities

Quick Guide

- Complaint received (First Contact) - the person initially receiving the complaint, whether by telephone, letter or in person should try to resolve it. If it cannot be resolved to the customer's satisfaction the customer must be told how to instigate our internal complaints procedure. Whatever the outcome the customer should be sent a letter summarising what was said or agreed, giving details of how to complain at Step 1 of the escalation process *(please use Annex I)* and enclosing a copy of the 'A positive step forward' leaflet.
- Always aim to resolve the complaint **completely** – it will only be escalated through the procedure if you cannot successfully resolve it
- Our internal stepped complaints procedure operates on three levels

1. **Tribunal Manager (for EAT the Deputy Registrar)**
2. **Area Manager (for EAT the Registrar)**
3. **Chief Executive (Complaint handling will be managed by the Customer Feedback Team who will manage the complaint process and obtain a draft response from the relevant Area Manager or Registrar)**

- Replies to any correspondence about compensation must be approved by your next senior officer following an investigation to establish whether the customer has suffered any actual financial loss
- Offers of compensation should continue to be dealt with under the legacy jurisdictional procedure.
- All cases requiring legal advice should be referred to your Area Manager's office who *will obtain advice from the Department's lawyers.*
- All court proceedings issued against Tribunals Service or the Ministry of Justice should be handled by your Director's office
- Tribunal Managers **can** reply direct to correspondence received at their offices from Members of Parliament complaining on behalf of their constituents

- Guidance on handling any complaint can be obtained from the **Customer Feedback Team** (CSU)
- The Ombudsman (PCA) can choose to investigate a complaint at **any** stage
- Customer Feedback Team (CSU) are the contact point for PCA and will contact the relevant office if information is needed by PCA. In the event that PCA contacts an office direct they should be referred to the Customer Feedback Team (CSU)

The tribunal office will usually be a customer's first point of contact with the Tribunals Service. A complaint might be made to anybody within the tribunal and might be received face to face, over the telephone, by e-mail, or by fax or letter. If after the initial complaint (for DCAFé logging purposes known as First Contact) has been dealt with, the complainant remains dissatisfied they should be advised to follow the steps in our administrative complaints procedure. If the advice is given by telephone you should follow this up by summarising the conversation in writing to the complainant and enclosing the leaflet 'A positive step forward'. Annex I should be used as a template for this letter.

Good communication between all levels is essential to ensure that complaints are handled correctly. Please encourage all staff to know the procedure so that complaints go swiftly to the correct person.

The aim must always be to resolve a complaint at source. However, this might not always be possible. The customer might remain dissatisfied with an offer of redress or it might be necessary for legal advice to be sought before a full response to the complaint can be provided.

2.1 Step 1 - Tribunal Manager

Quick Guide

- Try to resolve a complaint **immediately** wherever possible
- We aim to resolve and respond to all complaints within **10 working days** of receipt.
- Keep customers informed (i.e. within 10 days) of the progress of their complaint
- A complaint file should be opened at this stage. The file should conform to the format described at page 13 -14
- Follow the standards and principles set out in this procedure when dealing with all types of complaint
- Correspondence about compensation should be dealt with under the current procedure in place in your Tribunal.
- Cases requiring legal advice (such as failure to make a reasonable adjustment under the Disability Discrimination Act) should be referred to your Area Manager who will obtain advice from the Department's lawyers.
- The Tribunal Manager should reply to any correspondence that fits the criteria of a complaint received from Members of Parliament. Any member of staff can respond to a general enquiry.
- Always close your letter by referring to the next step in the complaints procedure (use the template at Annex J)
- You must ensure that all complaints are recorded in the Customer Analysis and Feedback System – DCAFé Further guidance can be obtained from the CSU if you or your Area Manager are unsure of what to do with any particular complaint.
- The flowchart at Annex O shows the complaints handling process at Step 1

Response Targets

- If we can resolve a complaint straight away, on the spot - our aim is to do so.
- If we are not able to do so, we will try to resolve and respond to all complaints within 10 working days of the complaint being received at a Tribunal office.

Note - **The Tribunals Service target is to resolve and reply to 90%** of complaints within 10 working days at each Step of the procedure.

The 10 day target time runs from the date a complaint is received by a Tribunals Service member of staff.

We must keep customers informed of the progress of their complaints. If it becomes clear that there will be a delay in replying to the customer, contact the customer immediately and explain the reason for the delay. This must be a substantive reason, e.g. you have to send papers to another office to seek the input of other colleagues. If there are any issues that can be addressed you should do so at this stage and tell the customer when you expect to send the final reply. There are holding letter templates at Annexes G and H which may be adapted to fit the circumstances.

Telephone/Minicom or Counter

If a customer complains in person, by telephone or Minicom, follow the standards and principles set out in Annex A and B of this procedure and take the necessary action there and then to resolve the situation. Remember to collect a record of all complaints and enter them onto the DCAFé system.

E-mail or letter/fax

If a complaint cannot be resolved straight away and needs a written reply, follow the guidance in Annex C.

Claims for Compensation

Any correspondence from a customer about actual financial loss should be dealt with under the current procedure in place in your Tribunal.

Legal advice

There may be occasions when it is clear that legal advice is required. This might be because a customer believes that a reasonable adjustment has not been made under the Disability Discrimination Act. You may find that you have a complaint on a novel or controversial topic that needs careful handling. If you are unsure what to do, consult the CSU.

Correspondence from MPs and Peers

Some customers write directly to their Member of the House of Commons (MP), Member of the Scottish Parliament (MSP), Member of the European Parliament (MEP), Member of the Welsh Assembly or a Member of the House of Lords. Some tribunals might also occasionally receive correspondence from the Mayor of London, a Member of the Greater London Authority or other similar body.

Tribunal Managers should reply directly to MPs, MSPs or MEPs

If the complaint is particularly complex, the CSU is available to advise on handling.

Complaint File

As well as replying directly to complaints you will also have to open a complaint file. It is important that the case is presented clearly and that files are correctly constructed. In the event that the complaint is escalated further this should help the TS Area Manager, Customer Feedback Team and Chief

Executive assimilate what are often complex issues and reduce the time needed to prepare cases should referral to other units be necessary, for example, to Solicitors Branch or Parliamentary Business Unit.

File construction

There must be a clear background to the case and all documents relating to the case must be **filed in chronological order** with the response being the final document on the left hand tag.

The file should contain, on the **left hand side** of the file, attached in date order

- internal correspondence
- a full summary of the main points of the case
- a chronological history of the action taken to date (cross referred to the relevant documents in the file)

Right hand side

- A numbered schedule cross referenced to: -
- Copies of complaints letters or transcript of telephone call/meeting when complaint lodged.
- Any supporting evidence filed in chronological order with the earliest documents first.

Be objective in all your replies to customers. It is better to accept responsibility for poor service, where justified, than defend our position on weak grounds only to be overturned later at a more senior level.

Remember that the customer is expecting a reply by the target date. If there is a delay in replying, keep the customer informed. In addition, any delay in providing a report or replying to a complaint above the target time will be reflected in the tribunal's performance.

2.2 Step 2 - Area Manager

Quick Guide

- Try to resolve a complaint straight away wherever possible
- Resolve and respond to complaints within **10 working days** of receipt
- Keep customers informed of the progress of their complaint
- Follow the standards and principles set out in this procedure when dealing with all types of complaint
- All claims for compensation should be dealt with under your current procedure.
- Refer to complaint file
- **Ensure all complaints are recorded in the Customer Analysis and Feedback System, DCAFé**
- Always close your letter by referring to the next step in the complaints procedure (use standard paragraph in Annex K)
- Consult the CSU if you are unsure of what to do about a complaint.
- The flowchart at Annex P shows the complaints handling process at Step 2

If a customer complains to the Area Manager it might mean there is an issue that could not be resolved at a lower level, or that the customer also wishes to claim compensation.

The complaint might be made by telephone, in writing or in person. In all cases, it is likely that the customer's frustration or dissatisfaction with the service they have received has increased. It becomes even more important that you make every effort to resolve the complaint as **quickly as possible**.

Response Targets

- If we can resolve a complaint straight away our aim is to do so
- If we cannot do so, the Area Manager will try to resolve it and respond within 10 working days of receipt;

The 10 day target time runs from the date a complaint is received at a Tribunals Service office. The target time includes any time taken to transfer a piece of correspondence internally between the tribunal and the Area Manager's office.

We must keep customers informed of the progress of their complaint. If it becomes clear that there will be a delay in replying to the customer, write to the customer immediately and say that there will be a delay. The holding letter template at Annex G should be used as a guideline.

Telephone/Minicom or Counter

If a customer complains in person, by telephone or Minicom, follow the standards and principles set out in Annex A and B of this procedure and take the necessary action there and then to resolve the situation. Remember to collect a record of all complaints and enter them onto the DCAFé system.

E-mail or letter/fax

If a complaint cannot be resolved straight away and needs a written reply, follow the guidance in Annex C.

Claims for Compensation

Claims for compensation should be dealt with under the current procedure in place for your Tribunal.

Legal advice

There may be occasions when it is clear that legal advice is required. This might be because a customer has been denied a reasonable adjustment under the Disability Discrimination Act, or cites a breach of Human Rights.

You may find that you have a complaint on a novel or controversial topic that needs careful handling. Ask the CSU if you are unsure what to do.

Correspondence from MPs and Peers

Some customers write directly to their MP, MSP, MEP, Member of the House of Lords or a Member of the Welsh or Scottish Assemblies. You might also occasionally receive correspondence from the Mayor of London or a Member of the Greater London Authority, or other similar body.

The Area Manager who receives such a letter from the Member of Parliament should reply to the letter direct.

Remember that further guidance can be obtained from the CSU if you are unsure of what to do.

Complaint file

Obtaining accurate information is essential to the investigation of a complaint. Remember, your file can be copied to other offices, including the Ombudsman and so will need to be as complete as possible.

You must:

- Provide the tribunal member of staff with a clear complaint file request, outlining all the issues you need answered and a **target date** for reply. That target date should be set at least 3 working days ahead of the request and should give you sufficient time to consider the report, liaise with the tribunal member of staff on any issue and still reply within the target period
- The complaint file must contain an up to date chronology of events
- Obtain the comments of the tribunal member of staff on the issues of complaint raised by the customer and whether they are justified
- Obtain documentation in support of the report. If an order, judgment, decision or a list is referred to or central to the issue, a copy of that order or list must be obtained.

Communication is key. You must provide clear report requests to the tribunal but you must also ensure that the appropriate information is obtained and within a reasonable time. Speak to the tribunal member of staff as necessary about the progress of the report.

Be objective in all your replies to complaints. It is better to accept responsibility for poor service, where justified, than defend our position on weak grounds only to be overturned later at a more senior level.

Remember that the customer is expecting a reply by the target date. If there is a delay in replying, keep the customer informed. In addition, any delay in providing a report or replying to a complaint above the target time will be reflected in the tribunal's performance.

2.3 Step 3 - Chief Executive

Quick Guide

- The Customer Feedback Team (CSU) will immediately send any complaints received by the Chief Executive to the relevant Area Manager for a draft response
- The Area Manager should supply the draft to the Customer Feedback Team **within 5 working days**.
- The Area Manager must inform the Customer Feedback Team if it is not possible to meet the deadline for the draft.
- Follow the standards and principles set out in this procedure when dealing with all types of complaint
- All claims for compensation should be dealt with under your current procedure.
- Refer to complaint file
- **The Customer Feedback Team will ensure all complaints at Step 3 are recorded on the Customer Analysis and Feedback System, DCAFé**
- **The Customer Feedback Team will ensure that all relevant parties are copied into the final response**
- Consult the CSU if you are unsure of what to do about a complaint.
- The flowchart at Annex Q shows the complaints handling process at Step 3

If a customer complains to the Chief Executive it might mean there is an issue that could not be resolved at a lower level, or that the customer also wishes to claim compensation.

It is likely that the customer's frustration or dissatisfaction with the service they have received has increased. It becomes even more important that every effort is made to resolve the complaint as **quickly as possible**.

Response Targets

- The Chief Executive's office aim to send the Customer Feedback Team the complaint immediately
- The Customer Feedback Team will issue the complaint to the relevant Area Manager or Registrar immediately, requesting a draft response
- Customer Feedback Team requires the Area Manager's/Registrar draft within 5 working days from the date the complaint is received.
- Customer Feedback Team will quality check the draft. If they require any clarification they will contact the Area Manager/Registrar immediately.
- Customer Feedback Team aim to send the completed draft to the Chief Executive's office within 4 working days of receiving the draft response from the Area Manager/Registrar.
- **We must keep customers informed of the progress of their complaint -** If it becomes clear it will not be possible to provide the Customer Feedback Team with the draft within 5 working days the Area Manager/Registrar should contact them immediately with a draft holding letter to send to the customer explaining why a response cannot be given within the time limit. The holding letter template at Annex G should be used as a guideline.

The 10 day target time runs from the date a complaint is received at a Tribunals Service office. The target time includes any time taken to transfer a piece of correspondence internally between the tribunal and the Chief Executive's office.

If it becomes clear that there will be a delay in replying to the customer, construct a holding letter using the template at Annex G and forward this to the Customer Feedback Team

Claims for Compensation

Claims for compensation should be dealt with under the current procedure in place for your Tribunal.

Legal advice

There may be occasions when it is clear that legal advice is required. This might be because a customer has been denied a reasonable adjustment under the Disability Discrimination Act, or cites a breach of Human Rights. You may find that you have a complaint on a novel or controversial topic that needs careful handling. Ask the CSU if you are unsure what to do.

Complaint File

Obtaining accurate information is essential to the investigation of a complaint. Remember, your file can be copied to other offices, including the Ombudsman and so will need to be as complete as possible.

You must:

- Provide the Customer Feedback Team with a complete file and a summary report outlining all the issues you have identified
- Provide an up to date chronology of events
- Include your comments on the issues of complaint raised by the customer and whether they are justified
- Include documentation in support of the report. If an order, judgment, decision or a list is referred to or central to the issue, a copy of that order or list must be included

Communication is key. You must provide a comprehensive and up to date complaint file with a clear summary report to the Customer Feedback Team.

Be objective in all your reports and draft replies to complaints. It is better to accept responsibility for poor service, where justified, than defend our position on weak grounds only to be overturned later at a more senior level.

Remember that the Customer Feedback Team is expecting the draft reply by the target date. If there is a delay in replying, keep the Customer Feedback Team informed. In addition, any delay in providing the file or draft replies to a complaint above the target time will be reflected in the performance of the Tribunal Service.

Annex A – Handling Complaints in Person

Be polite and professional in your approach

- Speak clearly, in a polite, professional and helpful manner
- Accept responsibility for dealing with the customer's concerns - if you are unable to deal with the matter personally - find someone who can
- Empathise - don't become defensive, even if you disagree with what is being said
- Apologise – especially if we have made a mistake, but even if we are not at fault, you can say that you are sorry that the customer is unhappy with the service they have received
- Don't keep the customer waiting unnecessarily **-** If you need to leave the customer for any reason, explain what you are doing and why
- Consider whether it would be appropriate to hand the customer the leaflet 'A positive step forward – your guide to giving feedback'

Establish the facts and clarify your understanding

- Listen carefully to what the customer is saying
- Focus on the key points by asking appropriate questions
- Summarise - to confirm that you have heard and understood and to give the customer the opportunity to clarify
- Take notes of the points raised, the customer's name, case reference and contact telephone number/address

Decide whether you have the skills and information to deal with the matter effectively

- If you are unsure, seek help from a manager or more experienced colleague
- Never attempt to deal with a complaint about yourself
- Don't take the risk of giving information that could be inaccurate - ask the customer to wait and check it out

Note - All enquiries from the press must **be directed to the Press Officer in Communications Unit**

If you need to refer the complaint to a colleague or manager

- Explain who this will be and what their role is
- Pass all the details on to the person taking over, so that the customer does not need to repeat them

If you can resolve the complaint straightaway - Do so!

- Thank the customer for bringing the matter to your attention
- Tell them what you intend to do to prevent the same thing from happening again
- **Keep your promises**

If you can't resolve the complaint straightaway - Explain why!

- Agree with the customer what action you will take and when
- Tell them when you expect to be able to provide a full response
- If someone else will contact them, tell them who this will be and what their role is
- Summarise what has been agreed

Take appropriate follow up action

- Carry out any action that has been agreed
- Record the complaint - complete a complaint recording sheet/ DCAFé log sheet
- Pass the record of the complaint to your manager/ complaints officer for recording on DCAFé log sheet

Handling difficult customers face to face

If a customer becomes abusive/ aggressive

The Tribunals Service does not accept that its staff are required to tolerate abuse from customers and will support you. These guidelines should be followed

- Remain calm - don't enter into an argument
- Be polite but firm
- Warn them that you cannot help them if they continue in that manner

If they continue to be abusive / aggressive, and / or you are finding it difficult to deal with the situation ask a manager or more senior officer to help, it may also be necessary to call security

- Tell the customer what is happening
- Pass on the details of the complaint to the person taking over and tell them about the nature of the abuse

Afterwards

- Take deep breaths and sit quietly for a moment
- **Remember** - Even though it may feel like it at times, abusive customers are not usually attacking you personally.
    - You have not failed if you can't help someone in these circumstances
- Record all the details, including the nature of the abuse, on the Complaints Recording Sheet/ DCAFé log sheet whilst it is fresh in your mind
- It may be useful to retain a copy or make a note on the file for future reference.
- Tell your manager about the customer and the nature of abuse.
- Complete a Violence at Work Report Form as detailed in the MoJ Security Handbook.

Annex B – Handling Telephone Complaints

Be polite and professional in your approach

- Always introduce yourself, even if the call has been transferred to you.
- Provide a greeting e.g.: "Good morning" followed by your name and location or role
- Speak clearly, in a polite, professional and helpful manner
- Accept responsibility for dealing with the call - if you have to pass it on to someone else - make sure the caller gets to speak to the correct person. Update your colleague on the reason for the call and any case details
- Establish and use the caller's name - title and surname
- Empathise - don’t become defensive, even if you disagree with what is being said
- Apologise - especially if we have made a mistake, but even if we are not at fault, you can say that you are sorry that the customer is unhappy with the service they have received
- Don't keep the customer holding on unnecessarily - if you need time to find information or the person they need to speak to is not immediately available, offer to call them back and ensure you, or the appropriate person does so at the earliest opportunity

Establish the facts and clarify your understanding

- Listen carefully to what the customer is saying
- Focus on the key points by asking appropriate questions
- Summarise - to confirm that you have heard and understood and to give the customer the opportunity to clarify
- Take notes of the points raised, the customer's name, case reference and contact telephone number/ address

Decide whether you have the skills and information to deal with the matter effectively

- If you are unsure, seek help from a manager or more experienced colleague
- Never attempt to deal with a complaint about yourself
- Don't take the risk of giving information that could be inaccurate - ask the customer to wait and check it out

Note - All enquiries from the press must be directed to the Press Office in Communications Unit

If you need to refer the call to a colleague or manager

- **Tell the caller what is happening**
- Pass all the details on to the person taking over, so that the customer does not need to repeat them

If you can resolve the complaint straightaway - Do so!

- Thank the customer for bringing the matter to your attention
- Tell them what you intend to do to prevent the same thing from happening again
- **Keep your promises**

If you can't resolve the complaint straightaway - Explain why!

- Agree with the customer what action you will take and when
- Tell them when you expect to be able to provide a full response
- If someone else will contact them, tell them who this will be and what their role is
- Summarise what has been agreed

Take appropriate follow up action

- Carry out any action that has been agreed
- Record the complaint - complete a complaint recording sheet
- Pass the record of the complaint to your manager/complaints officer

Handling difficult customers on the telephone

If a customer becomes abusive/ aggressive

The Tribunals Service does not accept that its staff are required to tolerate abuse from customers and will support you if you have to terminate a call. These guidelines should be followed:

- Remain calm - don't enter into an argument - If you need time to gather your thoughts you could suggest that you will call the customer back once you have obtained the file. **But make sure you call them back promptly**
- Be polite but firm
- Concentrate on getting to the root of the problem and make it clear that you are willing to help
- Warn them that you will terminate the call by explaining that you cannot help them while they are speaking to you in that way

If they continue to be abusive/aggressive

- Explain that you have listened to what has been said and that you are trying to assist the caller with their enquiry but that unless they cease being abusive/ aggressive you will be terminating the conversation
- Pause before you put the phone down to see if the point you have made has had any effect
- If the caller continues to be abusive, simply hang up

Afterwards

- Take deep breaths and sit quietly for a moment
- **Remember** - Even though it may feel like it at times, abusive calls are not normally a personal attack
  - You have not failed if you can't help someone in these circumstances
- Record all the details of the call and the nature of the abuse whilst it is fresh in your mind
- It may be useful to retain a copy or make a note on the file to assist if the caller telephones again
- Tell your manager about the call and the nature of abuse
- Complete a Violence at Work Report Form as detailed in the MoJ Security Handbook

Annex C – Handling Written Complaints

- Before you attempt to deal with any written complaint you must bring it to the immediate attention of your line manager/complaints officer or customer service officer. They will decide whether the complaint is straightforward or requires further investigation and who should take ownership/responsibility for dealing with it.

- All complaints including the 'First Contact' must be recorded on the DCAFé Log. The Customer Feedback Team will record complaints at Steps 3.

- A chronology of events surrounding the complaint should be produced when appropriate, which must be open and honest about what has happened. (You may be asked to contribute to this report)

- Claims for compensation should be dealt with under the procedure currently used in your Tribunal.

Written responses should be given **where the complaint is complex** and requires investigation.

- **If the complaint is straightforward** and can easily be resolved by telephoning the customer - consider doing so. Ensure the customer is satisfied that this has resolved the complaint

Note: **do not** send the report or recommendation directly to the customer.

- If the complaint needs to be forwarded to another office or department for a response, do so by scanning the document and emailing it, or send a copy by fax. It is recommended that Annex M is used to forward correspondence to other departments.

Drafting your written response

- Read the complaint thoroughly and ensure you understand fully what is being complained about. **Put yourself in the customer's position**
- Investigate the issues and decide what can be done to resolve the matter - see the full Complaints Handling Guide. If you are unsure - seek further advice from Customer Strategy Unit
- All letters must be **typewritten and formatted in Arial font size 12**
- Quote any references and case details
- Break down the **issues** - make sure you **deal with them all in full**
- Use plain English - don't use jargon and abbreviations – **consider the customer**
- **Always apologise**, especially if we have made a mistake, but even if you don't uphold the complaint, you can say you are sorry that they are unhappy with the service they have received
- Use your words carefully - the customer must be satisfied that you have considered all of the facts and fairly interpreted the complaint
- Adopt the right tone and sensitivity - for instance, if there are family issues or a bereavement
- Don't admit **legal liability** - never say that we are **responsible** or that we are **at fault** - these words could indicate an admission of legal liability, which could seriously compromise the Tribunals Service position. Head all letters 'Without prejudice'
- Make sure your reply is **factually accurate and fair**
- **Check your spelling and grammar**

Take appropriate follow up action

- Keep your promises - carry out any action that has been agreed
- Circulate information to avoid any repetition

Annex D – Admission of Liability

An admission of liability can seriously compromise the legal position of the Tribunals Service. Letters from the Tribunals Service to customers should not accept liability and all letters should be headed ‘without prejudice’.

It is important to understand that there is a vital distinction between:

- Admitting legal liability to pay damages and
- Not admitting liability but accepting an error was made and offering to make a voluntary (or ex gratia) payment in compensation for maladministration

Admitting **liability** will have the following consequences:

- The Tribunals Service will have accepted that it owed the customer a legal duty not to do what it did (or what it failed to do)
- It has to pay compensation on the same basis that a tribunal would fix the damages
- It creates an unwelcome legal precedent which may make later similar claims for more difficult to defend
- It denies the Tribunals Service a negotiating position to reduce compensation on the basis of “risk of litigation” i.e. that if the customer sued, he might lose altogether
- It gives the customer an opportunity to go direct to court solely on the damages issue if dissatisfied with an offer, rather than resolve the matter internally, which would significantly add to our costs

If liability is denied, but there is an acceptance of error with an offer of a voluntary payment, it follows that:

- Compensation is based on Treasury guidelines which are more confined than court awards

- If a similar error occurs, The Tribunals Service is free to consider the new case afresh without being bound by the earlier admission of liability which might have been based on different facts
- A dissatisfied customer would have to prove both liability and quantum in a civil claim with all the risks that carries

It follows that if customers or their solicitors ask the Tribunals Service to admit liability, you should:

- refuse to admit liability and refuse the claim, or
- refuse to admit liability but say the Tribunals Service would investigate if it was a case for an ex gratia or voluntary payment, or
- refuse to admit liability but accept an error took place for which the Tribunals Service will make an ex gratia or voluntary payment
- refer the matter for advice to the Customer Strategy Unit.

Never accept liability, even if pressed to do so, but respond to customers or their solicitors along the lines above.

Annex E - Recommended Acknowledgment

Dear [*insert name of complainant*]

Thank you for your letter of [*insert date and month*] about your [*insert the type of appeal*].

The matters you have raised are being investigated and you shall receive a reply in due course.

Should you require further information do not hesitate to contact me on [*insert contact number*].

Yours sincerely,

Annex F – Recommended Acknowledgement to MP

Dear [*insert name of MP*]

Thank you for your letter of [*insert date and month*] about your constituent [*insert name and address*] and his/her [*type of appeal/complaint*].

The matters you have raised are being investigated and you shall receive a reply in due course.

Should you require further information do not hesitate to contact me on [*insert contact number*].

Yours sincerely,

Annex G – Recommended Holding letter

Dear [*name of complainant*]

Thank you for your letter of [*insert date and month*] about your [*insert type of appeal/ subject*].

I am sorry that we have not been able to provide a full response. Our investigations into the issues you raise are not yet complete [*insert reason it is not possible to reply at this time*]. I apologise for the delay, we hope to be in a position to provide you with a full response within the next 5 working days.

Yours sincerely,

Annex H – Recommended Holding letter to MP

Dear [*name of MP*]

Thank you for your letter of [*insert date and month*] about your constituent [*insert name and address and type of appeal/ subject*].

I am sorry for the delay responding to your letter. My investigation of the issues raised by your [*insert name of constituent*] is taking longer than expected [*insert reason it is not possible to reply at this time*].

I will reply to you in full as soon as possible by [*insert date or within the next 5 working days if appropriate*]

Yours sincerely,

Escalation paragraphs

Annex I - First Contact escalating to Step 1

Dear [*name of complainant*]

Thank you for your letter/telephone call of [*insert date and month*] about your [*insert type of appeal/complaint*].

[*Reply to the issues raised and escalation referral to Step 1*]

If you do not consider that my reply has satisfactorily dealt with your complaint, you can write to the Tribunal Manager [*insert name and address*]. Please let [*name of Tribunal Manager*] know why you are dissatisfied with the reply that I have given you.

Yours sincerely,

Annex J - Step 1 escalating to Step 2

Dear [*name of complainant*]

Thank you for your letter of [*insert date and month*] about your [*insert type of appeal/complaint*].

[*Reply to the issues raised and escalation referral to Step 2*]

If you do not consider that my reply has satisfactorily dealt with your complaint, you can write to the Area Manager [*insert name and address*]. Please let [*name of Area Manager*] know why you are dissatisfied with the reply that I have given you.

Yours sincerely,

Annex K - Step 2 escalating to Step 3

Dear [*name of complainant*]

Thank you for your letter of [*insert date and month*] about your [*insert type of appeal/complaint*].

[*Reply to the issues raised and escalation referral to Step 3*]

If you do not consider that my reply has satisfactorily dealt with your complaint, you can write to Jeanne Spinks, Acting Chief Executive of the Tribunals Service, 5th Floor, Victory House, 30-34 Kingsway, London, WC2B 6EX. Please let Ms Spinks know why you are dissatisfied with the reply that I have given you.

Yours sincerely,

Annex L - Step 3 escalating to Ombudsman (NB: this Annex will only be used by the Customer Feedback Team)

Dear [*name of complainant*]

Thank you for your letter of [*insert date and month*] about your [*insert type of appeal/complaint*].

[*Reply to the issues raised and escalation referral to Ombudsman*]

If you do not consider that my reply has satisfactorily dealt with your complaint, you can ask your Member of Parliament to refer your case to the Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) Ann Abraham, (Millbank Tower, Millbank, London SW19 4QP.

Yours sincerely,

Annex M – Recommended letter referring complaint to another agency

Dear [*insert name of appellant*]

Thank you for your letter of [*insert date and month*] about [*insert as appropriate*].

Tribunal Service offices can only deal with [*insert relevant information*]

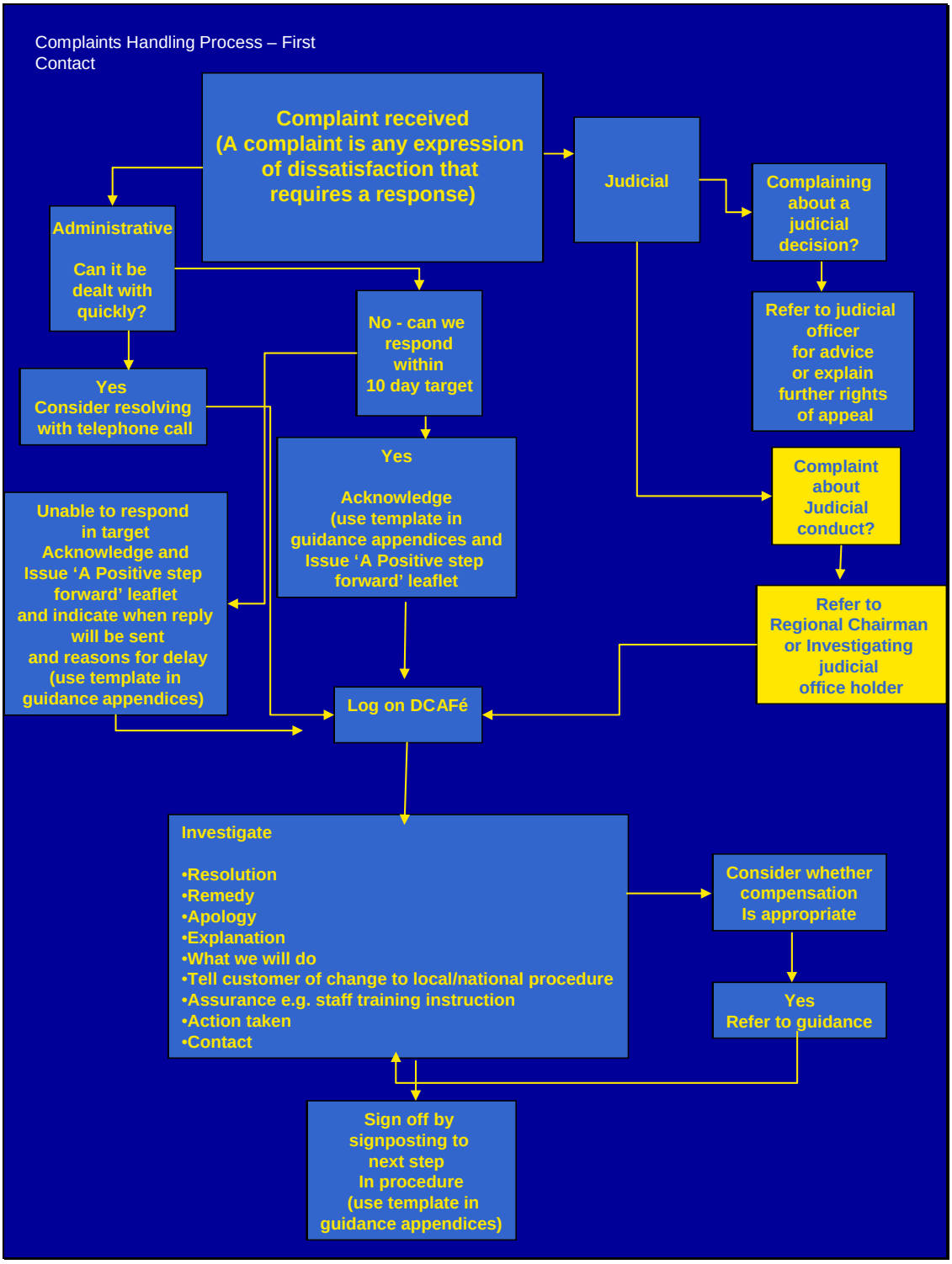
I am unable to comment on the matters you refer to as they concern [*insert name of government dept etc*], which is wholly separate from the Tribunals Service.

I have forwarded your letter and enclosures to [*insert name if possible, address of First Tier Agency*] to consider the issues you have raised.

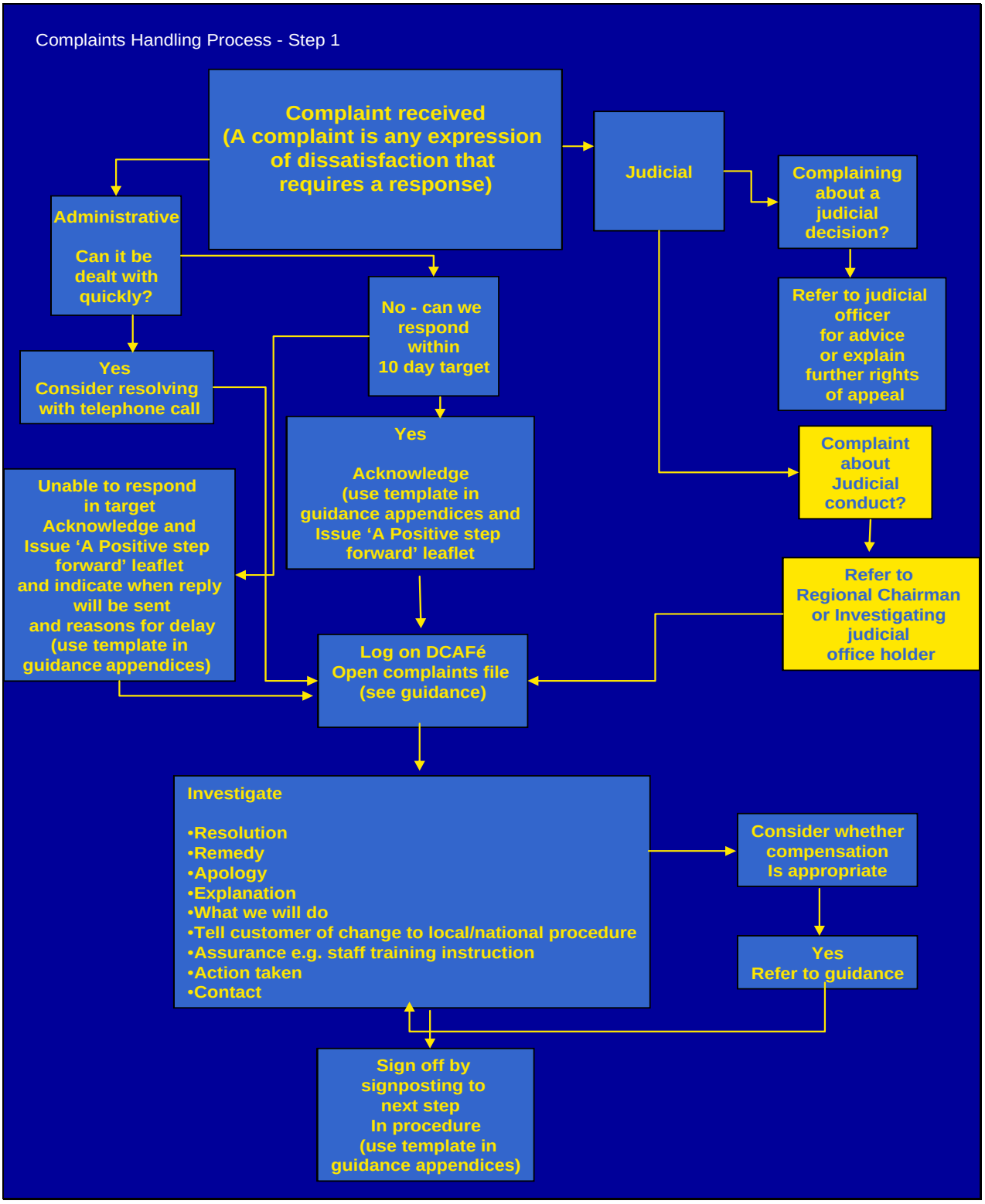
I am sorry I cannot be of further help

Yours sincerely,

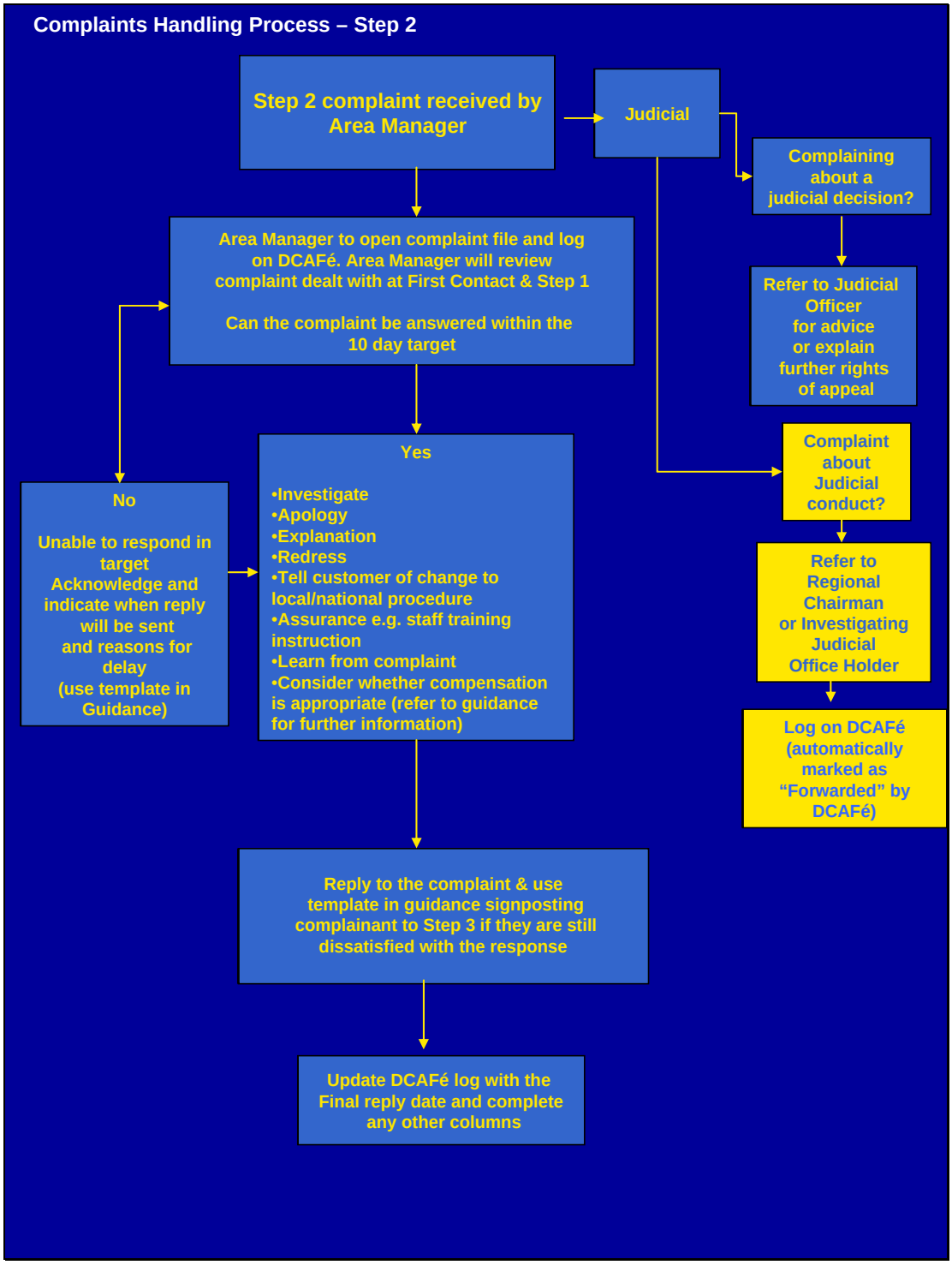
Annex N – Complaints Handling Process – First Contact



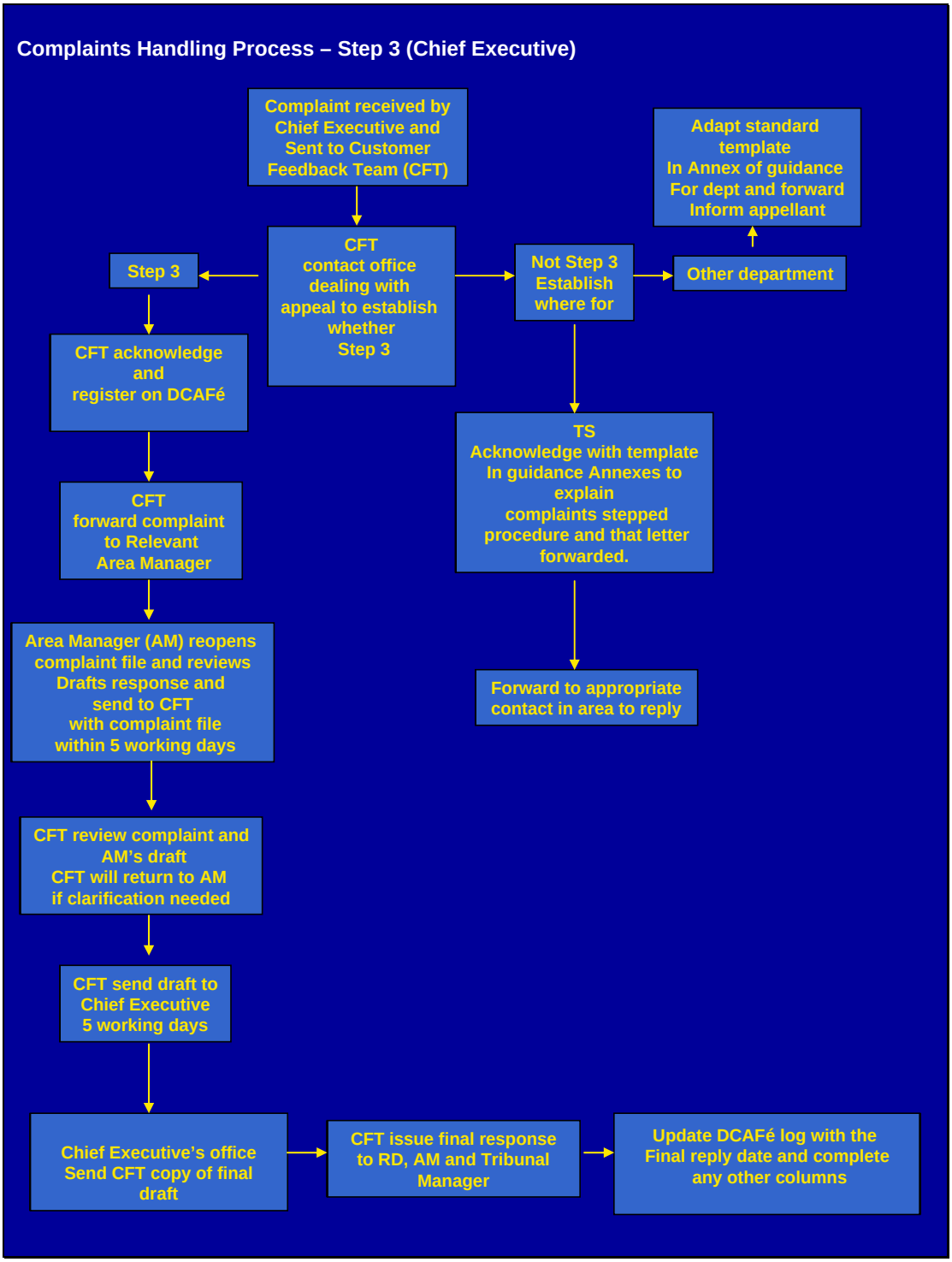
Annex O – Complaints Handling Process – Step 1



Annex P – Complaints Handling Process – Step 2

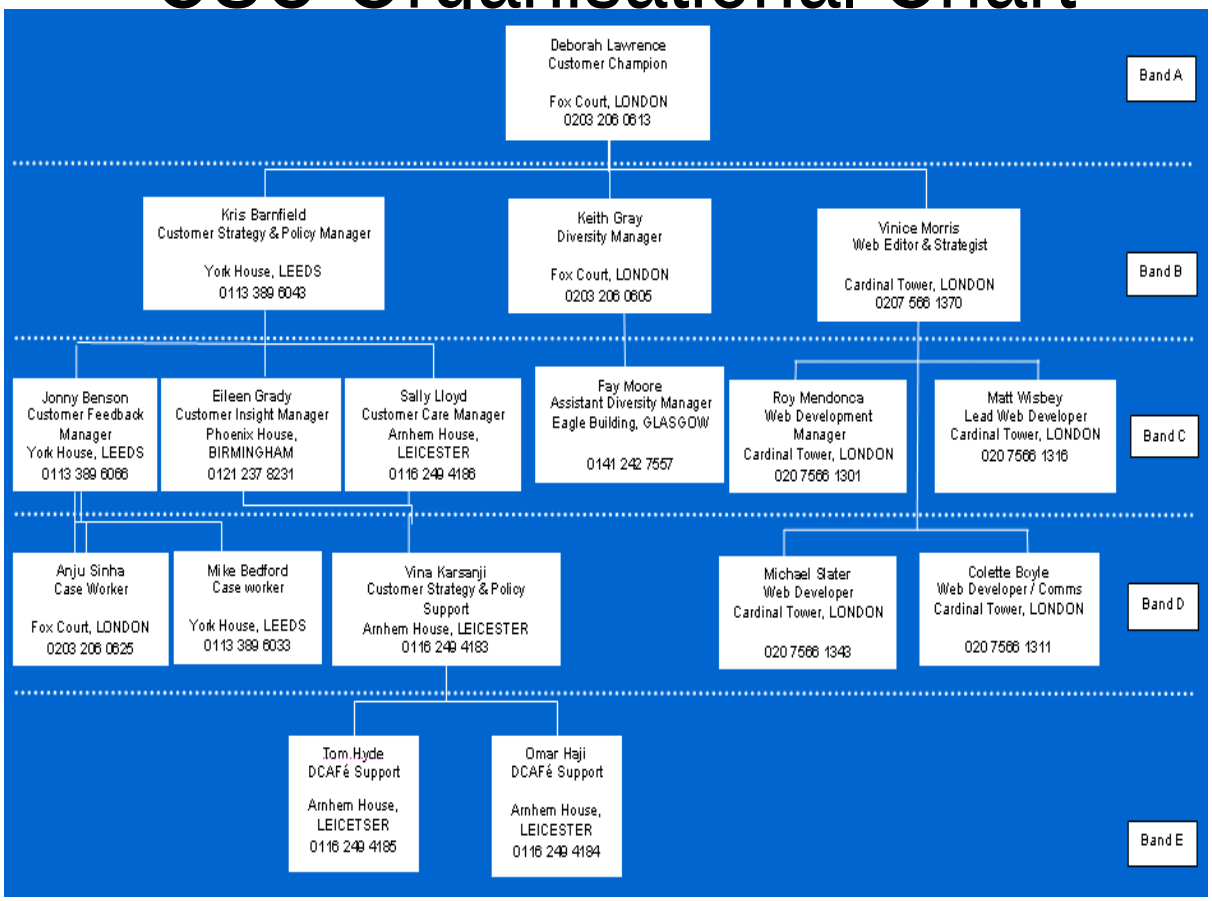


Annex Q – Complaints Handling Process – Step 3



Annex R

CSU Organisational Chart



This document was created with Win2PDF available at http://www.win2pdf.com.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.