

## **ADVANTAGE WEST MIDLANDS COMPLAINTS PROCEDURE**

Advantage West Midlands is committed to delivering efficient and high quality services, and in doing so we aim to deal promptly, courteously and professionally with enquiries from our customers and stakeholders. We also aim to be an open and transparent organisation, and to proactively publish the information that our customers and stakeholders require.

This guidance explains what you should do if you are not satisfied with the standard of service you have received from Advantage West Midlands.

### **The aim of these procedures**

Advantage West Midlands welcomes the views of its customers and stakeholders about its performance and the standard of service it provides, both positive and negative. This feedback can help us to improve the quality of service.

The Agency recognises that from time to time things may go wrong and we may not meet the high standards of service that we have set ourselves. When this does happen we are keen to know so that we can put things right and learn from what has gone wrong.

If Advantage West Midlands fails to provide the quality of service you expect we will:

- Ensure that making a complaint is made as easy as possible;
- Treat the matter seriously from the outset;
- Deal with it promptly, politely and, if possible, informally;
- Include in our response an apology where we accept that we have not met the high standards of service we aim to provide, including an explanation of why things went wrong and how we aim to ensure this does not occur again; and
- Publish information about the complaints we receive.

### **Equality of Opportunity**

Advantage West Midlands is committed to equality of opportunity and values diversity and we take complaints about discrimination seriously. The Agency may use complaints about discrimination and harassment to review policies and procedures in our on-going attempts to ensure we treat everyone fairly.

### **Types of Complaints**

The Agency may receive complaints about:

- The standard of service we have provided, which could include, amongst others, issues of process, quality, responsiveness or openness (see section 1 below); or
- Issues relating to access to information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 (see section 2 below).

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### 1. COMPLAINTS ABOUT STANDARDS OF SERVICE

The Agency's complaints procedure about our standards of service is in three stages. In the first instance we aim to resolve complaints informally, but where this is not possible complaints will be dealt with formally by one of the Agency's Corporate Directors. If you are not satisfied with the response received from a Corporate Director the final stage of the internal complaints procedure is a review by the Agency's Chief Executive.

#### **Stage One - Dealing with a complaint informally**

If you are dissatisfied with the service you have received from Advantage West Midlands, you should in the first instance raise this directly with the person in the Agency you have been dealing with, who will attempt to put things right quickly and informally. A response will be made within 5 working days of receipt of your complaint, usually by telephone, and will include an explanation of any action the Agency proposes to take in response to your complaint. You will also be advised what to do next if you are not satisfied with the response to your complaint.

#### **Stage Two - Making a formal complaint**

If you are not satisfied with the informal response to your complaint, you will be advised to put your complaint in writing. This should be sent to:

The Board Support and Information Compliance Team  
Advantage West Midlands  
3 Priestley Wharf  
Holt Street  
Aston Science Park  
Birmingham  
B7 4BN

This will be treated as a formal complaint under Stage Two of the Agency's complaints procedure. The Board Support and Information Compliance Team will record receipt of the complaint, send an acknowledgement of your complaint within 5 working days of receipt, and refer it to the relevant Corporate Director in the Agency to investigate.

The Corporate Director who receives a complaint under Stage Two will:

- Make sure that they understand the nature of the complaint;
- Check that the stage one procedure has been completed;
- Review, with the person who dealt with the initial approach, the reasons for their response;
- Consider the issues afresh for themselves;
- Decide upon their own findings in the light of these considerations; and
- Write to you setting out their findings within 15 working days of receipt of your complaint to the Agency.

Where it is not possible to give a full response within this time, we will write to you to explain why there will be a delay, what we are doing to investigate the complaint, and when you can expect a full reply from us.

The full reply sent by a Corporate Director will provide details of the results of the investigation into the complaint. Where it is accepted that we have not met the high

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standards of service we aim to provide the reply will include an apology, an explanation of why things went wrong, and how we aim to ensure this does not occur again. The response will also explain the next steps in the complaints procedure if you are not satisfied with the response.

### **Stage Three – Review by Chief Executive**

If you are not satisfied with the response received from a Corporate Director under Stage Two, you should put this in writing to the Agency's Chief Executive explaining why you are still dissatisfied. We will send an acknowledgement of your complaint within 5 working days of receipt by the Agency, and the Chief Executive will normally send a reply within 15 working days. Where it is not possible to send a reply within this time, we will write to you to explain why there will be a delay, what we are doing to investigate the complaint, and when you can expect a full reply from us .

The response from the Chief Executive will set out the results of his review of the complaint. It will also explain what further action you can take if you are still dissatisfied with the response to your complaint.

### **Review by the Parliamentary Ombudsman**

If your complaint has still not been resolved to your satisfaction, you can ask your Member of Parliament to put complaints about us to the Parliamentary Ombudsman, who is an officer of the House of Commons appointed by the Queen, wholly independent of Government. The Parliamentary Ombudsman will only consider complaints referred to him by a Member of Parliament. The Parliamentary Ombudsman will not normally consider a complaint that has not first been put in writing to us for consideration.

Further information about the Parliamentary Ombudsman can be obtained at: [www.ombudsman.org.uk](http://www.ombudsman.org.uk) or from the following address:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London SW1P 4QP

## **2. ACCESS TO INFORMATION APPEALS PROCEDURES**

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 provide a right of access to recorded information held by the Agency. The Agency aims to be an open and transparent organisation and to provide information that has been requested wherever possible. However, the Agency may withhold information if it considers that it is subject to an absolute exemption under the Freedom of Information Act 2000, or where it is covered by a qualified exemption under the Freedom of Information Act or the Environmental Information Regulations 2004 and the Agency believes it is not in the public interest to disclose the information<sup>1</sup>. All decisions to withhold information will need to be endorsed by the relevant Agency Corporate Director. The Agency will always explain why it has withheld information, including providing details of the relevant exemption(s) under

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<sup>1</sup> The Agency has the right to refuse to fulfil requests for information on specific grounds under Section 50 of the Freedom of Information Act 2000 and Regulations 5 and 12 of the Environmental Information Regulations 2004.

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the appropriate Act, and also advise individuals about their right of appeal against a decision to withhold information.

### Appeals

If you are dissatisfied with the way a request for information has been dealt with by the Agency, or by a decision to withhold information, you can appeal against this decision<sup>2</sup>. All appeals about access to information should be sent to:

The Head of Board Support and Information Compliance  
Advantage West Midlands  
3 Priestley Wharf  
Holt Street  
Aston Science Park  
Birmingham  
B7 4BN

We will send an acknowledgement of your appeal within 5 working days of receipt, and we will arrange for an internal review to be carried out by a member of staff who was not involved in the original decision.

We will make decisions on appeals as soon as possible, and in any event within 6 weeks of receipt by us for appeals relating to requests for information under the Freedom of Information Act and 40 working days for appeals relating to requests for information under the Environmental Information Regulations.

Where an appeal is wholly or partly upheld, we will inform you of the action we propose to take. If the decision is to release information previously withheld, we will advise you when you can expect to receive this.

Where the outcome of an appeal is that the initial decision to withhold information is upheld, the Agency's Chief Executive will need to endorse this decision.

You will be advised of our decision in writing, and also be informed about:

- Your right to appeal to the Information Commissioner's Office against the Agency's decision;
- The Information Commissioner's enforcement powers; and
- Your right and the Agency's right to appeal to the Information Tribunal following the Information Commissioner's decision.

Further details about the Information Commissioner can be obtained from: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk), or by writing to:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

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<sup>2</sup> A right of appeal against a decision by the Agency to withhold information is provided under Section 50 of the Freedom of Information Act 2000 and Regulation 18 of the Environmental Information Regulations 2004.