

# **Customer Complaint Policy**

**May 2013**

# **CUSTOMER COMPLAINTS POLICY**

## **1. INTRODUCTION**

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

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

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

The aim of this policy is to outline a consistent process for dealing with complaints received by the Office. The policy is supported by procedures to be followed in dealing with complaints.

## **2. POLICY STATEMENTS**

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

- a) The Office considers complaints as a means of seeking to improve the service it provides;
- b) The complaints service should be accessible, straight-forward and involve minimum bureaucracy;
- c) All complaints made to the Office will be acknowledged, appropriately investigated and responded to promptly;
- d) The Office is committed to the promotion of equality of opportunity and good relations and has subjected this policy to equality screening;
- e) The Office will ensure that information about the complaints procedure is easily accessible and available in different formats on request. The Office will invite people to inform us of any specific communication needs they might have;
- f) The Office, so far as is practicable, will respect confidentiality;

- g) Complainants will be updated regularly with regard to the progress of their complaint;
- h) All members of staff have a responsibility to adhere to the principles and procedures within this policy;
- i) The Research & Performance Directorate has overall responsibility for all instructions, guidance and procedures for dealing with complaints. It will identify and record complaints, identify any trends relating to complaints and manage any related risks to the operations and reputation of the Office; and
- j) The main objectives of managing complaints are to provide essential feedback in order that the Office can improve the service it provides and ultimately enhance confidence in both the Office and the Police Complaints system.

### **3. WHAT IS A COMPLAINT AGAINST THE OFFICE?**

The Office defines a complaint as:

"An expression of dissatisfaction about the Office, the manner by which it has dealt with your complaint against police, the behaviour of Police Ombudsman staff, the service we provide or poor or inefficient management or administration".

Examples of complaints would be:

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

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

- Dissatisfaction with the Police Ombudsman's policies;
- Legislation which is the responsibility of Ministerial Departments to address;
- Matters that have been investigated through this policy;
- Internal staff complaints – i.e. about internal processes or matter dealt with under the Offices disciplinary procedures;
- Complainants who are considered to be unreasonably persistent or are abusive offensive or threatening.

#### **4. TIME LIMITS FOR RAISING COMPLAINTS**

To help complaint investigation and resolution, complaints will be recorded promptly. The normal time limits we apply for making complaints are:

- Within 12 months of the incident giving rise to the problem;
- Within 12 months of becoming aware that you have cause for complaint, providing that it is not more than 12 months after the incident giving rise to the problem.

We will be flexible and extend these limits if there are good reasons why you did not contact us earlier.

#### **5. OUTCOMES**

These may take the form of:

- An apology – the complainant may receive a full and frank apology where appropriate. An apology is not an invitation to litigate or a sign of systemic organisational weakness;
- An explanation – detail of what happened and/or what went wrong;
- Remedial action – this may include a revision of policy and practice, revising published material, providing training or enhanced supervision of staff, disciplinary proceedings or any combination of these; or
- No further action.

#### **6. FEEDBACK ON THE COMPLAINTS PROCEDURE**

The Research & Performance Directorate will monitor the implementation of any recommendations falling out of complaints and report to Senior Management Team (SMT) twice a year on progress.

A summary of complaints will be provided to SMT on a monthly basis 'for information' and in addition will be a substantive SMT agenda item quarterly.

The Annual Report of the Office will include information regarding complaints

#### **7. UNREASONABLE AND UNREASONABLY PERSISTENT COMPLAINANTS**

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

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\* See guidelines on dealing with abusive people.

This also applies to habitual/persistent people who are unreasonably persistent in contacting the Office regarding the same set of circumstances/complaint and thereby hindering investigation of the complaint.

The Office will take steps to protect staff from such behaviour or unreasonable persistence. The Director of Research & Performance will decide whether to declare a person 'unreasonable' or 'persistent'.

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

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

Whatever action is taken this will be reviewed periodically

## **8. MAKING A COMPLAINT**

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

## **HOW TO CONTACT THE OFFICE OF THE POLICE OMBUDSMAN**

Please write to:

The Director of Research and Performance  
The Office of the Police Ombudsman for Northern Ireland  
New Cathedral Buildings  
11 Church Street  
BELFAST  
BT1 1PG

Telephone: 028 9082 8600  
Fax: 028 9082 8659  
Text phone: 028 9082 8756  
E-mail: [info@policeombudsman.org](mailto:info@policeombudsman.org)  
Website: [www.policeombudsman.org](http://www.policeombudsman.org)

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

## **9. DEALING WITH COMPLAINTS**

All complaints will be considered. (Those of a serious nature or received in writing will be logged by the Research & Performance Directorate.) The complaint will be forwarded to the relevant line manager who will take responsibility as the 'Responding Officer'. There may be circumstances where the complaint will need to be escalated to a higher level for example when the line manager has had significant interaction with the complainant as part of the original case handling.

Where the complaint is about the outcome of an investigation, similarly, the matter will be forwarded to the line manager of the investigating officer.

In circumstances where the line manager has played an active role (for example in signing off the outcome of the investigation/complaint) on the original investigation, the matter will be referred to another person/line manager for independent review and reporting.

Where a complaint relates to a Director, the complaint will be escalated to the Chief Executive.

Where the complaint relates to the Chief Executive, the matter will be dealt with by the Police Ombudsman. Where the complaint relates to the Police Ombudsman, the complainant will be advised to refer the matter to the Department of Justice.

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

## **10. PROCEDURES**

### **STAGE 1: Verbal complaints – Informal resolution**

Where a person requests an update on their complaint or has concerns or queries, such matters will normally be dealt with by immediate telephone response. In most cases these can be dealt with by front line staff/investigator response. Similarly where a person has a query about another aspect of the Office (for example an administrative issue in a recruitment process) such matters should be dealt with in the same way.

All responses will be logged on an appropriate local system (for example Complaint Handling System) but will not be recorded as 'a complaint'.

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

Where a response cannot be provided within 10 working days or is not resolved to the complainant's satisfaction then the complainant will be invited to put their complaint in writing to the Director of Research and Performance. Where a complainant has difficulty in expressing their complaint in writing the Office will formalise the complaint on their behalf.

Complaints of a serious nature will always be dealt with by way of the formal complaints procedure.

### **Written complaints**

When a written complaint is received it will be forwarded to the Research & Performance Directorate immediately. The complaint will be logged and an acknowledgement sent to the complainant detailing the timescale for response and details of the Responding Officer. This will be completed within 3 working days.

Following discussion with the functional Director in whose Directorate the complaint falls, the complaint will be forwarded by the Research & Performance Directorate for investigation by a 'Responding Officer'. If necessary a discussion can be held with Directors, including the Chief Executive as to where and to whom the case should be allocated. However, this will be the exception.

The most effective way of dealing with complaints is for a relevant member of staff within the Directorate to resolve the complaint. It is therefore anticipated that most investigations will be undertaken by the line manager of the person subject of the complaint. If the line manager is named or implicated in the complaint then the next level of manager will be appointed as the Responding Officer and so forth.

The complaint will be dealt with through Stage 2 of the Office complaints procedure.

### **STAGE 2: Formal complaints procedure**

Following written confirmation of a complaint that has not or cannot be informally resolved, is serious in nature or is a new written complaint it will be dealt with under Stage Two of this policy. The matter will be investigated with a view to resolving the matter to the satisfaction of the complainant and in a timely manner.

The Responding Officer will look into the issues raised and provide a full response within 25 working days. In certain cases which may be more complex, it may be necessary to extend the time period for investigation. If this is the case the complainant will be provided with a written or verbal update on the progress of the case and a likely timescale for completion.

The Responding Officer will respond to the complainant. In doing so they will explain:

- Their findings with regard to each aspect of the complaint;
- Whether each aspect is upheld or not and the reasons for their decision; and



- How the complainant can progress the complaint should they be dissatisfied with the outcome (see below).

If the Responding Officer feels it appropriate (perhaps) because of the complex nature of the complaint and/or the potential for adverse complainant/public reaction to the findings they may take the opportunity to discuss the matter with their Director by way of quality assurance of the proposed response.

The completed file and response will be forwarded to the Research & Performance Directorate for filing and administrative purposes.

### **STAGE 3: Appeal**

The purpose of Stage 3 of the procedure is to provide an appeal as to how the complaint has been dealt with by the Office. If the complaint is about the outcome of the original complaint against police/investigation then the Stage 3 process provides a final opportunity for that decision/outcome to be reviewed. Stage 3 matters will be dealt with by the Chief Executive.

Such matters will not normally be considered more than six months following the conclusion of Stage 2.

The Chief Executive will only consider matters that are within the remit of this policy and have been considered at Stage 2.

The Chief Executive will prepare a report on their findings. The report will include:

- Whether the complaint or some aspect of it is upheld in light of the review;
- Whether there are more general observations about the Office's handling of complaints; or
- Whether revision to any Office policies or procedures are required.

The Chief Executive will inform the Ombudsman of all Stage 3 complaints and at the discretion of the Ombudsman, the Ombudsman will undertake Stage 3 of the complaints process.

At the conclusion of the investigation, the Chief Executive will write to the complainant detailing the outcome of the appeal. The decision of the Chief Executive is the final stage of the internal complaints procedure. The Director of Research and Performance will be informed of all Stage 3 complaints together with their outcome and update Office records accordingly.

Stage 3 complaints will be completed within 25 working days. If this is not possible then the complainant will be advised accordingly and provided with a date by which the matter will be completed.

If, after the complaint has been dealt with by the Office, the complainant remains dissatisfied they can write to the Minister of Justice. Complainants however should



be aware that the Minister will consider all complaints of maladministration regarding the Office's actions or inactions which result in a customer experiencing a service which does not match our aims or commitments – but will not deal with complaints about the outcome of an investigation. Where the complaint is about the outcome of a Police Ombudsman investigation it may be possible to pursue the matter by way of judicial review. Complainants may wish to seek advice from a solicitor or the Citizens Advice Bureau in relation to this.

If a complainant feels that they have grounds for a complaint of maladministration they should write to the Minister of Justice at the address given below providing full details of their maladministration complaint including their grounds of complaint together with a copy of the final letter they received from the Police Ombudsman on the matter.

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

