Service complaints policy and procedure

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# Introduction

We are committed to providing a high-quality, transparent and accessible service to everyone we deal with. To do this, we need you to tell us when we get things wrong. We want to help resolve your complaint as quickly as possible.

We handle unhappiness with our service, which calls for a response, as a complaint. We listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our service.

## What this policy covers

This policy covers complaints about the standard of service you should expect from us and the behaviour of our staff in delivering that service. We refer to these complaints as ‘service complaints’.

## Our responsibilities

Our Executive Leadership Team has overall responsibility for this policy. Directors, Heads of Nation and Executive Directors are responsible for making sure we implement and comply with it. We reserve the right to change the policy at any time.

The Senior Principal (Corporate Law and Governance) is accountable to the Executive Leadership Team and the Board for complaints.

Principals, Senior Principals, Directors and Heads of Nation may investigate complaints (as appropriate).

The Information Governance Team advises staff on handling complaints and sends responses out in England and Wales. The Scotland Team handles complaints and sends responses out in Scotland.

All of our staff are responsible for identifying complaints and forwarding them and any other information needed to the Information Governance Team.

We will record your complaints confidentially. For information about what we do with personal data see our [privacy notice](https://www.equalityhumanrights.com/en/contact-us/privacy-notice).

## Reasonable adjustments and alternative formats

Our aim is to make our policy easy to use and accessible for everyone. We will take steps to make any reasonable adjustments needed to access this policy, or any requests to provide responses in other formats.

If you are unable to contact us in writing because of a disability and need a reasonable adjustment, please call us on: 0161 829 8327.

We also provide an [online sign video service for British Sign Language (BSL) users.](https://www.equalityhumanrights.com/en/contact-us/british-sign-language-bsl-online-interpreting-service)

If you would like a response in Welsh, please let us know. We welcome correspondence in Welsh. We will respond in Welsh and this will not cause a delay.

## Advocacy support

Advocacy agencies may be able to support you through the complaint process and help you to express your views and wishes.

If you need support in making a complaint, we are happy to receive your complaint from:

* an advice or advocacy agency
* professionals (such as social workers, community psychiatric nurses, doctors or solicitors)
* MPs, MSPs, Members of the Senedd (MSs) or Aelodau o'r Senedd (ASs) and elected councillors
* family members or friends.

After your advocate has written to us, we will let them know if we need your consent for us to speak to them.

Lists of advocacy providers to contact, can be found from:

* [Citizens Advice](https://www.citizensadvice.org.uk/health/nhs-and-social-care-complaints/complaining-about-the-nhs/who-you-can-go-to-when-you-have-a-problem-with-the-nhs/organisations-that-can-help-you-make-a-complaint-about-health-services/)
* [Learning Disability England](https://www.learningdisabilityengland.org.uk/wp-content/uploads/2019/01/list-for-LDE16690.pdf)
* [Mind](https://www.mind.org.uk/information-support/guides-to-support-and-services/advocacy/useful-contacts/)
* [Scottish Independent Advocacy Alliance](https://www.siaa.org.uk/find-advocate/)
* [Public Services Ombudsman for Wales](https://www.ombudsman.wales/advocacy-template/?emergency=1).

# Stage 1: Informal complaint

Where issues are simple and we accept we have done something wrong, we may not need a formal investigation. We can say sorry, try to put things right and / or learn from our mistake. Where this is an option, we will do this promptly and within 10 working days.

Any member of staff can deal with a complaint informally (including the person being complained about) and offer an on-the-spot apology. If the complaint is simple but the person who received the complaint cannot handle it because they are unfamiliar with the issue, they will pass it on to someone who can as soon as possible.

Examples of stage 1 informal complaints

* We are late in replying to you or you haven’t received a response.
* You aren’t sure whether you’ve received a response but we can see from your file that you have and it may have gone to your spam folder.
* You are unhappy with something our staff said and they agree they could have said it in a better way.

If we apologise on the phone or face-to-face, we won’t usually follow up with an email (although individual members of staff may decide to).

If you are still not happy or we don’t feel that the complaint is easily dealt with informally, you can make a formal complaint using stage 2 (see [Stage 2: Formal complaint](#_Stage_2:_Formal)).

# Stage 2: Formal complaint

A complaint will be escalated to this stage when:

* stage 1 was attempted but you remain dissatisfied
* the issues are complex or require detailed investigation, or
* the complaint relates to issues that have been identified as serious.

## Making a stage 2 formal complaint

You can make a formal complaint:

* **by email:** [complaints@equalityhumanrights.com](mailto:complaints@equalityhumanrights.com)
* **by post**:

The Equality and Human Rights Commission

Information Governance Team

Arndale House

Arndale Centre

Manchester

M4 3AQ

When making your complaint please include:

* your name and address (an email address will do)
* what your complaint is about, and
* any other requirement (for example, if you need your response sent in Welsh, or by post rather than email).

Please try to be as clear as possible. This will help us understand your complaint and respond to you promptly. If a complaint is unclear, we may ask you for more information to help us to understand. If you do not provide the information we need when asked, we may not be able to help you.

## Timescales

If you want to make a formal complaint, then you should do so within three months of the matter you wish to complain about. Waiting longer could make it difficult to look at your complaint and mean that we aren’t able to unless we think there are exceptional circumstances. Examples of exceptional circumstances include:

* you’ve only just found out about the problem
* you need an extension as a reasonable adjustment, and
* ill health, bereavement or other serious personal circumstance.

We aim to send a full response within 20 working days of receiving your complaint. If we need to contact you for further clarification, or your advocacy agency for consent, the 20 working days will start from the date we get the information we need. If we are not able to meet this deadline, we will tell you and let you know when we are likely to be able to respond to your complaint.

## Initial assessment

We will decide whether the issue is a service complaint or whether your complaint needs to be handled in another way.

### Covered by another policy or process

If your complaint is covered by another policy or process, we will send it to the correct team to handle and write to explain that to you.

Examples include:

* where there is an another appeal method set out in the Equality Act 2006
* where our legal review process applies
* a request for information or review under data protection or freedom of information laws
* an employment grievance about us, and
* where a court or tribunal has already heard the issue.

Examples of complaints covered by another process

* We refused to fund a case using our Equality Act powers and the individual’s solicitor asks us to review that decision.
* An individual complains that we haven’t provided all of the information we hold about them under data protection laws.

### Feedback

If your complaint isn’t a service complaint and doesn’t fall within any of our other policies, we will treat it as feedback.

When you provide feedback, this information helps us to understand more about the equality and human rights issues people are currently experiencing and / or people’s views on our work or policies. This can help shape our future work, even if we are unable to take immediate action on the issue you raise.

Some examples of things we will be treat as feedback are:

* dissatisfaction with the type of work that we do or the policy or regulatory decisions we make
* comments about our policies or policy decisions
* complaints about being signposted by us to the [Equality Advisory and Support Service](http://www.equalityadvisoryservice.com) (EASS) for advice, information or guidance on equality, discrimination or human rights issues
* complaints about us refusing funding or requests for legal advice or assistance from an individual, and
* complaints about us not updating individuals or taking action in response to concerns that an organisation is breaching equality or human rights law.

Examples of complaints we will treat as feedback

* Someone writes to us and says they don’t agree with our strategic plan or business plan work.
* Someone writes to us and says they don’t think we should have investigated an organisation.
* Someone writes to us and says, because we investigated an organisation, we should investigate its competitors.
* Someone writes to us and says they are unhappy that we won’t consider funding their legal case and that we’ve signposted them to the EASS.

If we consider your complaint to be feedback, our Correspondence Team will:

* make a record of the feedback, if appropriate
* pass it onto the relevant team, and
* write to you to explain this and signpost you to the Parliamentary and Health Service Ombudsman (PHSO) (see [Stage 3: PHSO](#_Stage_3_–)).

### Reasons we may refuse your complaint

If your concern is about the actions or service of a different organisation and we have no involvement in the issue, we will refuse your request and signpost you to the other organisation to complain.

There are also situations where we may decide that we won’t look into your complaint further, even though it is a ‘service complaint’. These include:

* attempts to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given you our final decision
* where we have already looked into the matter for you under another process
* anonymous complaints
* where the time-limit for complaining has passed, and
* if we think the complaint is unreasonable (please see [our unacceptable and unreasonable behaviour policy](https://www.equalityhumanrights.com/en/contact-us/complaint-policy-and-procedure/unacceptable-and-unreasonable-behaviour-policy)).

Examples of situations where we may refuse your service complaint

* An individual writes to us about something that happened years ago that was handled as a complaint at the time but that they want re-opened.
* An individual writes to us to say they are unhappy that we didn’t respond to them in time but doesn’t tell us their name. We will ask for the information we need to open a complaint but cannot continue if we don’t have enough information to investigate it properly.

If we are refusing to investigate further, we will explain this to you and signpost you to the PHSO (see [Stage 3: PHSO](#_Stage_3_–))

## Acknowledging the complaint

If we think the service complaint should be investigated under stage 2 of this policy, we will acknowledge the complaint within 5 working days of receiving it.

## Investigation

We will decide which member of staff will look into your complaint in more detail. They will handle your complaint fairly and you can expect to be treated with courtesy, respect and fairness. Where possible, they will be someone who has not been involved before.

Complaints about the service being provided by a member of staff or team will usually be considered by, or passed to, the relevant manager. The manager should attempt to resolve these concerns. Where we are at fault, this could involve apologising for a delay, arranging appropriate forms of contact or explaining how improvements will be made.

Our CEO and Chair will not respond to your service complaint personally, even if you write to them directly. They have delegated the responsibility for handling service complaints, in line with this policy.

## Outcome

We will give a fair and balanced description of what happened and what conclusions we have reached on your complaint.

It is possible that there will be parts of the complaint that fall within this policy (service complaints) and others that don’t. Where this is the case, we will be clear with you in our response about what we could and couldn’t investigate.

If we are able to put things right, we will try to. If we can’t put things right, we will be open and honest, say sorry, explain what went wrong (and why) and try to improve in the future.

# Stage 3: Parliamentary and Health Service Ombudsman

If you have reached the end of our internal process and are still not happy with our response, or we haven’t replied to your complaint in time, you can ask to have your complaint reviewed by the [Parliamentary and Health Service Ombudsman](http://www.ombudsman.org.uk/) (PHSO). The PHSO is independent of us and can look into service failure or maladministration on our part.

It's a good idea to get your complaint to the PHSO as soon as possible after you have had a final response from us. This is because there are time limits for making your complaint to the PHSO that are set out in law.

You can only refer your complaint to the PHSO through your [Member of Parliament (MP)](http://findyourmp.parliament.uk/). You can complete [the PHSO's complaint form](https://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms) and ask an MP or their office to sign it. You can also contact the PHSO by post or telephone:

**By post:**  Millbank Tower, Millbank, London SW1P 4QP

**Telephone:**  0345 015 4033

You can find more [information about making a complaint on the PHSO’s website](https://www.ombudsman.org.uk/making-complaint#complaint-checker).

# Contacts

This publication and related equality and human rights resources are available from [our website](http://www.equalityhumanrights.com).

Questions and comments regarding this publication may be addressed to: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com). We welcome your feedback.

For information on accessing one of our publications in an alternative format, please contact: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com).

Keep up to date with our latest news, events and publications by [signing up to our e-newsletter](https://www.equalityhumanrights.com/en/newsletter-sign).

**EASS**

For advice, information or guidance on equality, discrimination or human rights issues, please contact the [Equality Advisory and Support Service](http://www.equalityadvisoryservice.com), a free and independent service.

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 19:00 (Monday to Friday)

10:00 to 14:00 (Saturday)

Post FREEPOST EASS HELPLINE FPN6521

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