



Complaints Handling Manual

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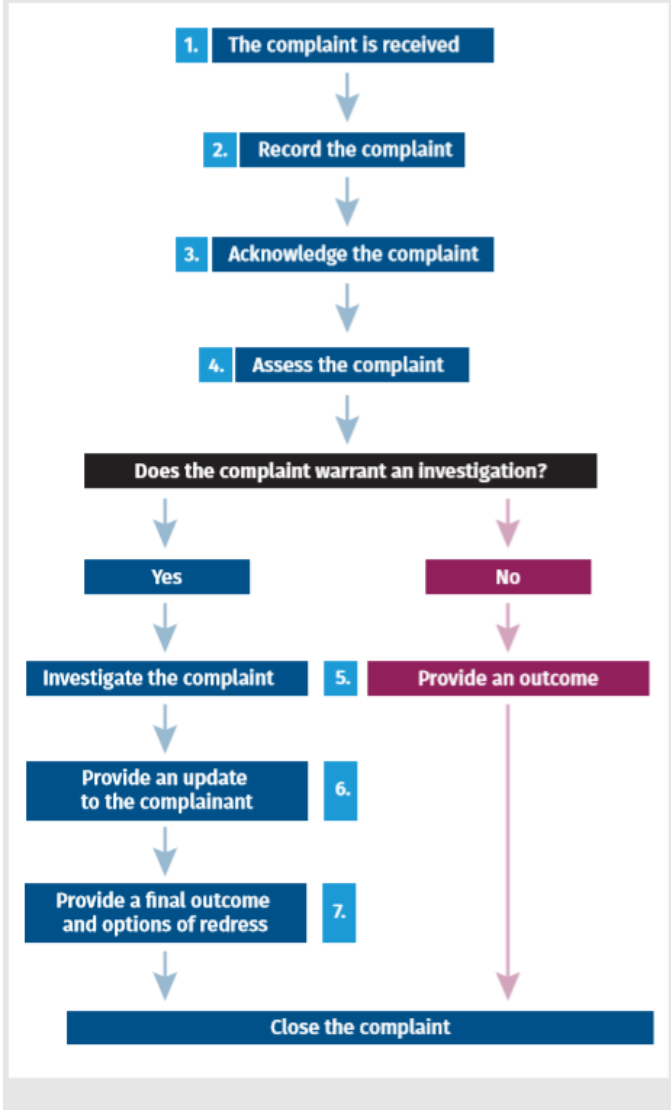
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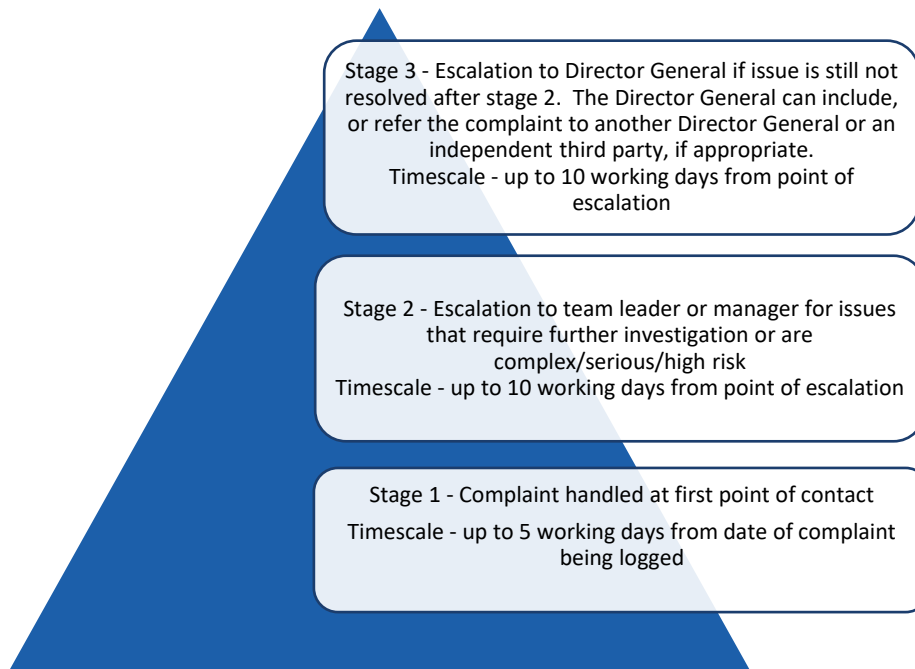
Introduction

1. The Complaints Handling Manual (complaints handling process) is in place to ensure that all complaints are dealt with in line with the Government of Jersey's [Customer Feedback Policy](#). It also ensures that all complaints are recorded within the [Customer Feedback Management System](#) (CFMS). CFMS is the cross GOJ system for complaints recording, although Health and Community Services use a health specific system called Datix. When this manual refers to CFMS, it covers Datix if in HCS.
2. Our complaints handling process aims to provide a quick, simple and streamlined process for responding to complaints early by capable, well-trained staff. Where possible, we will **resolve** the complaint to the customer's satisfaction. Where this is not possible, we will give the customer a clear and reasoned response to their complaint.
3. If a complaint is received from a customer verbally at the point of service, if at all possible the staff member receiving the complaint should seek to resolve the issue there and then. This is better for the customer and also saves time. However, even when a complaint is resolved at the point of service it should still be recorded on the CFMS. This would be considered a stage 1 complaint that would be marked as resolved and closed immediately.
4. Anyone can make a complaint, either verbally or in writing, including face-to-face, using the online form, by phone, letter or email.

5. Complaints that are not resolved at the point of service should be resolved using the steps below, which are explained further throughout this document:



6. If required, complaints should be escalated in a timely manner, in line with our [Customer Feedback Policy](#):



Receiving a complaint

7. All complaints should be logged on the [CFMS](#) as soon as possible, and an acknowledgement of receipt given to the customer within 2 working days. An acknowledgement lets the customer know that their complaint has been picked up, who is looking into it, and the timescales for the investigation. It does not require comment on the complaint or likely outcome of investigation – it is a means of making sure the customer knows what is happening.
8. We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact where they have specified this (e.g. phone, email etc).
9. Members of staff receiving a complaint should consider **four key questions**. This will help them to try and resolve and respond to the complaint quickly (at stage 1) or determine whether the complaint needs to be escalated to stage 2:

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

10. It is important to be clear about exactly what the customer is complaining about. We may need to ask the customer for more information and probe further to get a full understanding of the situation and the experience they've had.
11. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints - 12 months after a service has been received)- confidentiality, anonymity, or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.
12. If the matter is not suitable for handling as a complaint, we will explain this to the customer and signpost the customer to other processes as appropriate e.g. Freedom of Information request or staff grievances. There is detailed guidance on this step in **What is a complaint?**.
13. In most cases, this 'investigation step' will be straightforward. If it is not, the complaint may need to be progressed immediately to stage 2 (see **Stage 2:**).

What does the customer want to achieve by complaining?

14. At the outset, we will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to understand further to find out what they expect, and whether we can give them a satisfactory outcome.

Can I achieve this, or explain why not?

15. If a staff member handling a complaint can achieve the expected outcome, for example by providing an immediate apology or explain why they cannot achieve it, they should do so.
16. The customer may expect more than we can provide. If so, we will tell them as soon as possible.

17. Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1 Complaints**).

If I cannot respond, who can help?

18. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.

19. If it is not a simple and straightforward complaint that can realistically be closed within five working days, it should be escalated immediately to stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, it should be escalated immediately to stage 2. See **Stage 2:** .

20. You should escalate the complaint using the CFMS. If you are unfamiliar with CFMS your Section Feedback Manager can show you how to use the system.

Resolving the complaint

21. A complaint is **resolved** when a full investigation has been carried out and the customer has been provided with a response to all of the issues they raised. As part of this investigation, we will determine if the complaint is upheld (we are at fault) or not upheld (we are not at fault).

The customer may however not agree with the outcome and choose to escalate the complaint to the next stage. If a complaint has exhausted all three stages of the policy and the customer remains dissatisfied with the response provided they can refer their complaint to the [States Of Jersey Complaints Board](#) within 12 months of resolution.

22. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.

23. A complaint may be resolved at any point in the complaints handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

24. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint, such as mediation if this is considered appropriate for the situation.

25. To resolve a complaint, appropriate options for redress should be considered. Options for redress include but are not limited to:

- saying sorry
- explaining why things happened in the way they did,
- putting right what went wrong

26. Where a complaint is resolved there must be a clear record on CFMS of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases, it may still be appropriate to continue looking into the issue internally, for example where there is evidence of a wider problem or potential for useful learning see **Learning from complaints**.

27. In all cases, we must record the complaint outcome (resolution provided) and any action taken. We should signpost the customer to stage 2 or stage 3 in case they do not feel that their complaint has been resolved to their satisfaction at Stage 1 or 2.

28. If the customer and the department are not able to agree a resolution, we must provide a clear and reasoned response to each of the issues raised as set out in this document.

29. Re-assigning a case

- a. When re-assigning a case to another section or department in CFMS the person re-assigning the case is responsible for e-mailing the DFM of the department the feedback is being sent to to inform them that the case has been reallocated to them. This email should then be attached to the case in CFMS.
- b. As soon as the new DFM has received the reassigned case they are then responsible for ensuring it is correctly allocated within their department to the appropriate Section Feedback Manager

- c. If the original DFM has not sent an acknowledgement to the customer within the SLA of 2 working days from submission, , it is the 'new' DFM's responsibility to ensure the customer is contacted immediately and that this is also recorded in CFMS.

30. Multi Departmental Complaints

- a. Where a complaint relates to more than one department it should be logged in CFMS as two separate cases and assigned to each individual department.
- b. The Customer Feedback Manager will act as the sole point of contact for the customer but each department involved is responsible for investigating their portion of the complaint and for keeping CFMS updated throughout
- c. In the event that a meeting is required between the department and the customer the Customer Feedback Manager should support both parties in arranging this and attending where possible for quality assurance purposes.

Stage 1 Complaints

31. For the purposes of this document 'Stage 1' complaints can be received in person, online, by email, by letter, or over the telephone. Complaints handled at this stage do not have to be received at the same time that the service is received.
32. Stage 1 complaints should be responded to quickly (within five working days) as they are straightforward complaints that require little or no investigation.
33. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
34. We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future see **Learning from complaints**. If we consider an apology is appropriate, best practice guidance on how to make an apology can be found in **Appendix 7 – Saying Sorry – Guidance for Apologies**.
35. **Appendix 3 – Complaints** gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.
36. Complaints which are not suitable for stage 1 resolution should be identified early and handled immediately at stage 2.

Notifying staff members involved

37. If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly for example where it is clear that an apology is warranted).
 - a. If the original DFM has not sent an acknowledgement to the customer within the SLA of 2 working days from submission, , it is the 'new' DFM's responsibility to ensure the customer is contacted immediately and that this is also recorded in CFMS.

Timelines

38. Stage 1 complaints must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday). This applies to all complaints at this stage, whether they have been received in person, online, by email, by letter, or over the telephone.
39. The date that the complaint is received must be recorded correctly on the CFMS.

Extension to the timeline

40. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager (usually the Department Feedback Manager) and recorded on CFMS. We will tell the customer about the reasons for the extension, and when they can expect a

response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).

41. If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.
42. **Appendix 1 - Timelines** provides further information on timelines.

Closing a complaint at the Stage 1 stage.

43. If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to). When closing the complaint we must:
- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
 - explain the reasons for our decision (or the agreed action taken to resolve the complaint, or the agreed action taken to resolve the complaint (see **Resolving the complaint**); and
 - explain to the customer that they can escalate the complaint to Stage 2 if they remain dissatisfied, and how to do so (we should not signpost to the States of Jersey Complaints Panel until the customer has completed **Stage 3 Complaint**).
44. We will keep a full and accurate record of the decision provided to the customer on the CFMS. If we are not able to contact the customer by phone, or speak to them in person, or where their preferred contact method is in writing, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.
45. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
46. The complaint should then be closed and the CFMS record updated accordingly.
47. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See **Learning from complaints**.

Stage 2: Escalation

48. Not all complaints are suitable for Stage 1 and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:
- the customer is dissatisfied with the Stage 1 outcome or refuses to engage at Stage 1, insisting they wish their complaint to be investigated further. Unless exceptional circumstances apply, the customer must escalate the complaint within 12 months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see **Timelines**)
 - the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
 - the complaint relates to serious, high-risk or high-profile issues (see **Serious, high-risk or high-profile complaints**).
49. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint.
50. Details of the complaint must be recorded on the CFMS. Where appropriate, this will be done as a continuation of Stage 1. The officer responsible for Stage 2 should have access to all case notes and associated information.
51. The officer now responsible for managing this complaint should make contact with the complainant to advise them of the current stage, and acknowledge the escalation in a format that is accessible to the customer, taking into account their preferred method of contact.
52. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful, this may include mediation if considered appropriate to the case.

Acknowledging the complaint

53. Complaints must be acknowledged within 2 working days of receipt at stage 2.
54. An acknowledgement must be sent to the customer at every stage of escalation.
55. We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact. An acknowledgment can be made by telephone, letter, or email and must be recorded in the CFMS.
56. At a minimum the acknowledgement should include: the Case ID from the CFMS, the date of escalation, and contact details of the officer responsible for managing the complaint.
57. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree. See **Agreeing the points of complaint and outcome sought**.
58. Where the points of complaint and expected outcomes are not clear, we must tell the customer we will contact them to discuss this.

Agreeing the points of complaint and outcome sought

59. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.
60. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint (see **Acknowledging the**).
61. Where the points of complaint and outcome sought are not clear, we must contact the customer to check and confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer we should be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer within the CFMS case.

62. In all cases, we must have a clear shared understanding of:

- **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). See **Appendix 6 – Dealing with unreasonable persistent behaviour and vexatious feedback**, bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **What if the issues raised are things we can't consider under the Customer Feedback Policy?**

We must explain if there are any points that are not suitable for handling under the complaints handling process (see **What to do if the complaints handling process does not apply**).

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

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

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

It may be that the customer expects more than we can provide or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

Notifying staff members involved

63. If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s involved (including where the staff member is not named but can be identified from the complaint). We will:
- share the complaint information with the staff member/s (unless there are compelling reasons not to)
 - advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
 - discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
 - signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).
64. If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met.

Investigating the complaint

65. It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:
- what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
 - what should have happened? (this should include any relevant policies or procedures that apply); and
 - is there a difference between what happened and what should have happened, and is the Department responsible?
66. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).
67. If we need to share information within or outside of with the organisation, we will be mindful of our obligations under data protection legislation. See **Maintaining confidentiality and data protection**.
68. Useful resources for conducting investigations, include:
- **Appendix 4 – Investigation Plan Template**
 - [Decision-making tool for complaint investigators](#)

Meeting with the customer during the investigation

69. To effectively investigate the complaint, it may be necessary to arrange a meeting/discussion with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within **10 working days** wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.
70. As a matter of good practice, a written record of the investigation meeting (if held) should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting. This summary may form part of the overall response to the complaint. The record of the meeting should also be saved in the CFMS.

Timelines

71. The following deadlines are appropriate to cases at the Stage 2 (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):
- a full response to the complaint should be provided as soon as possible but not later than **10 working days** from the time the complaint was escalated to Stage 2.

Extension to the timeline

72. Not all investigations will be able to meet this deadline although extensions should only be in exceptional circumstances. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 10 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.
73. Any extension must be approved by the Departmental Feedback Manager. We will keep the customer and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member/s of staff complained about at least once every **10 working days** to update them on the progress of the investigation.
74. The reasons for an extension might include the following:
- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but the person is not available because of long-term sickness or leave
 - we cannot obtain further essential information within normal timescales; or
 - the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

75. **Appendix 1 - Timelines** provides further information on timelines.

Closing the complaint at Stage 2

76. The response to the complaint must be clearly communicated to the customer. We should take account of the customer's preferred method of contact where possible. Usually at stage 2, a written response is appropriate and this must be signed off by a manager or officer who is empowered to provide the final response on behalf of the Department. In some cases it may be appropriate for a meeting (face to face or over the phone) to resolve the matter and communicate the outcome of the complaint, although customer agreement would be needed if it was not followed up with a written summary. The response and/or meeting notes should be documented on CFMS.
77. We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:
- be clear and easy to understand, written in a way that is person-centred and non-confrontational
 - avoid technical terms, but where these must be used, an explanation of the term should be provided
 - address all the issues raised and demonstrate that each element has been fully and fairly investigated
 - include an apology where things have gone wrong (this is different to an expression of empathy: see **Appendix 7 for useful guidance on apologies**)
 - highlight any area of disagreement and explain why no further action can be taken
 - indicate that a named member of staff is available to clarify any aspect of the letter; and
 - indicate that if they are not satisfied with the outcome of the local process, they may seek escalation to the Director General (Stage 3).
78. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint but should instead confirm the resolution agreed. See Error! Reference source not found..
79. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
80. We will record the decision, and details of how it was communicated to the customer, on the CFMS.
81. Useful guidance on responding to a complaint is available here:
- Appendix 5 – Template Decision Letter**
Appendix 7 – Saying Sorry – Guidance for Apologies
82. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See **Learning from complaints**.

Stage 3 Complaint

83. If the complaint remains unresolved following the investigation it should be escalated to Stage 3, the Director General in accordance with the Customer Feedback Policy.
84. The following deadlines are appropriate to cases at the Stage 3 (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):
 - a full response to the complaint should be provided as soon as possible but not later than **10 working days** from the time the complaint was escalated to Stage 3.
85. Details and outcomes of the investigation should be presented in a summary report to the Director General by the Departmental Feedback Manager.
86. The Director General may choose to delegate a case to a Group Director to manage. If required in order to avoid conflict of interest, the Director General may refer the case to another Director General or an independent third party.
87. During Stage 3 the Departmental Feedback Manager will be responsible for ensuring that the case continues to be updated within the CFMS.

Signposting to the States of Jersey Complaints Panel

88. Once all 3 stages have been completed, the customer has the right to approach the States of Jersey Complaints Panel (SOJCP) if they remain dissatisfied. We must make clear to the customer:

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

89. The SOJCP considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SOJCP looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. All investigation responses must signpost to the SOJCP.

Post-closure contact

90. If a customer contacts us for clarification when they have received our final response, we may have further discussion with the customer to clarify our response and answer their questions. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SOJCP.

When to use this manual

What is a complaint?

91. The Government of Jersey's definition of a complaint is: An expression of dissatisfaction about the organisation, its products, services, staff or its administration.
92. For clarity, where an employee also receives a service from [the organisation] as a member of the public, they may complain about that service.
93. In line with our [Customer Feedback Policy](#) the complaints dealt with under this manual may relate to the following:
- the standard of service we provide
 - how we administer services and the processes we use
 - the advice we have given
 - the behaviour of our staff
 - any action or lack of action by staff affecting a customer or group of customers of the department, and
 - policy or Law
94. In line with our [Customer Feedback Policy](#), the complaints handling process does not cover the following, which should all be dealt with in line with the relevant policy and procedure:
- feedback about services that were provided over 12 months prior to the feedback being received
 - staff grievances (see [here](#))
 - whistleblowing (see our [whistleblowing Policy](#))
 - code of conduct complaints (see our [code of conduct](#))
 - responses to requests for feedback given as part of a consultation process
 - requests for information made under the Freedom of Information (Jersey) Law 2011 (further information about making a Freedom of Information request can be found [here](#))
 - Subject requests made under the Data Protection (Jersey) Law 2018 (further information about making Subject requests can be found [here](#))
 - matters that are the subject of current or past legal action
 - disagreements with decisions where a formal right of review and/ or appeal exists
 - complaints about General Practitioners
 - complaints about Crown Officers and complaints about the Law Officers Department (further information about making a complaint about the Law Officers Department can be found [here](#))
 - complaints about decisions or conduct of the Viscount, the Deputy Viscount or the Judicial Greffier in the performance of their functions (further information about making a complaint about the Viscount, the Deputy Viscount or the Judicial Greffier can be found [here](#))
 - complaints about States Members or, the Greffier or Deputy Greffier of the States (further information about making a complaint about the conduct of States Members or, the Greffier or Deputy Greffier of the States can be found [here](#))
 - complaints about the decisions made by, and statutory services provided by the Superintendent Registrar
 - complaints about States of Jersey police officers and organisational complaints about the States of Jersey Police, and

- complaints that fall under the remit of the Health and Safety Inspectorate or Trading Standards.

95. We will not treat these issues as complaints, and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

96. If a matter is not a complaint, or not suitable to be handled under this procedure, we will explain this to the customer, and tell them what (if any) action we will take, and why. See **What to do if the complaints handling process does not apply**.

Who can make a complaint?

97. Anyone who receives, requests, or is affected by our services can make a complaint. This is not restricted to 'service users' and their relatives or representatives, but may also include people who come into contact with or are affected by these services, for example people who live in close proximity to where a service is being carried out. In this manual these people are termed 'customers', regardless of whether they are or were using a service.
98. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

Supporting the customer

99. All members of the community have the right to equal access to our complaints policy. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.
100. We have a duty to make our complaints service equally accessible to all.

For example:

- helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
 - helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Citizen's Advice Bureau and the Office of the Children's Commissioner); and
 - providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).]
101. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

How complaints may be made

102. Complaints may be made verbally or in writing, including face-to-face, by phone, via our website, by letter or email.
103. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised and this will be saved within the CFMS. We should not direct a customer who wants to make a complaint verbally, to log it on the online form. The person receiving the complaint should listen, take notes, resolve if they can, and record direct into CFMS.
104. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Maintaining confidentiality and data protection**.

Time limit for making complaints

105. The customer must raise their complaint within 12 months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
106. Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:
- within 12 months of when they first knew of the problem; or
 - within two months of receiving their stage 1 response (if this is later).
107. Where a customer has received a stage 2 response, and wishes to escalate to stage 3, unless there are special circumstances they must request this either:
- within 12 months of when they first knew of the problem; or
 - within two months of receiving their stage 2 response (if this is later).
108. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.
109. We will also take account of the time limit within which a member of the public can ask the States of Jersey Complaints Panel to consider complaints (normally one year).

Particular circumstances

Complaints by (or about) a third party

110. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.
111. If a complaint is being made on behalf of a customer, this must be recorded in the CFMS by ticking the 'on behalf of' check box.
112. The provision of a signed consent form or letter where appropriate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the customer to deal with a third party and would normally follow up in writing to confirm this. In all cases, the relevant departmental procedures should be followed.
113. Where consent is given by a person who has capacity, the person giving the consent must be informed that:
- all records held in the relevant department/s may be accessed in order to find relevant information for the complaint
 - relevant information from their records will be accessed by people investigating their complaint
 - where a complaint refers to Health and Community Services, relevant information from their records may be shared with clinicians and others not directly involved in their treatment
 - information may be shared across the Government of Jersey as part of the process
 - information relating to the complaint will not be added to their record and there will be no impact on services
114. In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.
115. Consent is not required if a complaint is being made in the name of:
- a deceased person
 - someone who lacks the [capacity](#) to make their own decisions
 - a [non-Gillick competent child](#)

Serious, high-risk or high-profile complaints

116. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior

management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at **Stage 2: Escalation**.

117. We define potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to our operations
- present issues of a highly sensitive nature, for example concerning:
 - immediate homelessness
 - a particularly vulnerable person
 - child protection, or
 - adult protection.

Anonymous complaints

118. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by the relevant Section Feedback Manager.

119. All anonymous complaints should be recorded on the CFMS as an anonymous complaint, together with any learning from the complaint and action taken.

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

What if the customer does not want to complain?

121. If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the complaints handling process. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

122. If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint within the CFMS (without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

123. Please refer to the example in **Appendix 3 – Complaints** for further guidance.

Complaints involving more than one area or organisation

124. If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.
125. The lead Department will be allocated the case in the CFMS, any other departments involved should be flagged as 'linked departments' in CFMS.
126. If a customer complains to us about the service of another organisation or service provider outside of the Government of Jersey, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.
127. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint through the complaints handling process. If we need to contact an outside body about the complaint, we will be mindful of data protection. See **Maintaining confidentiality and data protection**..
128. Such complaints may include:
- a complaint made to us where the customer's dissatisfaction relates to the service we have provided and the service that a third-party provider that we have an interest in has provided, or
 - a complaint made to us about the length of time taken to respond to a telephone enquiry, when the phone call was handled by one department and the service was delivered by another.

Complaints about contracted or commissioned services

129. We may use external organisations to deliver certain services. They are 'arm's-length' because the Government retains a degree of control or influence, usually through a funding agreement, and 'external' because they have a separate identity to the Government. An example might be a charitable organisation delivering services on our behalf.
130. Where we use an external organisation or contractor to deliver a service on our behalf, we recognise that we remain responsible and accountable for ensuring that the services provided meet the Government's standard (including in relation to complaints).
131. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.
132. The Government has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

Complaints about senior staff

133. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out

clear procedures for handling such complaints. For example, bringing in an external independent investigator to manage the case.

Complaints and other processes

134. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

Complaints and service requests

135. If a customer asks us to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

136. Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

Complaints and disciplinary or whistleblowing processes

137. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

138. Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether the Department has failed to meet expected standards and what we have done to improve things, in general terms.

139. Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the complaints handling process in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
- we keep records of the investigation that can be made available to the States of Jersey Complaints Panel if required. This can be problematic when the other process is confidential, because the Complaints Panel will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the States of Jersey Complaints Panel).

Contact from elected Members of the States Assembly

140. When contact is made by an elected Member of the States Assembly it should not always be treated as a complaint. It is important to distinguish between an enquiry that is being made in order to clarify a process or provide advice to constituents, and a complaint that is being made on behalf of a constituent. If an elected Member of the States Assembly is contacting a department on behalf of a constituent, we should follow our usual processes for obtaining consent to share personal data, data protection principles and relevant policies should also continue to be applied.

141. Where a matter is being dealt with as a complaint, it must be handled in line with this complaints handling process.

Complaints made to Ministers

142. Any complaints made to Ministers, or received via the Ministerial Liaison Unit, should be handled in accordance with the Customer Feedback Policy and in line with this complaints handling process.

143. Officers working in the Ministerial Liaison Unit should log the complaints received by Minister on the CFMS.

Complaints and compensation claims

144. Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

Complaints and legal action

145. Where a customer says that legal action is being actively pursued, this is not a complaint.

146. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the complaints handling process.

147. If an issue has been, or is being, considered by a court, we **must not** consider the same issue under the complaints handling process.

What to do if the complaints handling process does not apply

148. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits or the issue falls outside of the scope of the Customer Feedback Policy and is referred to another process), we will explain to the customer why we have made this decision. Refer to **What is a complaint?** for further definitions of what is considered as a complaint under our Customer Feedback Policy. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the States of Jersey Complaints Panel if they disagree with our decision not to respond to the issue as a complaint.
149. Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the States of Jersey Complaints Panel. We may also consider whether we need to act under our procedure for handling unreasonable behaviour. See **Appendix 6 – Dealing with unreasonable persistent behaviour and vexatious feedback**

Roles and responsibilities

150.

Who?	Commitment	How?
Chief Executive Officer	Responsible for ensuring that policy is implemented, and customer feedback has been acted upon across departments of the Government of Jersey.	<p>Report publicly on the Government of Jersey's handling of customer feedback.</p> <p>Regularly review and respond to reports about customer feedback trends and issues arising from complaints.</p>
Directors General	Promote a culture that values feedback, continuous improvement, and the effective resolution of complaints.	<p>Provide regular reports to Ministers about customer feedback and the outcomes of customer complaints.</p> <p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review and respond to reports about customer feedback trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to customer feedback and assist those responsible for handling complaints to resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for product, service, staff and complaint handling improvements arising from the analysis of complaint data.</p>
Departmental Senior Management Teams	Promote a culture that values feedback, continuous improvement, and the effective resolution of complaints.	<p>Provide adequate support and direction to key staff responsible for handling complaints.</p> <p>Regularly review and respond to reports about customer feedback trends and issues arising from complaints.</p> <p>Encourage all staff to be alert to customer feedback and assist those responsible for handling complaints resolve them promptly.</p> <p>Encourage staff to make recommendations for system improvements.</p> <p>Recognise and reward good complaint handling by staff.</p> <p>Support recommendations for product, service, staff and complaint handling improvements arising from the analysis of complaint data.</p>

<p>Group Director Customer Services</p>	<p>Senior Leader with overarching responsibility within the organisation for the management of customer feedback</p>	<p>Receive and review regular reports on customer feedback trends and issues arising from complaints across the organisation.</p> <p>Work with other Senior Managers to review departmental trends and issues arising from complaints within departments.</p> <p>Work with other Senior Managers to recognise potential hot spots and ensure that action is undertaken to improve services.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p>
<p>Customer Feedback Manager</p>	<p>Establish and manage our feedback management system.</p>	<p>Provide regular reports to the Group Director Customer Services on customer feedback trends and issues arising from complaints across the organisation.</p> <p>Prepare reports for departmental Senior Management Teams highlighting departmental trends and issues arising from complaints within departments.</p> <p>Work with departments to identify potential hot spots and ensure that action is undertaken to improve services.</p> <p>Recruit, train and empower staff to resolve complaints promptly and in accordance with Government of Jersey's policies and procedures.</p> <p>Encourage staff managing complaints to provide suggestions on ways to improve the organisation's complaint management system.</p> <p>Encourage all staff to be alert to complaints and assist those responsible for handling complaints resolve them promptly.</p> <p>Recognise and reward good complaint handling by staff.</p>

<p>Department Feedback Manager</p>	<p>Ensures department compliance to the customer feedback policy.</p>	<p>Work with advisors Section Feedback Managers and senior managers to ensure that customer feedback is handled in accordance with the guidelines set within the customer feedback policy.</p> <p>Promotes the benefits of good complaint handling and share examples of best practise.</p> <p>Ensure feedback items are appropriately assigned to the correct sections and/or responsible team members.</p> <p>Identify, manage and escalate (where appropriate) feedback cases that have not met prescribed service level agreements.</p> <p>Work with Customer Feedback Manager and section feedback managers to identify and target improvement opportunities and training/quality issues.</p> <p>Ensure teams are aware of mandatory customer feedback handling training</p>
<p>Section Feedback Manager</p>	<p>Ensures section compliance customer feedback policy.</p>	<p>Work with advisors and department feedback managers to ensure that customer feedback is handled in accordance with the guidelines set within the customer feedback policy.</p> <p>Ensure timely and appropriate solutions to complaints.</p> <p>Ensure team members complete customer feedback handling training.</p> <p>Work with advisors and Department Feedback Managers to identify and implement improvement opportunities.</p> <p>Ensure feedback items are appropriately assigned to the correct sections and/or responsible team members.</p> <p>Highlight additional training requirement to Department Feedback Manager and Customer Feedback Manager.</p>

		<p>Ensure feedback items are appropriately assigned to the correct sections and/or responsible team members.</p> <p>Highlights additional training requirement to Department Feedback Manager and Customer Feedback Manager</p>
Staff whose duties include handling customer feedback	Demonstrate exemplary practices in handling customer feedback.	<p>Treat all people with respect, including people who make complaints.</p> <p>Assist people to give feedback, if needed.</p> <p>Comply with this policy and its associated procedures.</p> <p>Keep informed about best practice in complaint handling.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Provide suggestions to management on ways to improve the organisation's feedback management system.</p> <p>Implement changes arising from individual complaints and from the analysis of complaint data as directed by management.</p>
All staff	Understand and comply with the Government of Jersey's practices for handling customer feedback.	<p>Treat all people with respect, including people who make complaints.</p> <p>Be aware of the Government of Jersey's complaint handling policies and procedures.</p> <p>Assist people who wish to give feedback access the Government of Jersey's customer feedback process.</p> <p>Be alert to feedback and assist staff handling complaints resolve matters promptly.</p> <p>Provide feedback to management on issues arising from complaints.</p> <p>Implement changes arising from individual complaints and from the analysis and evaluation of customer feedback data as directed by management.</p>

Recording, reporting, learning from and publicising complaints

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

152. We also have arrangements in place to ensure complaints about contractors or commissioned services are recorded, reported on and publicised in line with this complaints handling process.

Recording complaints

153. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record in CFMS:

- the customer's name and contact details (unless they are requesting to remain anonymous)
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at stage 1
- date the complaint was closed at stage 1
- date the investigation stage was initiated (if applicable)
- action taken and outcome at stage 2 (if applicable)
- date the complaint was closed at the stage 2 (if applicable); and
- the underlying cause of the complaint and any remedial action taken.

154. If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.

155. Individual complaint files will be stored in line with our document retention policy.

Learning from complaints

156. We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

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

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

Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action.

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

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

Reporting of complaints

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

160. We will report at least **quarterly** to senior management on:

- performance statistics, in line with the complaints performance indicators published in the Customer Feedback Policy and Quality Assurance Framework
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area)
- Sentiment around how customers have felt about the experiences they have had with us so that a clear pict

Expected behaviours

161. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaints handling process by:
- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
 - working with us to agree the key points of complaint when an investigation is required; and
 - responding to reasonable requests for information.
162. All staff are expected to work according to our [Public Sector Values](#), and in line with the [States of Jersey Code of Conduct](#).
163. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way. Please refer to your departmental policy on handling unacceptable behaviour.
164. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers.
165. For further guidance see **Appendix 6 – Dealing with unreasonable persistent behaviour and vexatious feedback**

Maintaining confidentiality and data protection

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

167. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared.

168. All staff handling complaints must be aware of the [Data Protection \(Jersey\) Law 2018](#) and their responsibilities within the Law. Each department must ensure that all staff have undertaken the mandatory corporate training in the Essentials of Data Protection and Security Awareness. When handling complaints we must be aware of and apply the Data Protection Principles:

1. Handle data in a lawful and transparent way.
2. Only collect data for a specific and legitimate purpose
3. Collected personal data should be relevant and limited to what's necessary.
4. Keep data accurate and up-to-date.
5. Don't keep for longer than necessary.
6. Keep data source.

169. In line with these principles staff handling complaints must:

- ensure that the customer understands why data is being collected
- only record information that is required in order to manage the complaint
- not access customer complaint records if they are not managing the complaint, and
- ensure that information is held securely, and preferably within the CFMS where access permissions can be managed in line with our Customer Feedback Policy and retention schedules

Appendix 1 - Timelines

General

1. References to timelines throughout the complaints handling process relate to working days. We do not count non-working days, for example weekends and public holidays.
2. We do not count school holidays as non-working days. Complaints received during school holidays should follow the same timelines as set out for Stage 1 and Stage 2, unless there are special circumstances which would extend these timelines.

Timelines at Stage 1

3. The Customer should receive an acknowledgement of their complaint within two days of it being received.
4. We will aim to achieve Stage 1 within five working days. The date of receipt is **day one**, and the response should be provided (or the timeline extended/complaint escalated) on **day five**, at the latest.
5. If we have extended the timeline at stage 1 in line with the complaints handling process, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

Transferring cases from Stage 1 to Stage 2

6. If the customer wants to escalate the complaint to stage 2, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

Timelines at Stage 2

7. For complaints at the stage 2, **day one** is:
 - the day the case is transferred from the stage 1 to the stage 2
 - the day the customer asks for an investigation or expresses dissatisfaction after a decision at stage 1; or
 - the date we receive the complaint, if it is handled immediately at stage 2.
8. If the customer has requested that the complaint be escalated, we must acknowledge the escalation of the complaint within two working days of receipt at stage 2 i.e. by **day two**.
9. We should respond in full to the complaint by **day 10**, at the latest. We have 10 working days to investigate the complaint, regardless of any time taken to consider it at the stage 1.
10. Exceptionally, we may need longer than the 10 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

Transferring cases from Stage 2 to Stage 3

11. If the customer wants to escalate the complaint to stage 3, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

Timelines at escalation to Stage 3

12. For complaints at the Stage 3, **day one** is:

- the day the case is transferred from the stage 2 to the Director General at stage 3
- the day the customer asks for an investigation or expresses dissatisfaction after a decision at stage 2; or
- the date we receive the complaint, if it is handled immediately at stage 3.

13. If the customer has requested that the complaint be escalated, we must acknowledge the escalation of the complaint within two working days of receipt at stage 3 i.e. by **day two**.

14. We should respond in full to the complaint by **day 10**, at the latest. We have 10 working days to investigate the complaint, regardless of any time taken to consider it at stage 1 or 2.

15. Exceptionally, we may need longer than the 10 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

Frequently asked questions

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

16. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 10 working days from this date, unless an extension is granted).

What happens if we cannot meet an extended timeframe?

17. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.

18. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the customer and give them a revised timeframe for completion. We must update the customer and any staff involved in the investigation at least once every 20 working days.

What happens when a customer asks for stage 2 consideration a long time after receiving a stage 1 response?

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

Appendix 2 – The complaints handling process (flowchart for staff)

<p>A customer may complain verbally or in writing, including face-to-face, by phone, letter or email.</p> <p>Your first consideration is whether the complaint should be dealt with at Stage 1 or stage 2.</p> <p style="text-align: center;">↓ ↓</p>	
<p>Stage 1:</p> <p>Always try to respond quickly, wherever we can. All complaints should be acknowledged within two working days of receipt.</p> <p style="text-align: center;">↓</p>	<p>Stage 2:</p> <p>Investigate where:</p> <ul style="list-style-type: none"> • The customer is dissatisfied with the Stage 1 or refuses to engage with attempts to resolve the complaint at stage 1 • It is clear that the complaint requires investigation from the outset <p style="text-align: center;">↓</p>
<p>Record the complaint in the CFMS and notify any staff complained about</p> <p style="text-align: center;">↓</p>	<p>Record the complaint in the CFMS and notify any staff complained about</p> <p>Acknowledge the complaint within two working days</p> <p style="text-align: center;">↓</p> <p>Contact the complainant to agree:</p> <ul style="list-style-type: none"> • Points of complaint • Outcome sought • Manage expectations (where required) <p><i>(these can be confirmed in the acknowledgement where the complaint is straightforward)</i></p> <p style="text-align: center;">↓</p>
<p>Respond to the complaint within five working days unless there are exceptional circumstances</p> <p style="text-align: center;">↓</p>	<p>Respond to the complaint as soon as possible, but within 10 working days unless there is a clear reason for extending the timescale</p>
<p>Is the customer satisfied?</p> <p>You must always tell the customer how to escalate to stage 2</p> <p style="text-align: center;">↓</p>	<p>Communicate the decision, normally in writing</p> <p>Signpost the customer to SPSO and advise of time limits</p> <p style="text-align: center;">↓</p>
<p>(Yes) Record outcome and learning, and close complaint in the CFMS.</p> <p><i>(No) -> to Stage 2: Investigation</i></p> <p style="text-align: center;">↓</p>	<p>Record outcome and learning, and close complaint in the CFMS.</p> <p style="text-align: center;">↓</p>

Follow up on agreed actions flowing from the complaint

Record any learning points

Appendix 3 – Complaints

The following tables give examples of complaints that may be considered at the Stage 1 and suggest possible actions.

Complaint	Possible actions
<p>The customer expresses dissatisfaction in line with the definition of a complaint but says she does not want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> • Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint. • Log details of feedback in CFMS • In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.
<p>The customer has provided evidence to verify his claim for benefits, but his records have not been updated in our systems.</p>	<ul style="list-style-type: none"> • Apologise to the customer. • Log details of feedback in CFMS • Update the customer's benefit record to record receipt of evidence. • Check that the benefit award is corrected from the appropriate date.
<p>The customer complains that a road which is on our winter gritting route has not been gritted despite previous assurances that it would be.</p>	<ul style="list-style-type: none"> • Confirm if the roads are on our agreed gritting routes. • Log details of feedback in CFMS • If assurance had been provided that the road would be gritted, check to confirm if this action occurred, and when. • Where appropriate, provide an explanation • and apologise to the customer. • Obtain confirmation from the service to • confirm when the road will be gritted. • Feedback the lessons learned from the

Complaint	Possible actions
	<ul style="list-style-type: none"> • complaint into a service improvement plan.
<p>The customer complains that his home carer turned up late and was smoking.</p>	<ul style="list-style-type: none"> • Contact the care service to discuss the matter with a service manager. • Log details of feedback in CFMS • The care service should check the timetable for visits and discuss with the home carer the complaint about smoking. The care service should let you know the outcome. • You in turn contact the customer to explain the policy, confirm the timing of visits (for example between 08:00 and 12 noon) and, where appropriate, apologise for the inconvenience.
<p>The customer complains that a night-working refuse collector woke her up by making excessive noise.</p>	<ul style="list-style-type: none"> • Explain our policy on refuse collection, in particular the approach to night working. • Log details of feedback in CFMS • Tell the customer that you will pass on details of the complaint to the service to highlight the noise issue and ask the service to do what they can to control noise. • Apologise to the customer for the inconvenience.

Appendix 4 – Investigation Plan Template

Complainant Name:

Case Reference:

Investigating Officer:

Investigation Plan

❖ re-plan: it may become apparent that the initial plan isn't working for this case: never be afraid to re-plan.

	Complaint Issue	Information we have about what happened	Information we need about what happened	Information we have about what should have happened	Information we need about what should have happened	Comments
1						
2						
3						

	Target date for response	
--	--------------------------	--

Appendix 5 – Template Decision Letter

Dear

I'm writing to you about your complaint about (insert very broad description to include dates if relevant)

You contacted [for example, **Complaints Team, Chief Exec**] on [Date] to complain about [Issue]. I have management responsibility for these areas and [for example: **Complaints Team, Chief Exec**] asked me to investigate your concerns. I have now completed my investigation of your complaint. In this letter I will explain what I found out during my investigation, what my conclusions are [insert if relevant: and what actions I am taking to address your concerns].

The complaints you agreed with [for example, **me / complaints team**] on [Date] and that I have investigated are:

1. [enter all complaints in order of severity of impact]; and
2. [enter complaints]

Background

[Background to the events leading to the complaint including brief timeline if helpful]

- This section should outline relevant events/facts only

Investigation

- Provide brief background to investigative process for example: I have reviewed the documentation you provided, views of staff involved, notes etc. Include reference to protocols policies guidance and relevant legislation you have referred to in the course of your investigation (more details can be attached if needed)
- Outline a timeline of key events/ communications (where appropriate) in date order **if relevant** for example: I spoke to Mr X on (date)

[Complaint 1: insert detail as above]

What happened?

[List out the **relevant** information you have considered – this should include any differing views. Discuss the evidence presented and available from the complainant / in the records / discussed with staff / communication from staff. Always remain objective and not subjective]

What should have happened?

[Identify relevant policy, internal process/procedure that should have been taken into account in relation to the issue of complaints (**Ensure all relevant policies / procedures are current and are available on file or electronically**)

Provide any other factual evidence relevant to the complaint, for example, expert opinion.]

Conclusion

[The conclusion should summarise the complaint, the arguments presented, and combine factual points that identify any areas of poor practice or service failure.]

Identify key areas where any failings have already been identified and / or remedial action has already taken place as a result of the complaint.

Summarise these below each complaint and/or at the end of the letter.

Note apologies, meetings or other steps already provided by staff to address the concerns

Action[s]/ Learning Point[s]

Action	Completion Date (if possible)

[Enter complaint 2 ... follows same pattern as complaint 1)

What happens next?

I will follow up to ensure that the action points I have identified are completed. If there is anything in this letter which you would like to discuss with me, please contact me. My contact details are shown below.

If you are unhappy with this response you have the right to ask the States of Jersey Complaints Panel (SOJCP) to look at your complaint.

The SOJCP is the final stage for complaints about public services in Jersey. If you remain dissatisfied after our complaints process has concluded, you can ask the SOJCP to look at your complaint. The SOJCP cannot normally look at complaints:

- where you have not gone all the way through the complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

If you want the SOJCP to look at your complaint you need to send a letter explaining your complaint to the Deputy Greffier of the States, [REDACTED]

States Greffe
Morier House
Halkett Place
St Helier
JE1 1DD

Appendix 6 – Dealing with unreasonable persistent behaviour and vexatious feedback

Background

- a. In a minority of cases, people pursue their feedback in a way that is unreasonable. In some instances this can have a negative impact on the handling of their feedback. It can also have a significant impact on our resources and on our ability to provide services to our other customers.
- b. This procedure covers unreasonable behaviour in relation to frequent or repetitive contact, usually received in the form of a Complaint, Comment, or suggestion and vexatious feedback.
- c. This manual does not cover unreasonable behaviour such personal threats, physical intimidation or violence. . Violent and hate incidents will be reported to the GoJ's Health & Safety Team. Where appropriate, incidents will be reported to the Police.

Purpose

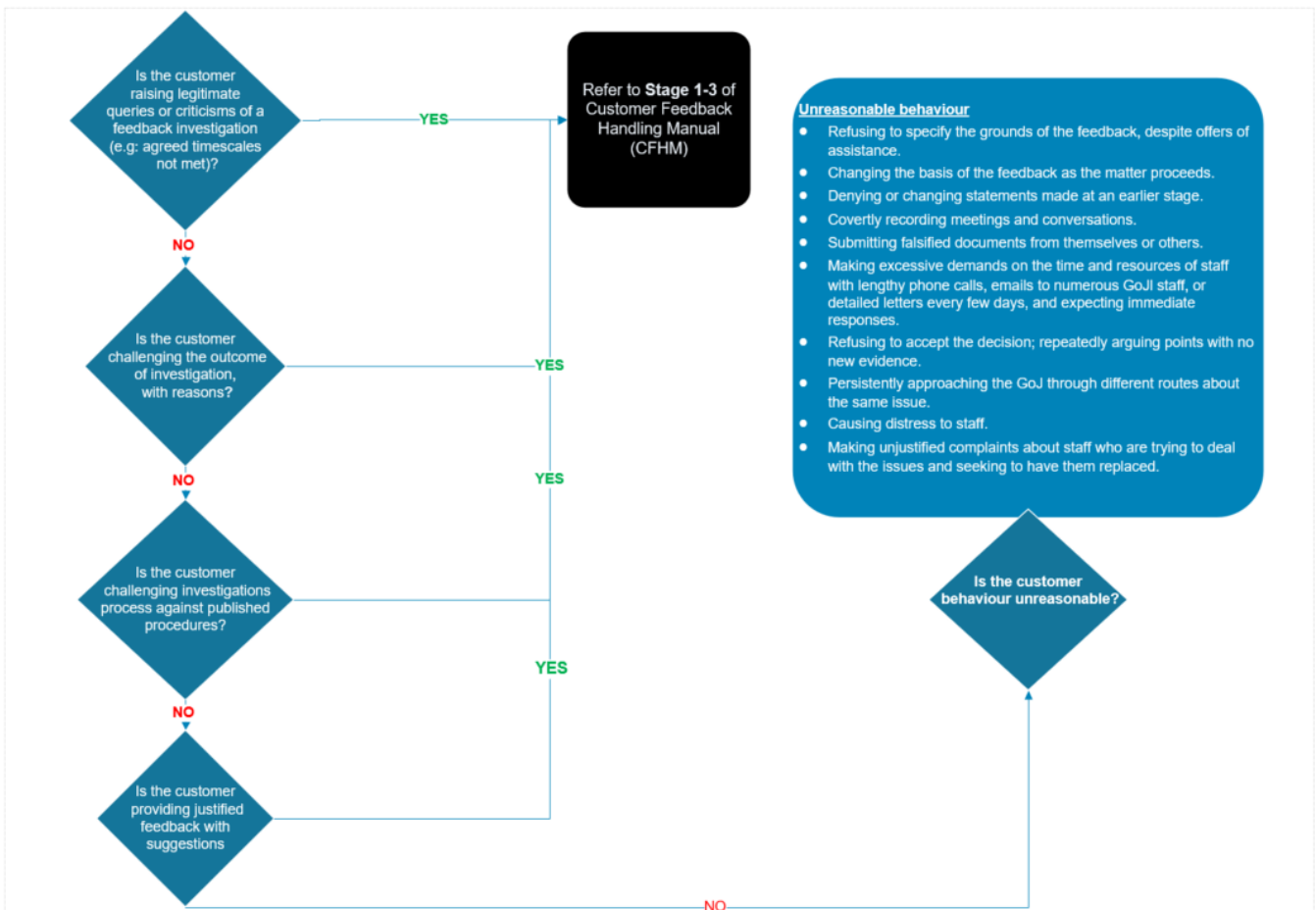
The purpose of this section is to:

- a. Deal with unreasonable behaviours and vexatious feedback by customers who have raised a complaint / or other feedback that is being/has been dealt with through the GoJ's Feedback Procedure. This does not apply to customer behaviour in relation to Freedom of Information Requests, as this is covered by separate procedures.
- b. Explain the process we will follow when dealing with customers who behave in persistent or unreasonable way so that everyone knows what they can expect
- c. Explain the process we will follow when dealing with vexatious feedback so that everyone knows what they can expect

What is unreasonable customer behaviour?

- **Reasonable behaviour:**

Raising legitimate queries or criticisms of a feedback investigation as it progresses, for example, if agreed timescales are not met, should not in itself lead to someone's behaviour being regarded as vexatious. Similarly, the fact that a customer is dissatisfied with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause their behaviour to be labelled unreasonably persistent.



• **We define unreasonable customer behaviour as:**

- a. Behaviour which, because of the nature or frequency of a customer’s contact with the Government of Jersey (GoJ), negatively impacts upon our ability to deal effectively with their or other people’s feedback
- b. Unreasonable behaviour may include one or two isolated incidents; as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.
- c. We differentiate between ‘persistent’ customers and ‘unreasonably persistent’ customers.
 - i. Customers giving feedback can be ‘persistent’ where they feel that we have not dealt with their feedback properly, and are not prepared to leave the matter there. For example, it is not unreasonable for a customer to criticise how their feedback is being handled when our published procedures are not followed.
 - ii. However, some customers may have justified feedback but may pursue them in inappropriate ways e.g. lengthy phone calls, emails expecting immediate responses, detailed letters or emails every few days.
 - iii. Others may pursue feedback which has no substance, or which has already been considered and dealt with. Their contacts with us may be amicable, but still place very heavy demands on staff.
- d. Situations can escalate, and in a few cases, customers can become abusive, offensive, threatening or behave in a way that we may consider to be unacceptable.
- e. In these circumstances, we may have to restrict access to our premises or staff, in order to protect staff from harassment and/or harm.

- **Examples of unreasonable behaviour**

Examples of what we might consider to be unreasonable behaviour are shown below. The list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category:

Unreasonable behaviour

- Refusing to specify the grounds of the feedback, despite offers of assistance.
- Changing the basis of the feedback as the matter proceeds.
- Denying or changing statements made at an earlier stage.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous GoJ staff, or detailed letters every few days, and expecting immediate responses.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Persistently approaching the GoJ through different routes about the same issue.
- Causing distress to staff.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.

What is a vexatious feedback?

- a. It is important to remember that section 21 of the Freedom of Information (Jersey) Law 2011 and Section 27 (6) of the Data Protection Law (Jersey) 2018, which relates to vexatious feedback, can only be applied to the feedback itself, and not the individual who submits it. GoJ cannot, therefore, refuse a request on the grounds that the Customer, as an individual, is vexatious. Similarly, an authority cannot simply refuse a new feedback solely on the basis that it has classified previous requests from the same individual as vexatious.
- b. We define a vexatious feedback as:
 - i. “Feedback that is likely to cause distress, disruption or irritation, without any proper or justified cause”
 - ii. Vexatious feedback may include one or two individual requests for information or may form part of a wider pattern of vexatious behaviour. For example, if there is

- a wider dispute or it is the latest in a lengthy series of overlapping requests. However, we will not automatically refuse feedback simply because it is made in the context of a dispute, or if it forms part of a series of feedback received.
- iii. We will consider each request for information on its own merits and will not automatically refuse feedback because the individual may have caused problems in the past. We will ensure that we consider whether the feedback (and not the customer) is vexatious, with our focus being on the feedback itself.
 - iv. Where feedback is considered to be vexatious, we may make the decision not to provide the information requested, referring to relevant guidance from the Information Commission on vexatious requests.
- c. Examples of vexatious feedback
- Examples of what we might consider to be vexatious feedback are shown below. The list is not exhaustive, and for feedback to be considered as vexatious it is likely that more than one of the examples is relevant:

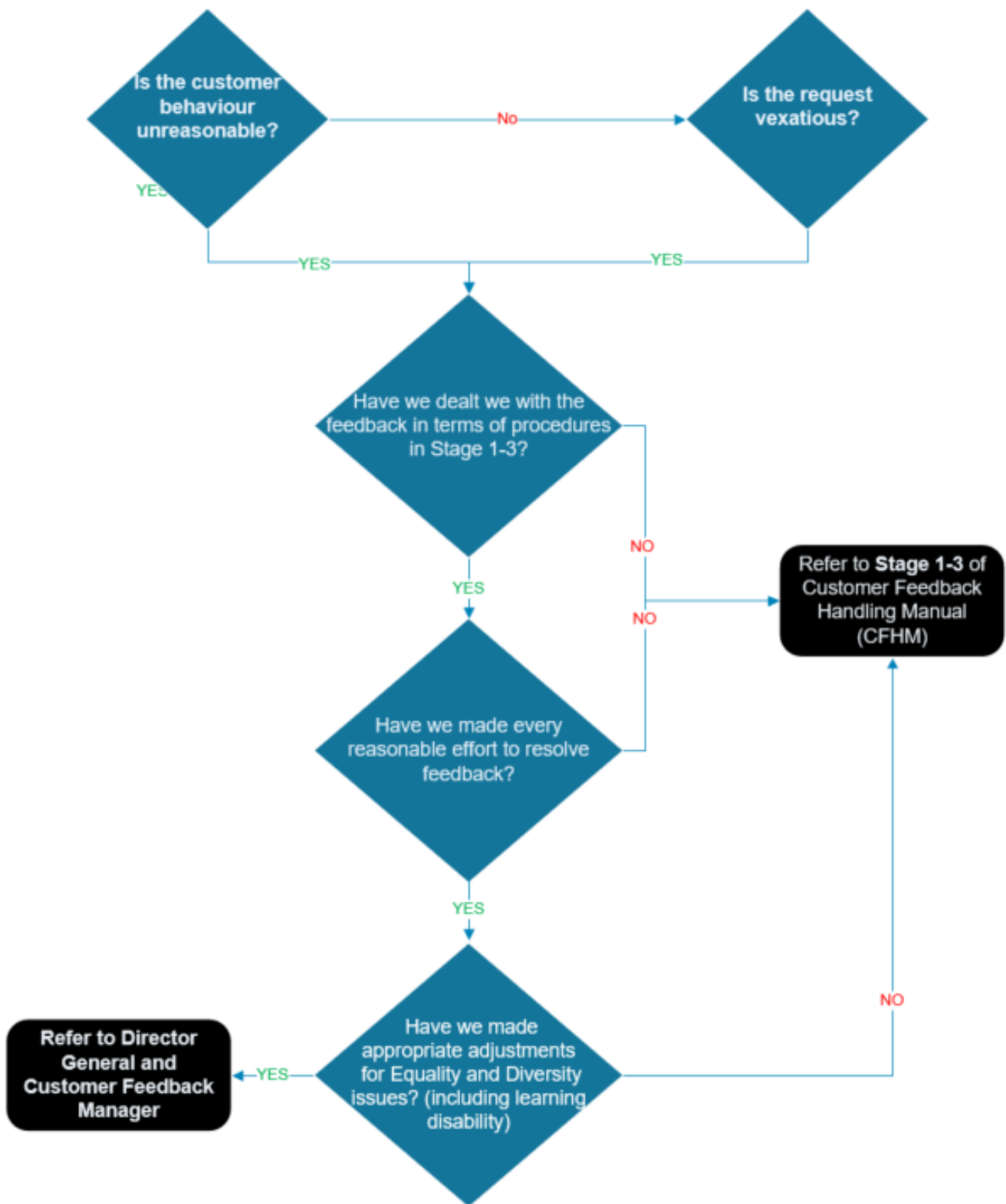
Vexatious feedback

- Submission of obsessive complaints or feedback with very high volume and frequency of correspondence
- Requests for information the Customer has already seen, or clear intention to reopen issues that have already been considered
- Where dealing with the feedback would impose significant burden on the GoJ in terms of expense, and negatively impact upon our ability to provide service to others.
- Where the Customer states that the feedback is actually meant to cause maximum inconvenience, disruption or annoyance.
- Where the feedback lacks any serious purpose or value. An apparent lack of value would not usually be enough on its own to make feedback vexatious but may do when considered with other examples.
- Harassing the GoJ. This could include very high volume and frequency of correspondence, or mingling requests with accusations and complaints.

Considerations before action

- a. We recognise that the decision to classify someone's behaviour as unreasonable, or to classify a request for information as vexatious, could have serious consequences for the individual, including restricting their access to services.
- b. Before deciding to apply any restrictions, we will ensure that:

- i. The feedback or request for information has been dealt with properly and in line with the relevant procedures
 - ii. We have made every reasonable effort to resolve the feedback
 - iii. Appropriate adjustments for Equality and Diversity issues have been fully taken into account and there is no reason to believe that cultural, language, or disability (including learning disability) barriers still exist which explain the behaviour of the customer
- c. However, where our efforts to resolve matters with the customer have not been successful, we may close the case, or request, where appropriate, we will advise the customer to contact the Complaints Board or the Information Commissioner's Office. We will advise the customer that we will no longer enter into any correspondence about such cases, unless material new information becomes available.
- d. Each case will be considered on an individual basis. The decision to classify a customer unreasonable or to classify the request as vexatious will be made by the Director General of the applicable service and communicated to managers and the Customer Feedback Manager.
- e. The customer will be informed of this in writing, within ten working days of the decision being made.



Options for action

- a. Before applying any restrictions, give the customer a warning in writing stating that if their behaviour continues, the GoJ may decide to designate their behaviour as unreasonable

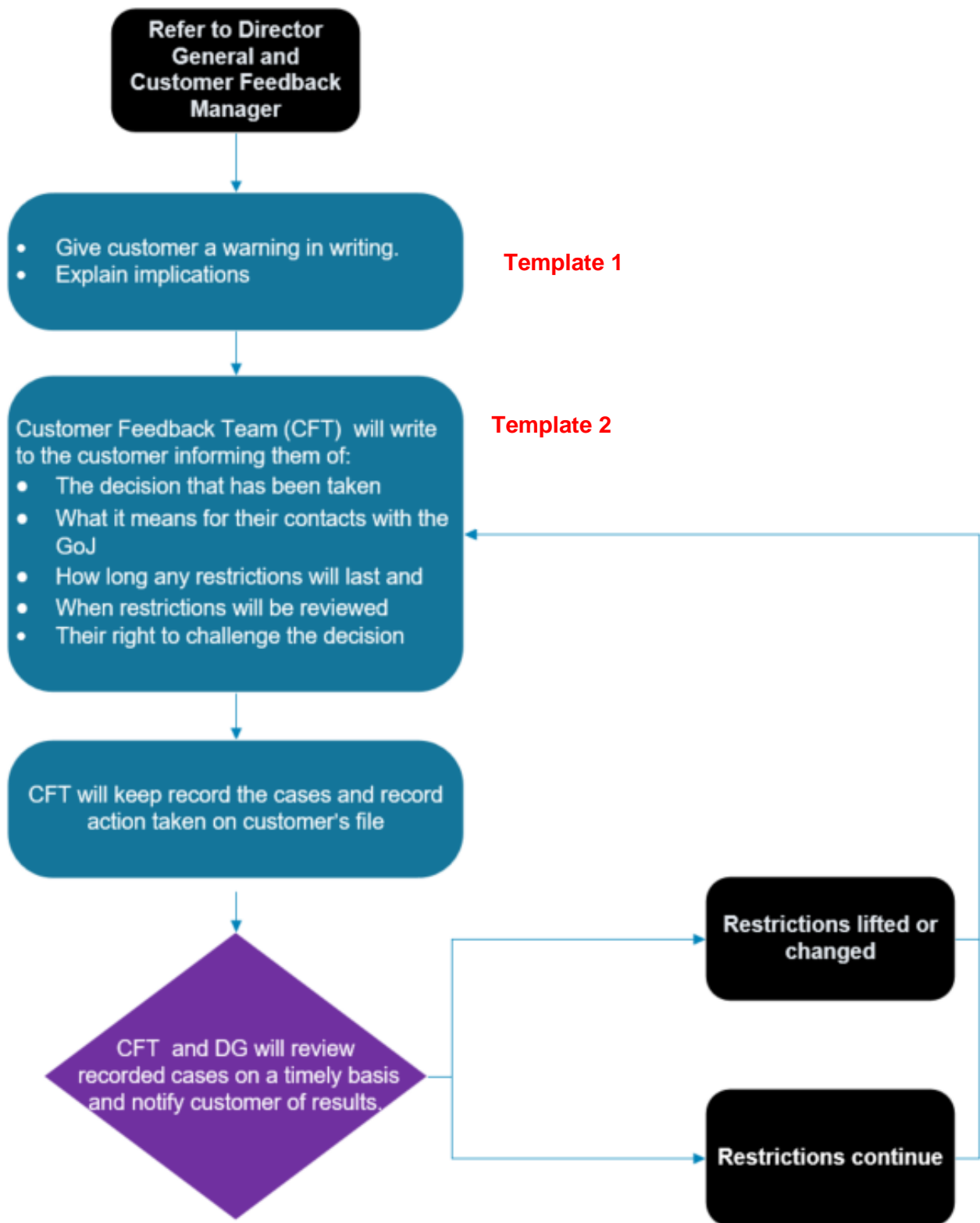
and their feedback as vexatious. Explain why and the implications for them. It is important that the customer is given an opportunity to modify their behaviour before any restrictions are applied.

- b. In extreme situations where all reasonable options have been exhausted, the GoJ may decide to withdraw services from the customer.
- c. The Customer Feedback Team will write to the customer informing them of:
 - i. The decision that has been taken
 - ii. What it means for their contacts with the GoJ
 - iii. How long any restrictions will last and when these will next be reviewed
 - iv. Their right to challenge the decision in writing within 14 days, and have the decision reviewed by an appropriate Director within 28 days of the date of the original decision letter.

- **List of possible action**

Restrictions will be tailored to deal with the individual circumstances and may include one or more of the following (the list is not exhaustive):

- a. Refusing to register and process further feedback about the same or similar matters
- b. Requiring the customer to make contact by telephone only through a third party for example solicitor/councillor/friend acting on their behalf
- c. Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- d. Placing limits on the number and duration of contacts with staff
- e. Offering a restricted time slot for necessary calls
- f. Limiting the customer to one method of contact (telephone, letter, email, etc.)
- g. Requiring the customer to communicate only with one named member of staff
- h. Drawing up a signed agreement with the customer that sets out a code of behaviour
- i. Requiring any personal contacts to take place in the presence of a witness
- j. Refusing to register and process further complaints about the same matter
- k. Where a decision on a complaint has been made, providing the customer with acknowledgements only, or ultimately informing the customer that future correspondence will be read and placed on the file but not acknowledged.
- l. Asking the customer to re-submit their complaint without the inclusion of discriminatory/offensive language before the complaint will be dealt with. If appropriate, refer the matter to the Police as a Hate Incident.



- **Record keeping**

Customer Feedback Team will keep a record of these cases and ensure that they are reviewed in a timely manner and that it is evident on the customers file, the action that has been taken.

Review

- a. When any restrictions are put in place, a review date will be set. This will be based on the circumstances of the case and could be for a period of six months or longer depending on the severity of the situation.
- b. The status of a customer will be reviewed by the Customer Feedback, Manager together with the Director General who submitted the original declaration on or before the review date, and the Director General or their representative will write to the customer to inform them of the outcome of the review. Where the Director General and Customer Feedback Team feel the restrictions should continue, the Director General or their representative will explain the reasons and give another date for review.

New complaints or requests for information

- a. We will not ignore service feedback from customers who are classified as unreasonable or requests for information from customers who have previously submitted a vexatious request.
- b. New complaints or requests for information from people who have been classified under this policy will be treated on their merits. The Customer Feedback Manager will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint or request.

Referring cases to the Complaints Board and Information Commissioner's Office

- a. There may be exceptional circumstances, where the relationship between the GoJ and a customer has broken down to a point where a resolution is not possible. In these cases we may:
 - i. seek to close the case without completing all stages of our feedback policy, or
 - ii. we may expedite the case to a final stage.
- b. If this becomes necessary, we will advise the customer of the reasons for this and the options open to them.
- c. Similarly, we may also liaise with the Complaints Board or the Information Commissioner and ask them to consider a case before it has exhausted our feedback process. It will be entirely at the discretion of the Complaints Board or Information Commission whether or not they accept the referral.

Template 1: Warning of Unacceptable behaviors and vexatious feedback

Dear,

Written warning of unacceptable customer behaviour

I am writing to inform you that I have been advised of recent unacceptable (verbal / physical) behaviour directed at a member of this department's staff by you.

It has been reported that when (staff member, X, met you at X place on the DD/MM/YY / when they talking to you on the phone on DD/MM/YY) the behaviour you displayed was considered unacceptable. (state how, if you are able to)

The States of Jersey takes matters such as this extremely seriously and expects all customers to behave in a respectful and courteous manner. For your information the department's policy on unacceptable customer behaviour defines this as any act of written, verbal or physical abuse that causes someone to feel anxious, threatened, frightened or physically at risk and is directed at them because of their work. It includes:

- all written or verbal abuse including that of a discriminatory nature;
- threatening behaviour;
- intimidation;
- serious or persistent harassment;
- an actual or attempted physical assault;
- any act that causes damage to property

In the event that I receive any further complaints about your behaviour your details will be posted on the department's register of potentially violent people and depending on the type and severity of your behaviour I may have to notify the police.

I sincerely hope that I will not have to take such action and would therefore urge you to think carefully about the way communicate with the department's staff in the future.

Yours sincerely

Template 2: Notice of inclusion in the Unacceptable behaviours and vexatious feedback (UBVF) register

Dear

I am writing to you with regard to a further recent incident involving unacceptable (verbal / physical) behaviour directed at member of staff by you.

It has been reported that when (staff member X, met you at X place on the DD/MM/YY / when X was talking to you on the phone on DD/MM/YY) the behaviour you displayed was unacceptable. (state how, if you are able to)

Under the Health and Safety at Work Act every employer must ensure the health, safety and welfare of their employees and as such I have had no choice other than to enter your details into the department's UBVF register so that all staff are made aware of your potentially violent behaviour.

Your details will remain on the register for 28 days, during which time I would advise you that staff have been informed not to enter into any discussions with you or to meet with you. I would ask that you telephone my direct line in order to arrange a meeting with me so that we can discuss how we could move forward from this point.

If you do not make contact with me to try and resolve this issue within the 28 days, any outstanding enquiries or applications you have with the department will be suspended or refused and your details will remain on the PVP register for a further 28 days. Should this happen you will once again be notified in writing.

In the meantime I would advise you that should I receive any further complaints about your behaviour the police will be notified and legal action may be taken.

Yours sincerely

Appendix 7 – Saying Sorry – Guidance for Apologies

When someone hasn't received the standard of service or had the experience they should reasonably expect, we should apologise.

A genuine apology is the first step to helping both sides to put aside their emotions and move on to put things right.

Any apology should be proportionate to the sort of complaint you have received.

The best way to approach complaints is to ask how you'd like to be treated in a similar situation? A simple 'sorry', with 'we'll learn lessons, so we don't do it again' can sometimes be all it takes.

It's important to note that an apology is not an admission of guilt or an invitation to legal action. It's an act of conciliation that demonstrates you're ready to listen to a genuine concern and to deal with it in the best way possible.

The Compensation Act 2006 governing England and Wales states: 'an apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or statutory duty'. Apologising in a timely way might actually reduce the chances of litigation.

Why apologise?

Sometimes, a genuine apology is the only thing that's needed to resolve an issue. Most people who complain have a genuine concern and want to be heard, understood and taken seriously.

What do people want from an apology?

They might want you to:

- accept that you have done wrong
- acknowledge that they were right
- understand their experience
- confirm that something went wrong
- reassure them that you have dealt with the issue, and learnt lessons so it doesn't happen again, or to someone else
- repair their relationship with you
- help restore their reputation.

What if we haven't done anything wrong?

If you are **sure** you have done nothing wrong and that you or your organisation are in no way responsible for someone's unsatisfactory experience, it's still important to courteously acknowledge the content of a complaint. Circumstances may change and it's important to show that you have carefully considered complaints in the event that your handling of the issue is subject to scrutiny in the future.

It's important to explain your position to your complainant clearly, in a way that is impartial and courteous, avoiding defensive language or comments that could be interpreted as rude or confrontational.

With either a written or verbal complaint, you might then:

- acknowledge the substance of the complaint
- thank the complainant for bringing the matter to your attention
- show you have understood the essential elements
- provide a clear explanation of what has happened, and why, in an objective way that avoids defensive, emotive language
- provide appropriate contact details in the event they wish to pursue the matter, with clear guidance on what you can and can't do in the future.

What is a meaningful apology?

1. **Think about the most appropriate form and method** for communicating your apology. Think about how the complaint was made. Will a phone call or face-to-face meeting be best, or should you send a formal written response?
2. **How will you record your apology?** Sometimes complaints and the way they are handled is scrutinised much later on. How will you create an audit trail to show how you dealt with the situation if you're called on for evidence?
3. **Think about the reader.** What was their trigger point, and what are you apologising for? Be clear, and repeat the essence of their complaint back to them in the apology you give.
4. **Be clear in your language.**

Instead of this	Prefer this
<ul style="list-style-type: none"> • I'm sorry you feel this way 	<ul style="list-style-type: none"> • I apologise that you had a poor experience
<ul style="list-style-type: none"> • I/we would like to apologise 	<ul style="list-style-type: none"> • I/we apologise
<ul style="list-style-type: none"> • I'm sorry you have felt the need to complain 	<ul style="list-style-type: none"> • We are sorry you have had cause to complain, and thank you for bringing this matter to our attention.
<ul style="list-style-type: none"> • I apologise if you feel that the service you received was not acceptable 	<ul style="list-style-type: none"> • The service you received was not acceptable
<ul style="list-style-type: none"> • If mistakes have been made we are sorry 	<ul style="list-style-type: none"> • We are sorry that we have made this mistake

5. **Thank the complainant.** Create dialogue in written responses by acknowledging them and their experience in the first couple of lines.
6. **Accept responsibility.** You should include identifying the failure that has caused the complaint with an explanation of the action or omission to which the apology applies.
7. **Offer a clear explanation** of why the failure happened, and emphasise that the failure was not intentional or personal. The level of explanation should be proportionate to the initial complaint. If you don't know why something happened, be honest.
8. **Offer a genuine apology.** If you are responding in writing, one clear apology at the start of the correspondence and one at the end lends sincerity. Lots of little apologies all the way through a letter or email can sound less genuine.
9. **Offer assurance and thanks.** Thank the complainant for bringing the matter to your attention and assure them that you will learn lessons from it. Give examples of anything that might have changed as a result of the complaint being made. People like to know they have helped make a difference/contribute to improvement, where appropriate.

10. **Sign off with/hand over appropriate contact details** to add to reassurance and to demonstrate your commitment to ongoing improvement.

Important things to think about

1. **The timing of your apology is very important.** If you/your organisation is at fault, apologise at the earliest opportunity. You do not want to be apologising again for the fact that you didn't make contact.
2. **Empower your staff and volunteers to apologise:** saying 'sorry' early in the process can avoid unnecessary escalation.
3. **Apologise to the right person/people.**
4. **Decide who should apologise:** make your apology proportionate to the level of complaint you have received.
5. **Your language should be unambiguous and clear,** using the active voice and clear English.
6. **Avoid forced apologies,** for example: 'We have been told by the Trust to write to you about this matter'.

It is important to remember that an apology is not a sign of weakness or an invitation to be sued. Dealing with a complaint and a complainant well demonstrates confidence and competence and shows that you are willing to learn and committed to putting things right.

Learning to apologise is good practice and is an important element of effective management.

Version	Date	Changed by	Changes
1	22/02/2021		Document created
1.1	22/09/2021		Multi department complaints process added
1.1	22/09/2021		Process for notifying colleagues of case re-assignment added