

LABOUR RELATIONS AGENCY

CUSTOMER COMPLAINTS PROCEDURE

March 2007

Complaints Policy

1. POLICY

The Agency recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. The Agency is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers. This is further amplified in the Agency's Charter (Annex 1).

This policy outlines in broad terms the Agency's core aims and intended approach to the management of complaints. Fundamentally this policy is designed to provide a framework for handling complaints that:

- Sets out a definition of a complaint that can be clearly communicated to both customers and staff.
- Establishes clear minimum service standards that are capable of being monitored and reported.
- Is responsive to the needs of our customers.
- Is transparent and easy to understand.
- Reflects best practice.
- Helps the Agency to learn from complaints and to inform service improvements.
- Enables our staff to deal with complaints effectively at the earliest stage in the process.

The sections below expand on these objectives, together with an outline of the procedures required to support the policy.

2. COMPLAINT DEFINITION

Any expression of dissatisfaction with the Agency, whether justified or not.

The purpose of this definition is to be comprehensive, brief and to be easily understood by both customers and staff. It is designed to be simple and to allow complaints to be defined from the customer's perspective rather than from the Agency's.

3. WHO CAN COMPLAIN?

This Agency's approach is designed to be as inclusive as possible and encompasses:

- Any person or organisation (i.e. business) receiving or seeking to receive a service from the Agency;
- Any person acting on behalf of an individual or group of individuals (this includes MPs, Advice Agencies and other advocacy groups).

4. ISSUES/SUBJECT AREAS FALLING OUTSIDE OF THIS POLICY

Though designed to be as comprehensive as possible it is recognised that certain types of complaints are not intended to be dealt with by the complaints policy and are more appropriately dealt with through other channels. These include:

- Issues for which statutory appeal bodies or tribunals have been established.
- Matters that concern the commencement or conduct of civil court action or other tribunal proceedings.
- Matters which have already been before a court or tribunal.
- Matters where the customer is already in the process of seeking compensation.
- Complaints by Agency employees about matters relating to their employment that would be more appropriate to be dealt with under the Agency's Personnel Policies and Procedures.
- Matters more appropriate for processing in compliance with the Public Interest Disclosure Act¹.
- Complaints about services that fall outside of the control of the Agency.
- Complaints about politically determined policy, as opposed to the way in which the policy has been implemented.

5. HOW CAN COMPLAINTS BE MADE

Customers may make a complaint in the way that best suits them. The individual or a person acting on their behalf should be able to complain using information contained in Annex 2:

- In writing
- By telephone
- By fax

¹ "Whistleblowing"

- By e-mail

The Agency's Charter as described in Annex 1 of this document indicates that Stage 1 of the complaint will be initially dealt with through a Director. However, in line with the procedure set out in this document, all staff will be trained in the receipt of complaints and will be available to receive a complaint. In these circumstances, their immediate response will be to channel a complaint to the most relevant (or available) Director. Full details on how to contact the Agency are provided in Annex 2.

6. KEY POLICY OBJECTIVES

i. Complaint service standards

Minimum service standards in the handling of complaints have been developed to ensure customers receive the same standard of service regardless of the service area to which they make a complaint. These standards are based on existing practice within the Agency.

The following represent the minimum complaint standards:

- The complaint will be recorded by the receiving section- this will assist in subsequent complaint analysis.
- An officer (the contact officer) in the receiving section will be given responsibility by the relevant operational director for processing the complaint and maintaining contact with the customer.
- Specific response targets will be set for every stage of the complaints process.
- The contact officer will formally acknowledge the complaint.
- Where the complaint cannot be resolved immediately, customers will be provided with a written acknowledgement that provides them with the name of the contact officer, phone number, e-mail address and date by which they can expect to receive a full response.
- Customers will be kept informed - where a full response cannot be provided for whatever reason, the contact officer will send to the customer an interim response informing them of current progress.
- Responses will avoid the use of jargon and technical language wherever possible.
- The right to further review - customers are to be informed of their right to request that the matter be escalated to the next

stage of the complaints process if they were dissatisfied with the previous response.

- On the resolution of the complaint(s), all complaint documentation will be copied to the Director (Corporate Services) who, as the Corporate Complaints Officer, will monitor trends and identify input to the Agency's processes to encourage continuous improvement.
- The progress of outstanding complaints will be monitored by Corporate Services.
- For these purposes, a Customer Complaints Register will be maintained using the format set out in Annex 3.

ii. Promoting equality of access

The Agency is committed to ensuring that people with disabilities and ethnic minority communities are given full and equal access to the complaints procedure.

On request, customer information will be made available in Braille, large print, on audiotape, on computer disk and in a range of minority languages.

iii. A comprehensive framework for managing complaints

The Agency will operate a 2-stage complaint process (see section 7 below). Following the completion of the first stage the customer will have the right to request that the complaint is escalated to the next stage of the process. This will be subject to them explaining why they were dissatisfied with the outcome of the investigation at the first stage.

iv. Challenging & realistic time scales

In its Charter (Annex 1) the Agency has adopted the following time scales for Stages 1 and 2:

- Stage 1 - 5 working days
- Stage 2 - 7 working days

Where the customer cannot be provided with a full response within the required time scale an interim response will be sent within the 5 or 7 working days.

It should be noted that the time scales above do not affect the requirement to acknowledge complaints within 3 working days.

v. Providing advice to the customer during the course of the Agency consideration

Where the customer indicates that they wish to escalate the matter themselves by referring their complaint to the Ombudsman, they will be provided with the relevant details².

7. THE COMPLAINT PROCESS

The Agency follows a 2-stage complaint process, with clear opportunities for complaints to be escalated from one stage to the next. The process seeks to resolve complaints as quickly as possible.

At Stage 1 complaints will be directed to the service area which initially gave rise to the complaint. Stage 2 complaints will be addressed by the Chief Executive.

Stage 1

At the first stage of the complaint process, the customer should direct their complaint to the service area responsible. At this stage the customer should set out how they feel the service has been deficient and what they would like the Agency to do as a result of the complaint.

At this stage the Contact Officer appointed to deal with the complaint will

- Record the complaint.
- Investigate the complaint.
- Provide an appropriate response to the customer.

Stage 2

If the customer is dissatisfied with the response to their complaint at Stage 1, they may request that the matter be escalated to Stage 2. In requesting escalation, the customer should identify which elements of their complaint they feel have not been adequately addressed.

Complaints will be escalated to Stage 2 where the response at Stage 1 is considered to be incomplete, unclear or unhelpful.

² Customers should note that details for contacting the Ombudsman are contained in the Agency's Charter and reproduced in Annex 1.

When a complaint is escalated to Stage 2 it will be investigated by the Chief Executive who will:

- Summarise the main issues to be resolved, and agree these with the customer.
- Investigate the complaint.
- Provide a detailed response to the customer setting out the findings and the reasons for the findings.

External Appeal

If, following a Stage 2 investigation the customer remains dissatisfied with the response to the complaint, they may escalate the complaint by complaining to the Ombudsman. Contact details are in Annex 1.

8. CUSTOMERS MAKING MULTIPLE COMPLAINTS AT ONE TIME

At times a customer may choose to complain about a number of aspects of Agency services in one letter/form. Where the complaints relate to a single service or a single experience, they will be managed to enable a consolidated response to be prepared. Where the complaints made relate to different services or events, the customer will be informed about who will respond to each complaint made.

9. VEXATIOUS, PROFESSIONAL AND HOBBY COMPLAINANTS

It is possible for a small number of customers to generate a level of complaint workload which risks compromising either service delivery in the service being complained about or the Agency's ability to respond to complaints received. These instances may involve:

- High volume of complaints submitted, often with a reluctance to accept resolution being offered.
- High volume of complaints, with complaints submitted simultaneously to various Officers.
- Extensive correspondence on individual complaints, with complaints being re-interpreted or extended.

Such complaints need to be managed appropriately to:

- Avoid genuine, well founded complaints made by frequent complainants becoming 'lost' within the overall volume of that customer's correspondence.

- Avoid such complaints from having a negative impact on service delivery or general complaint management.

The 2-stage complaint process will minimise the negative impact of such complainants through avoiding engagement in lengthy exchanges of communications. When the Corporate Complaints Officer becomes concerned that an individual complainant is generating a workload which risks compromising other areas of work, he / she will review the volume of work being generated, the customer's expectations of the Agency, and the nature of complaints made and responses received. Where the Corporate Complaints Officer judges that the complainant is generating excessive workload, the complainant will be invited to meet him/her to discuss the complaint/correspondence volume and the impact this is having with a view to agreeing a more manageable approach to addressing the customer's concerns.

The Agency will not engage in communication once an individual complaint is deemed to have been effectively dealt with through the complaints process.

Annex 1 – Extract from the Agency’s Charter: *Putting Things Right*

We are committed to providing an efficient, impartial and courteous service. All our staff are expected to meet the standards in this Charter. If you feel dissatisfied with any part of our services please let us know. You can take up your complaint directly with one of the three Directors responsible for Agency services. You can obtain the name of the appropriate Director by telephoning the Agency. (Contact details are on page 1 of this booklet).

You can make a complaint in person or by:

- telephone or fax;
- completing the form at the back of this booklet;
- letter; or
- e-mail.

The Director concerned will investigate the complaint and report back to you within 5 working days. If you are still not satisfied you may raise the matter with the Chief Executive who will reply to you within 7 working days.

If there are shortcomings in our service we shall:

- apologise immediately;
- correct any error;
- ensure the problem does not arise again.

If you are dissatisfied with the Chief Executive’s response you can take your complaint to the Commissioner for Complaints, also known as the Ombudsman.

The Ombudsman is independent and can investigate complaints against government departments and their agencies, including the Labour Relations Agency. You can contact the Ombudsman at:

Commissioner for Complaints Progressive House 33 Wellington Place BELFAST BT1 6HN Freephone: (0800) 343424 Tel: 028 9023 3821 Fax: 028 9023 4912 e-mail: ombudsman@ni-ombudsman.org.uk web: www.ni-ombudsman.org.uk	or write to:	The Ombudsman Freepost BEL1478 BELFAST BT1 6BR
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Annex 2- Information to Customers Regarding the Complaints Procedure

Introduction

We are committed to providing a high standard of service to every customer, every time, however you contact us. We do recognise however, that occasionally we will not live up to your expectations or our promises.

Your comments are important. Not only do they allow us to improve our individual service to you, they also help us to enhance our products and services in general, making life easier for everyone who uses them. So if you have reason to suggest how we could have served you better, please do let us know.

If you have a complaint about any aspect of our service then we would like to hear from you.

You can contact us by phone (028 9032 1442), or by post (2-8 Gordon Street, Belfast, BT1 2LG) or e-mail (info@lra.org.uk).

Our front line staff will usually be best placed to receive your complaint and work with you to resolve it. However, you also have the option to contact our Chief Executive's Office direct at:

Telephone: 028 9033 7401 / 7411 / 7416 Monday – Friday 9am to 5pm

Or write to:

Director (Corporate Services), Customer Complaints Officer, Labour Relations Agency, 2-8 Gordon Street, Belfast, BT1 2LG

Information you need to provide

To help us investigate and resolve the problem as quickly as possible, please provide the following information:

- Your name and address.
- Clear description of your concern or complaint
- Details of what you would like us to do to put it right
- Copies of any relevant documents, such as letters or policies
- A daytime telephone number where we can contact you.

How we will handle it

We will try to resolve your complaint immediately, and with the minimum of inconvenience to you. The first step is for us to be really clear on what the problem is, and to identify with you what we can do to put it right. The more information you can give us the better.

Sometimes we will not be able to solve the problem with you "on the spot". If we are unable to resolve your complaint by the following business day, and if we have not already contacted you to agree our proposal for resolving it, we will:

- Send an acknowledgement of your complaint in writing within 3 working days
- Confirm who will handle your complaint, and how you can contact them. On occasions, to ensure that your complaint is reviewed by the most appropriate person, this may not be the person to whom you complained initially.

If your complaint is particularly complex in nature, we will seek to keep you informed of the progress we are making as our investigations continue. We will aim to resolve your complaint within 5 working days initially but if this is not possible, we will agree a timeframe with you which is no greater than 20 working days.

We aim to resolve all complaints as quickly as possible, and to the complete satisfaction of our customers. If, for whatever reason, you are not satisfied with the outcome of your complaint, you should get in touch directly with the Chief Executives Office. They will then seek to resolve the issue within a further 7 working days.

If you are dissatisfied with the Chief Executive's response you can take your complaint to the Commissioner for Complaints, also known as the Ombudsman.

The Ombudsman is independent and can investigate complaints against government departments and their agencies, including the Labour Relations Agency. You can contact the Ombudsman at:

Commissioner for Complaints Progressive House 33 Wellington Place BELFAST BT1 6HN Freephone: (0800) 343424 Tel: 028 9023 3821 Fax: 028 9023 4912 e-mail: ombudsman@ni-ombudsman.org.uk web: www.ni-ombudsman.org.uk	or write to:	The Ombudsman Freepost BEL 1478 BELFAST BT1 6BR
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Annex 3:

COMPLAINTS DETAIL FORM

COMPLAINT REFERENCE NO: (To be set by DCS)

NATURE OF COMPLAINT

DATE OF RECEIPT OF COMPLAINT: XX/XX/ 2006

TIME LIMIT UNDER THE LRA CHARTER (Annex 1): (+5 working days)

SUMMARY OF FEEDBACK SUPPLIED (date):

APPEAL TO THE CHIEF EXECUTIVE – DATE RECEIVED

TIME LIMIT OF CEO RESPONSE (Annex 1): (+7 working days)

SUMMARY OF FEEDBACK SUPPLIED (date):

REFERRAL TO OMBUDSMAN (date)

PUBLIC INTEREST DISCLOSURE ACT (WHISTLEBLOWING)

Introduction

The Public Interest Disclosure Act 1998, an Act protects workers who 'blow the whistle' about wrongdoing. It mainly takes the form of amendments to the Employment Rights Act 1996, and makes provision about the kinds of disclosures which may be protected; the circumstances in which such disclosures are protected; and the persons who may be protected.

In general, workers should be able to make disclosures about wrongdoing to their employer, so that problems can be identified and resolved quickly within organisations.

The provisions introduced by the Public Interest Disclosure Act 1998 protect most workers from being subjected to a detriment by their employer. Detriment may take a number of forms, such as denial of promotion, facilities or training opportunities which the employer would otherwise have offered. Employees who are protected by the provisions may make a claim for unfair dismissal if they are dismissed for making a protected disclosure. Workers who are not employees may not claim unfair dismissal; however, if their contract has been terminated by the employer because they made a protected disclosure, they may instead make a complaint that they have been subjected to a detriment.

Subject to some limited exceptions, the new provisions protect persons who work under contracts of employment; those who work personally for someone else (under a "worker's" contract) but are not genuinely self-employed; homeworkers; certain agency workers; National Health Service practitioners such as GPs, certain dentists, pharmacists and opticians; and certain categories of trainees.

Certain kinds of disclosures qualify for protection ("qualifying disclosures"). Qualifying disclosures are disclosures of information which the worker reasonably believes tend to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- the breach of a legal obligation;
- a miscarriage of justice;
- a danger to the health or safety of any individual;
- damage to the environment; or
- deliberate covering up of information tending to show any of the above five matters.

It should be noted that in making a disclosure the worker must have reasonable belief that the information disclosed tends to show one or more of the offences or breaches listed above ('a relevant failure'). The belief need not be correct - it might be discovered subsequently that the worker was in fact wrong - but the worker must show that he held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.