



Guide to principles of good complaint handling

Firm on principles, flexible on process

Clarity of purpose

Accessibility

Flexibility

Openness and transparency

Proportionality

Efficiency

Quality outcomes

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Introduction

The British and Irish Ombudsman Association (BIOA) has many kinds of bodies in membership including ombudsman schemes and review bodies. They range in size from large to small and from national to more local. Some are in the public sector; some in the private sector. Some are statutory and some are voluntary. But all are involved in complaint handling, and all seek to resolve disputes that two or more participating parties have previously been unable to resolve.

Every scheme has its own standards and procedures designed to meet the needs of the people and organisations that use them. In the main, these have developed as a result of individual experience. They all however aspire to the BIOA values of independence of judgement, fairness and impartiality, effectiveness and accountability.

This booklet seeks to distil the experience and expertise of BIOA's membership. It will help existing Ombudsmen and other complaint reviewers with self-audit and provide guidance for those contemplating new schemes or applying for BIOA membership. In this way it will support the objectives of BIOA, which include the aim to formulate and promote standards of best practice to be met by Ombudsmen in the performance of their duties. The booklet is not meant to be prescriptive or all-encompassing, as schemes vary in size and remit and there is no 'one-size-fits-all' model. BIOA schemes are always seeking to learn from others, so to that extent, the booklet will always be 'work in progress'.

In the rest of this booklet we will

for convenience call Ombudsmen, commissioners and complaint reviewers, 'office holders' and their organisations 'schemes'.

Background

Office holders and their schemes investigate complaints against a wide range of government and commercial organisations. Complaints will usually already have been investigated by the organisation concerned. The reviewer's role is to resolve cases that get beyond this stage, where, after the organisation has given a properly considered view, differences still remain between the organisation and the complainant.

Sometimes there are shortcomings in how the complaint has been handled, so that when it reaches the scheme, the complainant's grievances may not have been understood or fully considered by the organisation concerned. In addition, the handling of the complaint may itself have become an issue. Sometimes the complainant has unrealistic expectations or an incomplete understanding of his or her rights and responsibilities and wishes to persist against all the evidence. Whatever the circumstances, the scheme will need to understand what has led to the referral.

Every scheme is different and deals with differing issues. There are however, many similarities in how we go about our work. In particular, schemes in BIOA membership recognise that to carry out our role effectively, complainants must have confidence that issues will be considered impartially and on their merits

and that independent judgement will be brought to bear.

Process

The following basic stages are common to most schemes:

- receiving a complaint from a complainant
- seeking a response from the organisation being complained about
- trying to resolve the complaint as quickly as possible
- carrying out some sort of ‘investigation’ to identify the merits of the case, arrive at a conclusion and provide appropriate redress
- feeding the outcome of systemic findings into best practice within the organisation

Key Principles

BIOA member schemes are independent of management control from organisations within their remit and are committed to our key objectives, which include the need:

- to formulate and promote standards of best practice and
- to encourage efficiency and effectiveness

In furtherance of these objectives BIOA has identified seven key principles which support schemes in our work and which people can rely upon when using our services. These are: clarity of purpose, accessibility, flexibility, openness and transparency, proportionality, efficiency, and quality outcomes.

In many cases, it is not possible to satisfy completely the needs and wishes of complainants. Incorporating these principles into the complaint-handling process will minimise unresolved issues or feelings of grievance. It may also make the organisation complained against less defensive, and increase the likelihood

of achieving both resolution and organisational learning for the future.

Clarity of purpose. A clear statement of the scheme’s role, intent and scope.

Accessibility. A service that is free, open and available to all who need it.

Flexibility. Procedures, which are responsive to the needs of individuals.

Openness and transparency. Public information, which demystifies our service.

Proportionality. Process and resolution that is appropriate to the complaint.

Efficiency. A service that strives to meet challenging standards of good administration.

Quality outcomes. Complaint resolution leading to positive change.

Each of these principles is covered in more detail in the chapters that follow.

Please note that commentary or points made in some chapters are repeated in others where it is necessary to emphasise matters that have relevance to more than one principle. Whenever this occurs, the text will include a cross-reference to other chapters.

Clarity of purpose

A clear statement of our role, its intent and scope

1:1 Introduction

All BIOA schemes are independent of management control from organisations within their remit, so that people can have confidence in their impartiality and in the way their complaints will be handled. Independence is fundamental to our role.

Many schemes are governed by statutory limitations on the types of complaints they can consider or how they can be referred. Some are limited by contractual or other arrangements which define the issues they can consider and when they can do so.

As a consequence, it is essential to explain why we exist and what we do, so that people know what to expect from their contact with us. The factors below all play a part in achieving this objective.

1:2 Understanding our role

The primary (or core) role of office holders and their schemes is to look into complaints in a proportionate and impartial manner, and bring matters to a fair and reasonable conclusion. In most cases, complaints will have defied earlier resolution by the organisation complained about.

Our role is wider than that of a regulator, with a statutory role in placing obligations on organisations within their remit, for example by setting service standards or placing financial limits on charges to customers. It is also wider than courts or tribunals, which will generally be limited to considering whether action is lawful. Our role is rather to consider and resolve



individual complaints about poor service or unfair treatment.

This is not an easy task, as it requires the scheme to balance the views of the complainant against those of the organisation and, based on the merits of the case, achieve a just result for both.

However, we also have an important secondary role. As a result of our work, schemes are able to identify how organisations can improve the way they do things and reduce the likelihood of similar complaints arising in the future.

Schemes aim to strike a balance between these sometimes competing requirements (see Chapter 7 Quality Outcomes).

1:3 Leadership

Most schemes are led by an appointed office holder or a number of such individuals. As

the public face of their own organisations, they need the necessary experience, skills and authority to engender confidence in them and their scheme. Their role is to promote the vision and values of the scheme and, in particular, to demonstrate the independence of thought and spirit that will promote public trust in their judgement.

Similarly, they must provide guidance and support for people within their schemes by setting clear goals, defining success criteria and developing an organisational culture, which facilitates a positive and enabling role in the settlement of complaints.

1:4 Clear objectives

A scheme's principal aim is to secure a just and proportionate result, which brings closure for the complainant and the organisation. For many schemes, this decision will be the complainant's last opportunity to settle the dispute.

A further purpose of the process is to identify the reasons why complaints arose and were not settled by the organisation concerned. This may highlight a weakness in an organisation's administrative or complaint-handling processes, which can be brought to the attention of senior managers, who are accountable for making appropriate changes and improvements.

Some schemes make decisions that are legally enforceable. Most do not. Even where it is not compulsory to do so, organisations within the scheme's remit should be encouraged to accept findings and implement recommendations made by, or on behalf of, the office holder. This is necessary if the scheme is to have credibility in the eyes of complainants. Follow-up is essential, both to confirm that action has been taken, and to provide public assurance.

Whilst it is necessary to ensure that

the scheme responds to people and situations in flexible and proportionate ways, the scheme must remain focused on achieving quality outcomes that lead to positive change (see Chapter 7 Quality Outcomes).

1:5 Clear communication

Clarity of purpose is achieved by communicating well. Public information should explain the scheme's vision and values, its objectives and service standards. All publications must be easy to obtain and simple to read, using plain language and avoiding technical jargon (see Chapter 4 Openness and Transparency).

Engagement with complainants and others should be designed to avoid doubt and misunderstanding about the reason for the contact and the information that is requested or provided.

Internal guidance should support the achievement of the scheme's objectives and articulate the standards against which the service will be judged.

1:6 Clear and consistent processes

Schemes should develop standard processes for responding to complaint referrals. They should be designed to meet complainants' needs but also to cope with unusual and complex cases (see Chapter 3 Flexibility). Complainants should be given a clear explanation of the criteria for accepting complaints and a step-by-step guide to the way they will be addressed, including what service standards they can expect in terms of speed, detail and staff behaviour.

Clarity about what can be achieved and what is not possible is vital to a complainant's understanding of the

scheme's role. If the scheme cannot help someone, wherever possible that person should be given information about alternatives. It is especially important to make it clear when matters have been brought to a conclusion.

A final letter or report should set out a synopsis of the facts taken into account, describe the result of the review and, where appropriate, the reasons for decisions that have been reached. It should also direct the complainant to any further help he or she can get if the communication received is not fully understood or there

is dissatisfaction with the service or outcome. This should include how to make representations against a decision.

Consistency must not equal complacency. The scheme's service should be regularly reviewed in the light of feedback from complainants and organisations within its remit, to ensure that it continues to meet changing demands and circumstances (see Chapter 6 Efficiency). Schemes should continue to look for improvements in service provision and be prepared to learn from and assist others in BIOA membership.

Notes

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Accessibility

A service that is free, open and available to all who need it

2:1 Introduction

Schemes must constitute realistic and usable ways of seeking independent redress. Therefore, for those who need to use them, they must be known about, free to use, open and available.

Methods of access to schemes will differ from one scheme to another. For example, whilst most referrals can be made by complainants or their personal representatives, some referrals must be made by Members of Parliament or other authorised representatives. However referrals are made, it is important that people have the information they need to be able to take this step within the appropriate time-frame, and that the organisation complained about does not 'filter' access.

A particular advantage that schemes offer a complainant in terms of accessibility is that the service available to them is free. This means that people do not need to worry about whether they can afford to have their complaints properly considered, in order to get an independent view of what has happened.

2:2 Awareness

A scheme should ensure that it takes all reasonable measures to make the general public aware of its role. Promotional material should be available at places where potential complainants are likely to gather or seek information. This includes any organisations covered by the scheme,



Citizens Advice and other voluntary sector organisations, reference libraries, tribunals and courts.

Other means of advertising the existence of a scheme, such as telephone directories and links from relevant websites, should also be considered with the object of increasing public awareness. Logos should be displayed on letterheads and advertising material, so that the scheme is easily recognisable.

To ensure ease of access to all those who need it, the scheme must be well known within the organisations covered by its activities. Those organisations, should refer potential complainants to it as part of their own in-house complaint-handling procedures, and be able to give helpful information verbally as well as in complaints and other promotional literature.

2.3 General accessibility

It is important to make it as easy as possible for complainants to access schemes.

Schemes should develop standard methods of responding to complainants, which will be appropriate in most situations, and support consistency (see Chapter 6 Efficiency). That should not prevent them from recognising and responding to the individual and unusual needs of some potential complainants or responding to contact in a proportionate manner.

Whilst accessibility to schemes will differ depending on size, location and remit, complainants must be given as many ways of contacting schemes and referring their complaints as is practically possible within legislative and other constraints. Most should be able to do so by letter, e-mail or telephone. It may also be helpful to consider other methods of communication commonly used by particular age or social groups, such as SMS text messaging.

Although most schemes welcome contact by telephone, it should be borne in mind that some people may find it hard to make phone calls during standard office hours.

It may therefore be helpful to offer out-of-hours contact or make other arrangements for people to complain. Where it is practicable, some schemes may be able to arrange for complainants to do so face to face.

Schemes should regularly check how easy complainants find it to access their services, for example, by issuing customer satisfaction surveys and consulting focus groups.

2.4 Special accessibility needs

It is important to identify potential barriers to bringing a complaint and ensure as

far as is practicable, that the processes, principles and practices of the scheme are designed to mitigate them. For example, some people may need advocates or other representatives to act for them in referring their complaint. Others may need other practical assistance. For this reason, information should be available to help people obtain the help they need.

Schemes have a responsibility to provide a service that accommodates the special needs of different groups and individuals in the community. A complainant's personal situation and background should not be a barrier to bringing a complaint.

In each individual case, it is also important to ask individuals what specific help they need to express that complaint, rather than make assumptions. Although not a comprehensive list, some of the possible barriers to access are described below:

Literacy and language

Differing levels of literacy and uneven communication skills may result in some complainants not understanding the jargon used in complaint forms, or having difficulty in articulating abstract concepts. It is therefore important to ensure that documentation is written in plain language. A scheme may also consider helping complainants complete their documentation.

When English is not the first language of the complainant, even conversational fluency in English as a second language may not be sufficient to allow the complainant to communicate confidently and effectively in official language. Ways of mitigating this issue might include the translation of key documents into other commonly used languages and a phone-based translation service. Some countries have more than one official language and

there may be statutory obligations on schemes in those countries to conduct business with complainants in languages other than English.

Socioeconomic differences

It may be appropriate to take account of the special needs of some potential complainants from particular backgrounds or communities.

Enabling wider accessibility may include diversity training to help staff identify concerns of people from different backgrounds and to understand when gender, age, race, culture etc. require particular consideration.

Wherever possible and practical, a scheme should consider the diversity of its own workforces and how far it reflects the diversity of the public they seek to serve.

Disability

Disability-awareness training for staff may help them to assist people with physical and mental disabilities and illnesses and to consider pragmatic individual solutions. For example, it may be necessary to arrange investigator visits for those who are housebound.

It is also important to question common

assumptions. For example, publications in Braille might seem like the answer for people who are sight-impaired but many registered blind people do not read Braille. So dialogue with relevant consumer and voluntary groups is important.

2.5 Commitment

It is important for schemes to seek to do more than simply meet legal requirements relating to accessibility. A legalistic approach to this issue would concentrate only on compliance with the provisions of relevant legislation such as, for example, the UK Disability Discrimination Act or the Welsh Language Act.

A genuine commitment to accessibility is more than just a matter of ensuring disabled access, induction loops, providing leaflets in various languages etc. It is about proactively 'opening up' – widening access, literally and metaphorically – for all kinds of people who might not otherwise have the knowledge, confidence or ability to complain.

This may require significant political, behavioural and process changes right across an organisation.

Notes

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Flexibility

Procedures that are responsive to the needs of individuals

3:1 Introduction

Whilst there are some general principles for good complaint handling that should be applied firmly, there should also be some flexibility in the process of dealing with complaints. As such, “flexibility” is a principle in its own right.

BIOA believes that complaint-handling procedures should be designed to provide a range of options that can respond to the varied needs of complainants. However, it is accepted that not all schemes will need or be able to offer all possible options.

At all stages during a scheme’s complaint-handling process, there should be enough flexibility to allow each complainant to feel that they are being treated as an individual and that the complaint will be dealt with on its own merits.

3:2 Initial contact and expressing the complaint

Schemes should use a wide range of options for making the general public aware of their existence (see Chapter 2 – Accessibility).

Many potential complainants may not be sure if a scheme can address their particular problems. They should be able to make initial contact to check this out in a variety of ways, including telephone, letter, fax, or e-mail.

For most schemes, a complaint can usually be raised by the complainant personally, or by anyone authorised by them, including a legal representative. However, in some cases, referral must be



through a Member of Parliament or other authorised representative. Although most complainants are able to make a complaint by themselves and in their own name, this must not be a precondition of referral (see Chapter 2 – Accessibility).

However complaints are referred, it is essential that the scheme is able to reach a clear, shared understanding with the complainant of the issues of concern to them.

3:3 Options for resolution

Most complaints are referred to a scheme after an in-house complaint-handling procedure has failed to resolve a dispute. It is important to build into the scheme’s process, opportunities for early resolution. This may be an attempt to reach a

settlement by mediation or conciliation before investigation begins, or for settlement to be achieved at any stage of an investigation and before it is completed.

Complainants come to schemes for a number of reasons and may seek redress of different kinds. For example, some complainants are seeking an explanation of what has happened in their case and why, and an acknowledgement that they have been badly treated. Others are seeking financial compensation. It is important that schemes have authority to offer a range of redress options for seeking resolution of a dispute. These should at least include an apology from the organisation to the complainant, and remedial action by the organisation and / or financial redress for the complainant (see Chapter 5 Proportionality).

Of course, resolution of a dispute may involve a combination of any of these options, together with any other that may be particular to that dispute. In some cases, a scheme will be unable to assist complainants with redress itself, but it should do what it can to point complainants in the direction of others who can help and advise them.

3:4 Options for investigation

A scheme's investigation may involve complaint handlers speaking to the parties concerned or, if appropriate and practicable, meeting them so as to allow an opportunity to be heard. It may also, or alternatively, involve an analysis of written information presented by each party, and direct contact with the parties may be limited to seeking clarification. It may require seeking additional information from relevant third parties. Whatever process is used, sufficient investigation

must be conducted to be able to reach a clear and reasoned conclusion about the merits of the case.

Most schemes will have procedures that deal with complaints according to timescales on a first-come, first-dealt-with basis. However, schemes should also have procedures that allow for fast tracking certain cases. It will be up to each scheme to determine the criteria for fast tracking, but an example might be to deal with a case before a date set for a court hearing.

Additionally, schemes may take account of the inherent risks posed by particular complaints or circumstances in deciding how to progress a case. These might include the health of a complainant, the potential for a disproportionate use of resources (see Chapter 5 Proportionality), or the wider public interest in the case.

3:5 Enforcement of judgements

Some schemes can make recommendations that are binding on the organisations concerned and some cannot.

Whenever recommendations are made to an organisation, its response should be recorded and the implementation of any recommendations monitored. The scheme can then explain what has happened, both to the complainant and, where appropriate, publicly.

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Openness and Transparency

Public information which demystifies our service

4:1 Introduction

A scheme is expected to have a policy of openness and transparency in relation to what it does, how it does it and the results it achieves. This is fundamental to accountability. It enables a scheme to demonstrate fairness of approach, which in turn increases public confidence. It also ensures that a scheme is not perceived as exclusive, secretive or unwilling to be open to public scrutiny.

Schemes should follow this policy despite the risk that this might expose weaknesses. It is essential to publish information about performance as a motivation toward improved quality of service delivery, and as an example to organisations within the remit.

Nevertheless, there will be occasions on which statute, contract, or good practice require discretion about the information that can be given to individuals or made public. An example is where there is a justifiable need to preserve anonymity or where there is a clear understanding that information will be handled confidentially. In these situations, any apparent lack of transparency must always be capable of justification.

4:2 The office holder

Office holders are expected to undertake their roles in the public interest and without fear or favour. The basis of their authority, which may be legislative or contractual, should be made public so that the source



and extent of their remit, duties and discretion may be readily understood and afford confidence in their independence. (See Chapter 1 Clarity of Purpose)

It is generally expected that the initial appointment of the office holder will be through an open process without a predetermined outcome and which adheres to appropriate national codes of practice relating to public appointments. Terms of office should be published and be of sufficient certainty and duration to secure independence.

If activities or authority of the office holder are delegated to others, the terms on which this happens should be openly available to anyone who needs

to understand how complaints will be managed by the scheme.

4:3 Governance arrangements

Schemes may be managed in different ways. Some have boards or other forms of governing body, whilst other office holders are accountable through an agreed mechanism provided for by contract or by statute. Whatever arrangements are in place, it is good practice to publish details of internal governance policy and procedures.

Where there is a governing body, it is also good practice to appoint the chair and members in accordance with the codes of practice referred to above, in order to preserve confidence in the independence of the scheme and its leader. There should also be a published statement of its authority, its role and its objectives, together with clear information about how and to whom it is accountable.

4:4 Open communication

A scheme's communications strategy should take account of the needs of complainants, staff, and other stakeholders (see Chapter 2 Accessibility). Subject to the reasonable requirement to protect confidential personal or other relevant information, and issues of specific case-investigation privacy, there should be a presumption in favour of information being made freely available on reasonable request.

It is good practice to set out clearly what the scheme can and cannot do, as well as the processes and procedures used to review a complaint. So far as it is possible and practicable, final determinations should be published in a way that enables everyone concerned to understand the evidence, the application of rules and policies and the reasons for

any conclusions reached. Additionally, schemes should openly state whether and, if so, how people can challenge decisions or complain about the service received (see Chapter 1 Clarity of Purpose).

Some schemes make their determinations public and, where this is the case, they should be available for convenient reference by their stakeholders, who should also have easy access to the policies and procedures that lead to decisions.

External publications and internal guidance should be tested regularly to make sure that they properly describe the scheme's objectives and the standards to be expected (see Chapter 1 Clarity of Purpose).

4:5 Stakeholder relationships

Schemes generally fall into one of two categories: public or private sector. In each case it is important to have constructive relationships with the organisations in remit. This is an opportunity to exert positive influence through a 'partnership' approach towards improving an organisation's own service standards and those of other similar organisations.

For public sector schemes, this means forging appropriate links with for example, central and local government. For private sector schemes, it means getting to know the 'industry' and the influential organisations within it. The development of open and productive dialogue with stakeholders is an essential part of securing co-operative responses in situations where the scheme challenges the service that has been given in response to individual complainants.

In the public sector, this may involve criticism of particular agencies, and commentary on the efficacy of current legislation and policy. In the private sector

too, judgements and comments made can affect commercial interests, putting at risk reputation and profitability. This can lead to unwarranted friction if all eyes are not on the clear goal of serving peoples' interests in the best way possible.

The willingness to work with the scheme and learn from complaints reviewed, requires confidence in the advantages to be gained by demonstrable commitment to good customer service. Whether in the public or private sector, organisations are more likely to understand, trust, and comply with the scheme's determinations if they have a clear appreciation of its vision and values, an awareness of the review process and any mechanisms for assuring quality, fairness and consistency.

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To secure wider public understanding of the scheme's role, relationships with consumer representative bodies and other statutory and voluntary sector organisations are valuable. These can help to 'spread the word' about the scheme and encourage people to seek its help when the need arises.

Another important aspect of raising awareness is through interaction with the media. Whether this happens by accident or design, passively or proactively, office holders and other scheme representatives should always be as open as possible about the scheme and its purpose, give clear and unambiguous information and use the occasion as an opportunity for promotion, information and education.

Notes

Proportionality

Process and resolution that is appropriate to the complaint

5.1 Introduction

In dealing with a complaint, all schemes will be faced with choices in the type of process to apply, the resources to devote to the task and, if appropriate, the particular form of redress to be considered. All should be proportional.

Proportionality implies an assessment of the complaint and a response to it that takes into account the nature of the issue, and the effect it has had on the complainant. Some complaints may be relatively straightforward and the alleged consequences of the fault minor. Some may be extremely complex, with alleged failures causing injustice or hardship affecting not only the complainant but also others. Procedures need to be in place to ensure fairness of treatment, while recognising the need to tailor resources to the particular complaint.

The depth of the investigation and the time taken should be proportional to the seriousness of the alleged failure. Redress should reflect the maladministration that has occurred, and take account of the hardship or injustice suffered as a result. The standard or quality of evidence and investigation should, however, remain constant. In addition, procedures should be in place to assure quality and audit the process.

5.2 Proportionality of approach

It represents a better outcome for a complainant and the organisation concerned if problems that arise can be resolved as quickly as possible, so that



people do not need to take their complaint to independent review. Schemes should encourage organisations within their remit to have effective complaints procedures which facilitate local resolution and, where appropriate, should refer complaints back to give the organisation the opportunity to achieve this outcome.

Where local resolution is not appropriate, the methods used to examine or investigate a complaint should be suited to the needs of the scheme and the nature of the problem (see Chapter 3 – Flexibility).

The particular method used to reach a fair outcome will depend on a number of factors including the nature and impact of the complaint, the circumstances of the complainant, any time constraints (both

for the scheme and the complainant), the parameters of the scheme and the resources at the scheme's disposal.

5:3 Proportionality of redress

Redress should be proportional to the degree and nature of the failure and hardship or injustice suffered. The investigator needs to weigh up the problem and the proposed solution in order to provide an appropriately balanced outcome.

It is essential that complainants are given realistic expectations about what the scheme can achieve within its jurisdiction. For some schemes redress options are very limited. However, for most, a number of options for redress are usually available in appropriate circumstances:

An apology. In many cases, an early apology by the organisation concerned, given as a result of its own complaint-handling process, can lead to settlement without referral to a scheme.

Remedial action. This may mean changing decisions or standpoints on the service given to an individual consumer and putting things right, or a revision of procedures to ensure that such complaints are less likely to occur in future.

Financial redress. This can include a payment designed to restore the complainant to the position they would have been in had the maladministration not occurred. It can also mean a goodwill payment given as a tangible expression of an apology.

Of course, resolution of a dispute may involve a combination of any of these options, together with any other that may be particular to that dispute.

In recommending redress, the scheme will take a number of factors into account. While the decision rests with the reviewer,

the wishes and needs of the complainant should be considered. Other relevant issues are the degree to which the complainant contributed to the failure, the time that has elapsed since the event, and the time and trouble experienced by the complainant in pursuing the complaint. The reviewer should also consider the implications for others similarly affected, the capacity of the organisation to comply and the implications for other similar organisations.

5.4 Unacceptable actions by complainants

While accessibility is a key principle for all, the behaviour of some complainants may exceptionally require restriction of access. Their conduct may be abusive or aggressive, their demands unreasonable or they may be unreasonably persistent. Complaints may also be made as part of an orchestrated campaign. Such behaviour can absorb resources disproportionately, and cause disruption or disadvantage to other complainants.

If the complaint has sufficient merit, procedures should be in place to allow the investigation to proceed while managing such behaviour. Engagement with complainants can of course be reduced if their complaints are dealt with efficiently and brought to a timely conclusion. If, after a complaint has been determined, (including any appeals process), the complainant persists in an unacceptable way, it is important to call a halt in a way that is reasonable, timely and decisive.

The scheme should have clear procedures for responding to a complainant who is particularly threatening. In extreme cases, this may include calling in the police. These procedures should be open and transparent for complainants as well as for staff. They

should include a requirement wherever possible to make a complainant aware that particular behaviour is considered unacceptable and why this is the case, and to explain what will happen should it continue.

It is important however not to confuse

such cases with those where special sensitivity is needed, for example when responding to the requirements of some complainants with mental health problems or other disabilities.

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Efficiency

A service that strives to meet challenging standards of good administration

6:1 Introduction

A well-run organisation should be effective in what it does, efficient in how it does it and represent good value for money. BIOA schemes are no exception.

Efficiency is an important determinant of a complainant's perception of how well his or her complaint was handled. Alongside the quality of an investigation and its outcome, the timeliness of action will be important both to the complainant and the organisation complained about. Complainants, the organisations within a scheme's remit and other stakeholders will take its efficiency into account in forming their own view of the quality and value of the scheme.



6:2 Effectiveness

To be effective and have credibility in the eyes of its stakeholders, a scheme must have a clear remit, demonstrable independence and authority, be evidently knowledgeable about its work and have adequate powers.

A scheme that has good internal planning processes, including a published set of values, mission statement, clear objectives, (and in larger schemes, a business plan, performance and risk management processes), is more likely to be, and be seen to be, consistent and rigorous in its approach to its mandate (see Chapter 1 Clarity of Purpose).

6:3 Process considerations

Each case has to be considered on its own

merits. Any action taken should be tailored to the issues, adopt an appropriate response and be capable of achieving resolution. In some cases this may require little more than providing helpful explanation or advice. In others, it may mean resolving issues by agreement between the complainant and the organisation. In some it may mean a thorough and lengthy investigation of complex issues.

Where an investigation of any kind takes place, it should be, and be seen to be, even-handed. For example, extensive and repeat contact with the organisation complained against, not matched by a similar level of contact with the complainant, can be perceived by the complainant as unfair or

biased treatment. However, even-handed treatment does not always mean spending equal time with each party to a complaint, or taking equal time to reach a conclusion in comparison with other complaints (see Chapter 5 Proportionality).

The scheme should have agreed arrangements or clarity with the organisations within its remit. This should include such issues as time limits for responding to complaints by the organisations concerned, the format of such responses and, where applicable, the involvement of a designated contact person or liaison officer at an appropriate senior level. There should also be agreed arrangements to deal with failures to observe liaison arrangements. Time limits for responses from organisations (or, where appropriate, from complainants) should be published and available to all.

All evidence should be clearly documented and analysed. Natural justice and fair procedure should be observed, including appropriate opportunities to comment on facts, conclusions or outcomes. Conclusions should be evidence-based and decisions and recommendations should flow clearly from the analysis.

6:4 Consistency

Every complaint is unique to the complainant and should be considered on its own merits. However, complaint reviewers should try to make decisions that are consistent. This does not imply treating past decisions as binding precedents where circumstances merit a different outcome. Rather, it places an onus on the scheme to promote fairness of treatment. Some schemes demonstrate this by publishing past decisions and ensuring that they are accessible to staff and the public. Some

schemes do not publish individual complaint outcomes. Even so, efforts should be made to treat similar issues in similar ways.

For all schemes, information about possible complaint outcomes and remedies should be publicly available and given to complainants.

Even if there is no right to appeal against the scheme's decision to an independent body, or to take a complaint further, the scheme should have an internal facility to consider applications from complainants for a review of the decision on their case. The scheme should monitor the number and outcomes of such applications, and use this information to improve the quality of its decision making.

6:5 Quality assurance

Appropriate resources should be allocated to the examination of each complaint and each complaint should be dealt with in a reasonable time-frame. What is appropriate and reasonable in this context is a matter for each scheme to determine (see Chapter 5 Proportionality). However, there should be constant monitoring of resources and time-frames by case managers and regular reviews of the progress and quality of input to individual cases. In order to give effect to these requirements, the scheme should ensure that its information technology systems are capable of producing an appropriate range of complaint statistics.

Regular surveys of complainant satisfaction will help the scheme to ensure that its customer information is relevant and up to date. In addition, schemes should seek to identify best practice by comparing notes or benchmarking with other schemes and relevant complaint or dispute handling organisations. The sharing of best practice is a BIOA objective.

In relation to organisations within its remit, the scheme should establish measures to feed back information and relevant systemic advice, for example guidance on internal complaint handling and redress. At periodic intervals, the scheme should also give feedback to organisations on their performances.

6:6 Staff management

Schemes are responsible for a number of different resources – staff, property, money and, increasingly, information management. However, as in any organisation, which deals on a daily basis with complex and sensitive matters, the people employed by a scheme are its most important resource. Recruiting, training, rewarding and supporting staff are key elements in building an effective organisation. Human resource management policies that promote efficiency are equally important in a complaint-handling scheme. Though not included here in detail, schemes should note the following points:

- When recruiting staff, the scheme should ensure that it has established the competency skills it requires and it should test for these at interview and / or in written tests. Once recruited, staff should be trained and developed on an ongoing basis to ensure they understand the nature and limits of their own roles

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and those of their colleagues. Induction training is important, as are mentoring and advanced investigation skills.

- Complaint handling can be difficult at times and complainants are not always courteous to staff. There should be clear guidelines to support staff in dealing with complainants who exhibit unacceptable behaviour and access to further advice if needed.
- Wherever possible, the scheme should encourage formal recognition of skills with a view to supporting good complaint-handling practices.

6:7 Cost effectiveness

The key test in evaluating whether the scheme provides value for money is whether it is effective in the opinion of:

- its constituency of potential and actual complainants
- the organisations in remit
- the body to which the scheme submits its annual report

The value for money and effectiveness of the scheme should be judged not only in terms of outputs, but also the quality of outcomes that are delivered (see Chapter 7 Quality Outcomes). Although difficult to quantify, a scheme can be said to deliver value for money if the outputs and outcomes it achieves merit the running costs of the scheme. Regular qualitative audits of outcomes should be encouraged.

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Quality Outcomes

Complaint resolution leading to positive change

7:1 Introduction

All the principles set out earlier are essential to ensuring quality outcomes. This Chapter describes the quality outcomes that can be achieved for the complainant, the organisation complained against, the scheme itself and other stakeholders, including society at large. The overall aim of the scheme should be to consider how best to achieve these outcomes (see Chapter 1 Clarity of Purpose).

7:2 Quality outcomes for the complainant

The fact that the complaint was made and pursued at all, will have been driven largely by the complainant's strength of feeling. So it is important that complainants feel that they have been listened to, that they have been given a clear explanation of what happened to them, and that their complaints have been addressed in a fair and impartial way.

However the complainant's expectations do need to be appropriately managed, for example by making clear which of their concerns can be addressed by the complaint-handling process, the amount of time the process is likely to take, and the kind and level of redress available (if any) (see Chapter 1 Clarity of Purpose).

Processes should be sufficiently flexible to accommodate the complainant's needs and address his or her concerns (see Chapter 3 Flexibility). They should also be sufficiently transparent to



demonstrate this to the complainant.

Where appropriate, the future consequences of outcomes, for example the impact on any future relationship between the complainant and the organisation concerned, should be taken into account.

In some cases it will not be possible to address all of the complainant's concerns. Where the complainant is left with unresolved issues, he or she may continue to pursue resolution, sometimes becoming overly persistent or even abusive. If further engagement will not add value for the complainant, or the organisation concerned, it is best to draw a line under the handling of such complaints (see Chapter 5 Proportionality).

7:3 Quality outcomes for the organisation complained against

Schemes should be considered as a welcome extension to an organisation's own quality assurance processes.

In the same way as for the complainant, the organisation complained against must also be heard and its concerns properly considered. Where, following investigation, the complaint was found not to be justified, this will provide added confidence about the organisation's procedures. Where it is found to be justified, there are lessons to be learned that can be fed back into its procedures and training to ensure that past mistakes are avoided in future.

Feedback can be on a case-by-base basis, so that the organisation complained about can potentially deal differently with a future recurrence. However, feedback can also indicate learning from a set of cases to inform more substantial changes of process within the organisation.

Feedback may be about the product, service or advice that was initially provided. It may lead to fundamental improvements that reduce future complaints. Equally, complaints may be about the complaint-handling process itself, where feedback informs the ways in which future complaints will be dealt with. If a large proportion of the complaints referred to the scheme are found to be resolvable in a straightforward way, this may indicate that they could have been resolved at an earlier stage.

The credibility and standing of the scheme with the organisation is an important factor. If the scheme is at least part-funded by the organisation, the fact that it will only be getting full value for money if it learns from these complaints, can also be a persuasive factor in securing effective feedback.

A positive future perception of the organisation by the complainant is an important outcome, whether there will be future dealings between the parties or not. A good complaint-handling process by the scheme, with visible and effective mechanisms for passing back lessons, will impact positively on the wider public reputation and standing of the organisation and the sector.

7:4 Quality outcomes for the scheme

Schemes should seek to learn lessons from the complaints they handle with a view to improving outcomes for future complainants and other stakeholders. Dissemination of good practice will also promote greater efficiency in future and deliver better value for money.

It is not easy to measure all outcomes quantifiably, and comparisons between schemes can be misleading, given the differences in size and type of caseload. It should, however, be possible to incorporate worthwhile measures into a scheme's business-planning processes in the form of key performance indicators. Such measures are likely to incorporate a mixture of objective data such as number and kind of complaint, the form of redress obtained and average time per case. However, more subjective data might also be sought on the views, experiences and feelings of complainants and other stakeholders.

Schemes must handle complaints in ways that promote their credibility and standing. Adherence to the principles set out in earlier chapters should assist in this. No matter how polarised the positions of the parties, the aim should be to manage expectations, take into account and respect

the feelings of all concerned, and ensure no surprises at the outcome.

As mentioned earlier, in many cases it will be impossible to address all of the complainant's concerns. That can be dispiriting for staff, but following these BIOA principles will add value and hopefully minimise any negative impact on staff morale.

7.5 Quality outcomes for the public and for stakeholders

Schemes should be aware of the wider public benefit that they can provide.

They should also seek to identify their stakeholders, for example government departments and agencies, industry bodies and regulators in the sector in which the

scheme operates. By doing so they can then seek to identify ways in which they can add value for all of them. The following examples of added value are not an exhaustive list, but demonstrate some of the differences that can be made:

- holding organisations to account for the ways in which they deal with people and respond to their complaints – in this way a scheme can act as a means of ‘public protection’
- increasing public confidence
- acting as role models for other complaint handlers
- ensuring that learning is widely spread across the sector to which the organisation belongs, and generally raising standards.

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