

Less re-offending, fewer victims

Thames Valley Probation



Complaints, Compliments and Information Access Policy

Complaints, Compliments and Information Access Policy



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Introduction

1. Thames Valley Probation aims to provide a high quality service. We recognise, however, that there may be occasions when we get things wrong, or that people are dissatisfied with some aspect of our service. This policy explains how people can tell us about their dissatisfaction, how we will investigate their complaint, what we will do to correct problems and how we will monitor our service quality.

Definitions

2. The terms below have the following definitions in this policy.

'complaint' is an expression of dissatisfaction, however made, about the standard or quality of service, action or inaction by an organisation, its employees or agents, that affects one or more people in receipt of a service provided by the organisation¹.

'data protection' has the meaning set by the Data Protection Act 1998.

'data subject' has the meaning set by the Data Protection Act 1998.

'data subject access' has the meaning set by the Data Protection Act 1998.

'personal data' has the meaning set by the Data Protection Act 1998.

'data controller' has the meaning set by the Data Protection Act 1998.

'freedom of information' has the meaning set by the Freedom of Information Act 2000.

'freedom of information request' has the meaning set by the Freedom of Information Act 2000.

'publication scheme' has the meaning set by the Freedom of Information Act 2000.

'PCA' means the Parliamentary Commissioner for Administration.

'PPO' means the Prisons and Probation Ombudsman.

'we', 'us' and 'our(s)' means Thames Valley Probation.

Using this policy

3. This document describes our policy for service user and public consultation and engagement. We are committed to providing consistently high quality services, and for most of the time our services are provided to very high standards. Occasionally things do go wrong and we need to know when this happens.

4. This policy does not apply to any current employee of ours. Our employment policies cover all matters relating to current employment with us, these policies are published on our intranet.

People who are eligible to use this policy

5. We welcome both positive and negative feedback from our service users and the public, because these valuable sources of information help us to:

- Improve the standard of services we provide;
- Put things right when they have gone wrong; and
- Learn from our mistakes.

¹ As defined by the Local Government Ombudsman

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6. The following are 'service users' who are eligible to use this policy.
- Any person about whom TVP has compiled a pre-sentence report for a Court;
 - Offenders subject to a Community Order and our supervision;
 - Offenders in custody or those released from custody on Licence and who are subject to our supervision;
 - Victims of certain violent or sex crimes who are eligible to receive services from us;
 - Contractors undertaking work on any premises occupied by us; and
 - Members of the public who voluntarily agree to receive services from us.

People's expectations under this policy

7. Under this policy we provide a fair, consistent and structured process for service users and the public to:

- Express satisfaction with the service they received;
- Express dissatisfaction with the service they received;
- Request information about themselves (service users only); or
- Request information about the organisation.

8. This policy aims to make the following expectations clear to service users and the public:

- How they can submit a compliment, make a complaint or request information about our service;
- What will happen when we receive a compliment, complaint or information request;
- What we will do as a result of a compliment, complaint or information request; and
- What a service user to member of the public can do if they are dissatisfied with our response.

9. People making use of this policy can expect:

- Their identity will remain confidential unless a complaint investigation or information request cannot proceed without the complainant being identified;
- To be kept informed of the progress of their complaint or information request; and
- to receive an appropriate remedy where a complaint is upheld.

10. This policy does not affect the right of a service user or member of the public to seek assistance or advice from a Member of Parliament. Where a complaint is made by an MP on behalf of an individual, it will be handled under this policy.

11. Under this policy, our staff and contractors can expect to be treated with respect and courtesy at all times by service users and the public. Equally, service users and the public can expect that our employees act according to standards of probity and professional behaviour as defined by our Code of Conduct².

² TVP Code of Conduct Policy, 2005

The principles that guide this policy

12. Complaints will be resolved as quickly as possible. Information access requests will be fulfilled within the relevant deadline. We will deal with complaints and information access requests effectively and the lessons we learn will influence future service improvements. At the heart of this policy are the following four principles.

Principle	Objective
Responsiveness	We will respond to each complaint or information request by the deadline in law or under this policy.
Improvement	We are open and receptive to complaints and compliments because this helps us to improve the quality of our services.
Accessibility and publication	We will accept complaints from offenders, victims, contractors and local residents, or from people appointed to represent the complainant either in person or in writing. At present, complaints will not be accepted by SMS text message. The policy will be provided in other formats including local community languages. Assistance will be provided to complainants with specific needs including the provision of translation and interpretation services.
Effective management	We will treat all complaints and information requests seriously and objectively. We will resolve problems as quickly as possible and in a manner that respects confidentiality and privacy.

Exclusions to this policy

13. The following exclusions apply to this policy.

- Dissatisfaction with a rule of law that we are required to apply when providing a service;
- Matters that are the responsibility of another body for example, the Ministry of Justice, the police, the judiciary. In these instances, we will provide the correct contact details.
- All matters about us as an employer are covered by our employment policies and current employees are not covered by this policy.
- Any issue that is subject to any form of legal action by or against us.
- Matters for which there is a right of appeal to an independent tribunal, for example, the Parole Board.

14. Although the Ministry of Justice has its own complaints policy, complaints made directly to the Ministry will, in most cases, be referred back to us to be dealt with.

Data processing under this policy

15. When dealing with feedback and requests for information we will:

- Maintain a record of all compliments, complaints and information requests that we receive;
- Monitor the nature and pattern of feedback and requests to identify where our services need to improve;
- Use this and other information to form a more complete picture of stakeholder satisfaction with, and interest in, our services; and
- Monitor and analyse our performance in handling feedback and information requests.

Monitoring and reporting

16. Every compliment, complaint and information request will be recorded, with the information reported to our internal management groups and Board for the purpose of ensuring improvement in service provision. Anonymous, summary information will be reported annually on our [website](#).

Privacy

17. As far as possible, all complaints will be treated in confidence. The only exception is where the law requires us to notify one or more specific agencies about certain types of complaint.

18. The identity of complainants will not be disclosed more than is necessary to deal with the matter by us. Where a complaint involves another service user it may be very difficult for us to properly investigate matters without involving that service user. Where it is necessary to disclose complaint information to other organisations for example, HM Prison Service, the police or local authorities, we will first seek the complainant's permission. If consent is not given by the complainant in this situation, we may be unable to reach a satisfactory conclusion to the complaint.

19. Where a complaint relates to our general management and where other service users may reasonably have an interest, we reserve the right to investigate the matter through established service user feedback channels.

Equality of access to this policy

20. Where a service user or a member of the public wishes to express satisfaction or dissatisfaction or request information under this policy, our staff will provide the person with information about the procedure to follow. Our staff will also assist the service user or member of the public by, for example:

- Helping the person to write down what they wish to say;
- Providing specific assistance such as British Sign Language, translation or interpretation services, or by aiding wheelchair access.

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21. We will monitor the extent to which this policy enables equal access by all service users and members of the public. If to use this policy you need an alternative format or a translation in another language please contact us:

- By [email](#) or
- By letter to: The Chief Executive,
Thames Valley Probation,
Head Office,
Kingsclere Road,
Bicester,
OX26 2QD.
- By telephone: 01869 255300.

Vexatious, unreasonably persistent or deliberately repetitious complainants

22. The Local Government Ombudsman's definition of unreasonably persistent complainants is shown below and this definition applies to this policy.

"Those who, because of the frequency or nature of their contact with an authority, hinder the authority's consideration of their, or other people's, complaints."

23. Responding to vexatious or unreasonably persistent complainants consumes scarce resources while achieving no benefit for service users or the public. If at any stage we determine a complainant as unreasonably persistent, deliberately repetitious or vexatious, our complaint process will end with no further action.

24. A complainant is being unreasonably persistent, deliberately repetitious or vexatious if for example they:

- refuse to specify the grounds of their complaint, despite offers of assistance from our staff;
- refuse to co-operate in the investigation while still expecting resolution of their complaint;
- refuse to accept that their complaint falls outside the remit of this policy, despite having been provided with information about the scope of this policy;
- change the grounds of their complaint during the investigation;
- require us to take into account trivial or irrelevant new information or introduce many detailed but irrelevant questions and require that we respond to every information item and question;
- adopt a 'scattergun' approach by simultaneously pursuing a complaint through a variety of channels, for example via the Ministry of Justice, an MP, an Ombudsman;
- repeatedly make complaints about broadly the same issue after having received a response about broadly the same matter;
- consume an unreasonable quantity of our resources as a consequence of repetitive contact using any medium.

Anonymous feedback

25. Anonymous compliments or complaints will not be fully dealt with because we often need a dialogue with the person submitting the information. Anonymous feedback will be recorded and investigated in order to identify service improvement issues.

Remedies under this policy

26. Where a complaint is upheld, an appropriate remedy will be applied. The Local Government Ombudsman provides the following guidance to local authorities and the principle contained in this guidance applies to this policy.

“The general principle is that, as far as possible, complainants should be put in the position they would have been in if things had not gone wrong”.

27. The remedy will be made as quickly as possible after the decision to uphold the complaint. Examples of remedies include the following:

- An apology offered either in writing or face-to-face with the service user;
- Provide any part of a missing service;
- Accept the remedy proposed by the service user;
- Where the service user has suffered a financial loss, provide appropriate compensation; or
- Prevent repetition by amending relevant procedures.

The compliment process

28. Compliments should be expressed by the public or service user to the employees responsible for the service or the relevant service manager, who will record and acknowledge the compliment within five working days of receipt.

The complaint process

29. The procedure has three stages. All complaints begin at stage one and may proceed to the remaining stages. A service user or member of the public should express a complaint to the employees responsible for the service or the relevant manager. The recipient will record the complaint and advise the complainant about what happens next.

30. There are two exclusions to the ‘start at stage one principle’ and these are as follows.

- Complaints about serious service failures always begin at stage two (see below). Examples of serious service failures include instances of maladministration with intent by us or gross misconduct by our employees.
- Complaints about our Chief Executive, Board Chair or any Board member always begin at stage two (see below).

Time limit

31. A complaint must be made within:

- a) twelve months of the date on which the matter which is the subject of the complaint occurred; or
- b) twelve months of the date on which the matter which is the subject of the complaint came to the notice of the complainant.

32. We may decide to accept and investigate a complaint outside the time limit if:

- a) having regard to the circumstances, the complainant had good reasons for not making the complaint within the time period; or
- b) it remains possible to investigate the complaint effectively and efficiently despite the time that has elapsed.

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Independent advice

33. We aim to informally resolve most complaints at stage one. Where a complainant needs independent advice before proceeding with a formal complaint at stage two, the following people and organisations may be able to provide assistance:

- Citizens Advice Bureau;
- Solicitors.

Stage one (informal)

34. Most complaints are quickly resolved where service users make these at an early stage to the employee responsible for the service or the relevant manager. The employee or manager will record the complaint within 24 hours of receipt. The complainant will receive a response within ten working days of receipt. We expect to successfully deal with the majority of complaints at this stage.

35. Where a complainant is dissatisfied by our response at stage one, the complainant may ask the Chief Executive to deal with the complaint under stage two. Service users who have received a response under stage one and are dissatisfied should make a written request to us:

- By [email](#) or
- By letter to: The Chief Executive,
Thames Valley Probation,
Head Office,
Kingsclere Road,
Bicester,
OX26 2QD.

Stage two (formal)

36. The Chief Executive will acknowledge receipt of a complaint under stage two within three working days of receipt. The Chief Executive will ask the Director responsible for the service to respond directly to the complainant within 20 working days of receipt.

37. Complaints about serious service failures will always begin at stage two and will be managed by a Director or the Chief Executive. Examples of serious service failure includes instances of maladministration with intent by us or gross misconduct by our employees.

38. Complaints about the Chief Executive or any of our Board members always begin at stage two and are managed by our Board Chair. Any complaint about our Board Chair also always begins at stage two and is managed by the Chair of our Audit Committee. Complaints about these people must be made in writing and sent to us:

- By [email](#) or
- By letter to: The Board Secretary,
Thames Valley Probation,
Head Office,
Kingsclere Road,
Bicester,
OX26 2QD.

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39. Where a complainant has a response from us under stages one or two and is dissatisfied, the complainant may appeal to our Board under stage three. Complainants should submit their appeal in writing to us:

- By [email](#) or
- By letter to: The Board Secretary,
Thames Valley Probation,
Head Office,
Kingsclere Road,
Bicester,
OX26 2QD.

Stage three (appeal)

40. This final stage enables complainants to have their complaint reviewed by a panel of Board members.

41. The Board Secretary will acknowledge the appeal request within 5 working days of receipt. The Board Secretary will convene a panel of Board members to adjudicate on the appeal. Unless the matter is a serious service failure, panel meetings are held at three-month intervals. On completion of the panel's adjudication, the Board Secretary will respond to the complainant within 20 working days.

External review

42. Where a complaint is not resolved at the completion of stage three, complainants may then refer their complaint to the following bodies.

- The Prison and Probation Ombudsman; or
- via a Member of Parliament (MP) to the Parliamentary Ombudsman (PCA)

The Prisons and Probation Ombudsman (PPO)

43. The Prisons and Probation Ombudsman investigates:

- complaints from prisoners, people under probation supervision and immigration detainees held at immigration removal centres
- deaths of prisoners, residents of probation service Approved Premises, and those held in immigration removal centres.

44. The PPO is appointed by the Secretary of State for Justice and is independent of HM Prison Service, probation trusts and the Border and Immigration Agency. The PPO will not handle a complaint unless our three-stage process is complete and the problem remains unresolved. The following people are eligible to complain to the PPO:

- a prisoner serving a prison sentence;
- a prisoner on remand;
- an ex-prisoner complaining about a problem that occurred while in prison;
- someone serving a community sentence under our supervision;
- someone on parole or Licence and under our supervision;
- anyone who has had a report written about them by us; and
- a detainee held in an immigration removal centre.

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45. Those people who are eligible to complain to the PPO can:

- Download, complete and return a [complaint application](#).
- Telephone on 020 7035 2876.
- Write to: The Prisons and Probation Ombudsman
Ashley House
2 Monck Street
London
SW1P 2BQ

The Parliamentary Commissioner for Administration (PCA)

46. The Parliamentary Commissioner for Administration can investigate complaints about probation trusts. Two conditions apply to complaints before the PCA can handle them:

- the complaint must be made via an MP; and
- our three-stage process must be complete and the problem is unresolved.

47. The PCA undertakes independent investigations into complaints that government departments, a range of other public bodies in the UK, and the NHS in England have not acted properly or fairly or have provided a poor service. This remit includes probation trusts. Any member of the public may complain to the PCA by:

- Downloading, completing and returning a [complaint form](#).
- Telephoning on 0345 015 4033.
- Writing to: The Parliamentary Commissioner for Administration
Millbank Tower
Millbank
London
SW1P 4QP

The information access process

Personal information (subject access requests)

48. We comply with the eight statutory data protection principles that require personal data to be:

- Obtained and processed fairly and lawfully;
- Obtained for only the purpose specified in our notification to the Office of The Information Commissioner;
- Relevant, sufficient and not excessive for the purposes specified;
- Accurate and kept up-to-date;
- Kept only as long as necessary;
- Processed in accordance with the rights of data subjects;
- Protected against unauthorised use, loss or disclosure; and
- Restricted from transfer outside countries in the European Economic Area.

49. Anyone under supervision by us or who has been the subject of a pre-sentence report may request to see the personal data that we hold about them. Those people who are eligible to see information about themselves are called 'data subjects'.

50. A request to see data about yourself is a 'data subject access request'. All such requests will be completed within 40 days of receipt by us. Requests may be refused where the law allows, for example to prevent crime or to protect a vulnerable person.

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51. All data subject access requests must be made in writing to the person providing the service or the relevant manager. The request will be recorded together with our response. We may charge a data subject for providing personal data in circumstances where the law allows this.

52. Where the name or location of the person providing the service is unknown, data subject access requests must be made in writing and sent to us;

- By [email](#) or
- By letter to: The Chief Executive,
Thames Valley Probation,
Head Office,
Kingsclere Road,
Bicester,
OX26 2QD.

Other information (freedom of information requests)

53. A publication scheme, advertised on our [website](#), commits us to:

- Proactively and routinely publish various classes of information, including environmental information;
- Specify what information is held in each class;
- Advertise how and when information is published to make it easily identifiable and accessible by the public;
- Regularly review and update all published information; and
- Advertise any fee that we may charge for access to information.

54. The classifications in our publication scheme are as follows.

- *Who we are and what we do*
Organisational information, locations and contacts, constitutional and legal governance.
- *What we spend and how we spend it*
Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.
- *What our priorities are and how we are doing*
Strategy and performance information, plans, assessments, inspections and reviews.
- *How we make decisions*
Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.
- *Our policies and procedures*
Current written protocols for delivering our functions and responsibilities.
- *Lists and registers*
Information held in registers required by law and other lists and registers relating to TVP's functions.
- *The services we offer*
Advice and guidance, booklets and leaflets, transactions and media releases, and a description of the services offered.

55. All freedom of information requests will be completed within 20 days of receipt by us. Requests may be refused where the law allows, for example, to prevent crime or to protect personal data.

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56. All freedom of information requests must be made in writing to the person providing the service or the relevant manager. The request will be recorded together with our response. We may charge a requester for providing information in circumstances where the law allows this.

57. Where the name or location of the person providing the service is unknown, freedom of information requests must be made in writing and sent to us:

- By [email](#) or
- By letter to: The Chief Executive,
Thames Valley Probation,
Head Office,
Kingsclere Road,
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OX26 2QD.

Publication of this policy

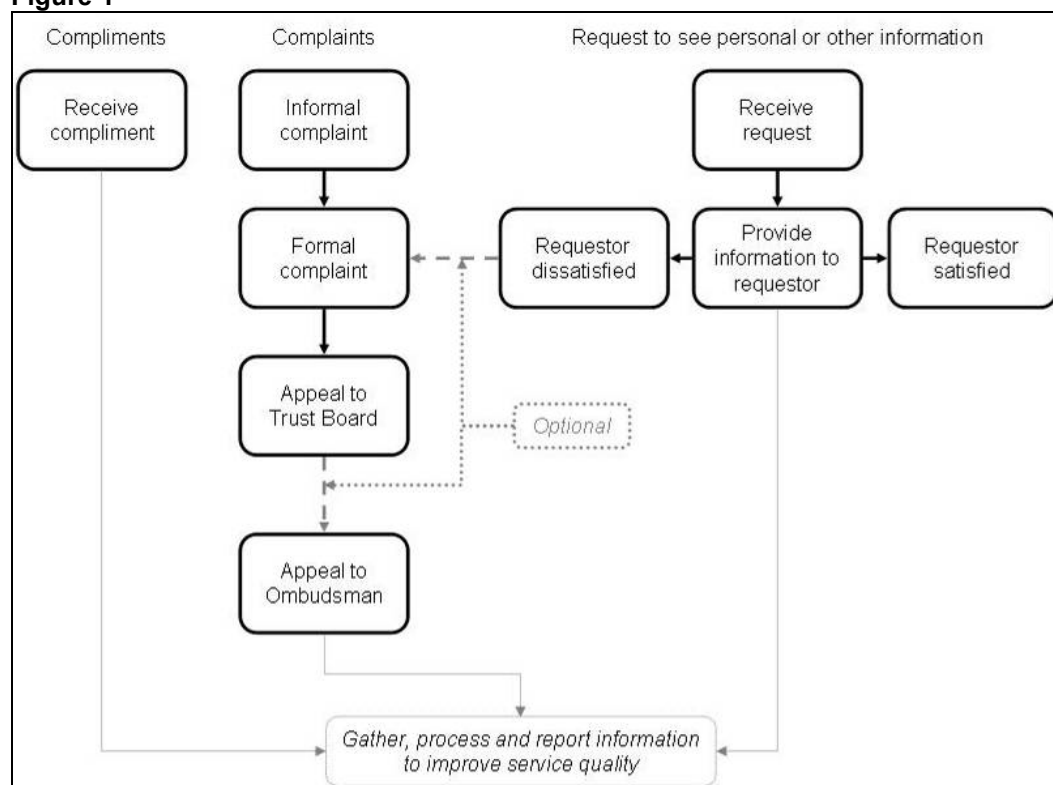
58. This policy will be published and distributed as follows:

- A copy of the policy will be available on our [website](#);
- Copies of a complaints brochure will be available at every office.

Processes under this policy

59. Shown below is a summary of our processes under this policy.

Figure 1



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Periodic review of this policy

60. Unless required by changes in the law or operational need, this policy will be reviewed every third year. The next review is due in March 2014.