



THE WARWICKSHIRE AND WEST MERCIA CRC COMPLAINTS PROCEDURE

1. BACKGROUND

- 1.1 This complaints procedure complies with the requirements outlined in Probation Instruction PI 51/2014 issued on 27 June 2014.

2. COMPLAINTS PROCEDURE

- 2.1 All bodies providing public services are required to ensure that they have a fair and robust complaints procedure. *This scheme sets out minimum requirements with which Community Rehabilitation Companies (CRCs) must comply when handling complaints regarding the delivery of probation services.*
- 2.2 The scheme also highlights the role of the Prisons and Probation Ombudsman (PPO) and of the Parliamentary and Health Service Ombudsman (referred to throughout as “the Parliamentary Ombudsman”) in the handling of complaints.

People eligible to make a complaint

- 2.3 Complaints relating to the delivery of probation services may be made by any person including, but not limited to, offenders and victims of crime (or members of their family).
- 2.4 Where a complaint is made on behalf of another person, that person’s written permission is needed before the complaint can be investigated. A complaint in respect of someone who has died may be made by a member of the person’s immediate family (for this purpose, “immediate family” means the parents, spouse, cohabitee, siblings or children of the deceased).
- 2.5 *To be eligible for consideration, complaints must arise from actions or decisions, or failures to act or decide, with respect to the delivery of probation services, on the part of the employees of the CRC.*
- 2.6 *Anyone making a formal complaint under the arrangements described below must do so within one year of the action, decision or failure to act or decide, which is the subject of the complaint, or (if later) within one year of the time at which the complainant could reasonably have been expected to know of the matter of which he or she wishes to complain.*
- 2.7 Complaints will not be eligible for investigation under the complaints procedure if the subject matter is under criminal investigation, or subject to the decision of a court, a statutory tribunal, the Parole Board, the Crown Prosecution Service or the Criminal Cases Review Commission or if the issue or issues that form the basis of the complaint have been determined by any of these.

Informal stage

- 2.8 All complainants should be encouraged to use the informal stage of the procedure in the first instance, but have the right to go straight to the formal stage if they wish.
- 2.9 An initial complaint regarding the delivery of probation services may be made in writing, by telephone or through direct personal contact. The aim, when receiving initial complaints, is to resolve them quickly, informally and at the lowest possible level. Therefore, those making complaints should be directed in the first instance to the local CRC office to speak to the person involved, his or her line manager or any other person responsible for the staff member whose actions or sphere of activity are the subject of the complaint. *At the end of the informal stage, complainants must be sent a letter outlining the complaint and the outcome of the discussions that have taken place.*
- 2.10 Where a complainant remains dissatisfied with the outcome of the informal stage, he or she should make a formal complaint within the time limit in paragraph 2.6. *Formal complaints must be made in writing and should, where practicable, be signed by the person who is aggrieved, unless permission has been provided for another person to act on the complainant's behalf.*
- 2.11 *Whether complainants use the informal stage or proceed straight to the formal stage, the formal complaint must be made in accordance with the time limit in paragraph 2.6.*

Formal stage

- 2.12 All complaints concerning the delivery of probation services under this stage of the procedure should be addressed, as appropriate, to the Chief Executive of the CRC or his or her designated officer. *The Chief Executive must ensure that the complaints procedure is complied with and that complaints and appeals are logged, acknowledged and monitored.*
- 2.13 Where a complaint relates to the actions, decisions or failures to act or decide of more than one provider of probation services, the normal approach will be for each provider to investigate the issues relating to it as a separate complaint and severally to reply to the complainant. Where, exceptionally, this approach does not appear appropriate, advice should be sought from the Directorate of Probation.
- 2.14 Where a provider receives a complaint which refers (either additionally, or because it has been wrongly directed) to the responsibilities of another provider, the recipient provider should seek advice from the Directorate of Probation.
- 2.15 Complaints relating to actions, decisions or failures to act or decide by a Chief Executive personally should be directed to the Director of Probation in England who will arrange for them to be investigated.
- 2.16 *Complainants must be informed, within five working days of receipt of their complaint, whether it is eligible for consideration and, if so, the procedure under which it will be considered and the date by which they will receive a reply.*
- 2.17 Chief Executives should nominate a person to investigate. Wherever possible, this person will not be in the line management of, or be responsible for, the staff member or activity complained of.

- 2.18 The complaint will be investigated and the outcome, with reasons, sent in writing to the complainant within 25 working days of acknowledgement of the complaint. *If the Chief Executive, exceptionally, needs more time, he or she must write to the complainant setting out the reasons for the delay.*
- 2.19 *At the time they are notified of the outcome, complainants must be informed that, if they are not satisfied, they have 20 working days from the date of the reply in which to appeal, and that they must state the reasons for their dissatisfaction.* There is no obligation to accept an appeal received outside this time limit but the CRC has discretion to do so if there are exceptional circumstances or if satisfactory reasons are provided for the appeal being late.

Appeal stage

- 2.20 *Appeals must be made in writing to the Chief Executive and should be signed by the complainant wherever practicable. The Chief Executive must acknowledge receipt of the appeal within five working days.*
- 2.21 The Chief Executive will convene an appeal panel of at least three people, to include senior staff who have not been involved in the subject of the complaint or its investigation.
- 2.22 The panel will establish the issues the appeal needs to address and whether it would assist the appeal to interview the complainant and the investigating officer. This will normally be to determine whether the original complaint investigation was sufficient and reasonable.
- 2.23 The outcome of the appeal will be sent in writing to the complainant within 20 working days of receipt of the appeal. *If, exceptionally, this requirement cannot be met, the complainant must be notified in writing of the reasons for the delay.*

Prisons and Probation Ombudsman

- 2.24 Complaints to the Prisons and Probation Ombudsman are limited to certain categories of people, listed at [<http://www.ppo.gov.uk/how-to-make-a-complaint.html>]. Anyone in these categories, who remains dissatisfied with the outcome of his or her complaint, may, within three months of the issue of the appeal decision, put his or her complaint to the Prisons and Probation Ombudsman.
- 2.25 A complaint to the Prisons and Probation Ombudsman can be made by writing to: Prisons and Probation Ombudsman, PO Box 70769, London, SE1P 4XY.

Parliamentary Ombudsman

- 2.26 When the avenues of appeal described above have been completed (including investigation of the complaint by the Prisons and Probation Ombudsman in cases where the Prisons and Probation Ombudsman has jurisdiction), if the complainant is still dissatisfied with the way it has been dealt with, he or she may ask the Parliamentary Ombudsman to investigate. The Parliamentary Ombudsman investigates complaints from members of the public about Government Departments and other public bodies. This includes the National Offender Management Service.
- 2.27 The Parliamentary Ombudsman has powers to obtain evidence from the bodies complained about and to make recommendations about the cases it investigates. *Cases must be referred to the Parliamentary Ombudsman by a Member of Parliament.*
- 2.28 *CRCs are contractually obliged to co-operate with the Parliamentary Ombudsman when requested to do so and must provide any information which is reasonably required in connection with an investigation. Following any recommendations from the Parliamentary Ombudsman relating to the delivery of probation services, the CRCs must review each suggestion. Furthermore, CRCs must confirm in writing how they will respond to and address any such recommendations.*
- 2.29 The Parliamentary Ombudsman will normally only take on a complaint after the complainant has first tried to resolve the complaint with the organisation involved and has received a response from them. The Parliamentary Ombudsman believes that the organisation should be given a chance to respond and, where appropriate, try to put things right, before it becomes involved.
- 2.30 A complaint form which gives all the information needed to make a complaint to the Parliamentary Ombudsman can be found at www.ombudsman.org.uk or can be requested by calling 0345 015 4033.

Publicising the scheme

- 2.31 *CRCs must publicise the complaints scheme and explain the roles of the Prisons and Probation Ombudsman and the Parliamentary Ombudsman by providing posters or leaflets at all premises, including prisons where probation staff provide offender management services.*
- 2.32 *Information about the complaints scheme and about access to the Prisons and Probation Ombudsman and the Parliamentary Ombudsman must be included in the induction arrangements for offenders each time they come under supervision.*

Repeated or vexatious complaints

- 2.33 Nothing in this scheme requires the CRC to reconsider a complaint that it has already investigated (though, as always, reconsideration may be necessary if significant new information comes to light).
- 2.34 It is essential that complaints are properly investigated. However, if the CRC receives what appears to be a repeated complaint (i.e. identical, or very similar, to one that has already been fully investigated) or a vexatious complaint (with no reasonable grounds, where the purpose appears to be to cause inconvenience or annoyance), the complaint

should be referred immediately to the Chief Executive, as appropriate, or an officer he or she has designated to oversee such issues.

- 2.35 The Chief Executive or the designated officer (if appointed) should ask a member of senior staff who has not been involved in the matter complained of, or its investigation, to review the case and determine whether or not the complaint does, in fact, fall into either of the above categories, and to decide how best to respond.