



Northern Ireland

Public Services
Ombudsman

Investigation Report

Investigation of a complaint against the Victims and Survivors Service

NIPSO Reference: 17557

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Publication date: December 2018

The Role of the Ombudsman

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities. She may also investigate and report on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

Where the Ombudsman finds maladministration or questions the merits of a decision taken in consequence of the exercise of professional judgment she must also consider whether this has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. The Ombudsman may recommend a remedy where she finds injustice as a consequence of the failings identified in her report.

The Ombudsman has discretion to determine the procedure for investigating a complaint to her Office.

Reporting in the Public Interest

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.

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EXECUTIVE SUMMARY

I received a complaint from a man about the actions of the Victims & Survivors Service (the VSS). The complaint concerns allegations made by the VSS about the man's behaviour, and its subsequent handling of his complaint.

The investigation identified maladministration in respect of the following matters:

- The failure to obtain a report from a staff member in relation to the man's behaviour
- The failure to give adequate reasons for decisions and clear and complete information to the man
- The failure to conduct a fair investigation of the complaint.

I have not found maladministration in respect of the complaint that the VSS falsely accused the man of using threatening behaviour and derogatory language.

I am satisfied that the maladministration I identified caused the man to experience the injustice of uncertainty, frustration and time and trouble in pursuing the complaint.

Recommendations for Remedy

Having considered the nature and extent of the injustice sustained by the complainant, I recommended the following:

- The VSS should apologise to the man for the failures identified in this report.
- The man should receive a payment of £500 by way of solatium for the injustice I have identified.

I recommended that the VSS should provide the apology and a payment within one month of the date of my final report.

In order to improve the service delivery of the VSS I also recommended the following:

- The learning points outlined in my report should be communicated to appropriate VSS staff.

I recommended that the VSS should provide me with evidence that this has been actioned within three months of the date of my final report.

THE COMPLAINT

1. A man complained about the actions of the Victims & Survivors Service (the VSS). On 24 February 2017 the

Issues of complaint

2. The issues of complaint which I accepted for investigation were:

Issue 1: Whether the VSS dealt with its concerns regarding the man's behaviour appropriately?

Issue 2: Whether the man's complaint to the VSS was investigated properly?

INVESTIGATION METHODOLOGY

3. In order to investigate the complaint the Investigating Officer obtained from the VSS all relevant documentation together with its comments on the issues raised. This documentation included information relating to the VSS's handling of the complaint.

Relevant Standards

4. In order to investigate complaints, I must establish a clear understanding of the standards, both of general application and those which are specific to the circumstances of the case.
5. The general standards are the Ombudsman's Principles:
 - The Principles of Good Administration¹
 - The Principles of Good Complaints Handling
 - The Public Services Ombudsmen's Principles for Remedy

¹ These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.

6. The specific standards are those which applied at the time the events occurred and which governed the exercise of the administrative actions of the VSS and VSS staff, whose actions are the subject of this complaint.
7. The specific standards relevant to the planning application are as follows:
 - VSS Policy on Handling Unacceptable Behaviour (Approved 19 April 2016)
 - VSS Complaints Policy & Procedure (Approved 19 April 2016)
8. I have not included all of the information obtained in the course of the investigation in this report. However, I am satisfied that everything that I consider to be relevant and important has been taken into account in reaching my findings.

MY INVESTIGATION

Issue 1: Whether the VSS dealt with its concerns regarding the man's behaviour in the appropriate manner?

9. On 24 February 2017 the man received a letter from the Chief Executive of the VSS. He stated that the letter referred to contact he had had with the VSS from 20 to 24 February 2017. He informed me that the letter accused him of making threatening and derogatory comments to VSS staff during this period. He stated that in the letter the VSS referred to its Unacceptable Behaviour Policy and warned him that the VSS *'will have to consider modifying the way we engage with you'* if his behaviour continued in that manner.
10. The man complained that the VSS falsely accused him of using threatening behaviour and derogatory language to staff. He denied that he called a staff member a liar. He also denied that he told a staff member on 20 February 2017 that he was going to tell the media details of a conversation she had with him on that date.

11. I have reviewed the VSS Policy on Handling Unacceptable Behaviour. I note that Paragraph 2.3 states that *'what is deemed to be unacceptable behaviour will often differ depending upon the individual(s) involved and their particular circumstances.'* I note that the paragraph also provides examples of unacceptable customer behaviour, including the following:
- *'any act of written or verbal abuse'*
 - *'threatening behaviour'*
 - *'serious or persistent harassment'*
 - *'rudeness including derogatory remarks'*
 - *'behaviour that causes staff to feel upset, threatened, frightened, or physically at risk'.*
12. I note that Paragraph 2.5 of the Unacceptable Behaviour Policy states that *'if a customer demonstrates behaviour that is unreasonably persistent, the VSS may decide to restrict the customer's access'.*
13. I note that Paragraph 7.1 of the Unacceptable Behaviour Policy states that staff must *'notify their line manager immediately or as soon as possible if they are subjected to customer behaviour which they consider to be unacceptable.'*
14. I note that Paragraph 8.1 of the Unacceptable Behaviour Policy states that *'if an incident of verbal abuse, threatening behaviour, or physical assault does occur it must be reported immediately or as soon as possible to the line manager who should immediately alert the Senior Management Team to the incident. All staff involved or who have witnessed the incident must complete detailed reports recording as far as possible the actual words or actions used. These reports should, if possible, be passed to line management within one working day and the line manager should note the content and immediately pass to the Senior Management Team for whatever action is deemed necessary.'*
15. I note that Paragraph 9.3 of the Unacceptable Behaviour Policy states that *'it is important that any restrictions put in place as a result of challenging or unacceptable behaviour are proportionate to the behaviour or incident in question.'*

16. I note that Table 1 in the Unacceptable Behaviour Policy lists examples of unacceptable behaviour and proportionate restrictions that may be put in place on an individual's engagement with the VSS. I note that Paragraph 9.5 states that the scenarios outlined in Table 1 *'are not exhaustive but should serve as a guide to the Senior Management Team when making decisions on the imposition of proportionate restrictions as they arise, whether in relation to isolated incidents or an accumulation of challenging behaviour over time.'*
17. I note that Paragraph 9.6 of the Unacceptable Behaviour Policy states that *'the decision to list an individual on the [Unacceptable Customer] register is not a decision that will be taken lightly. Wherever possible, the VSS will give the customer the opportunity to modify their behaviour or actions before a decision is taken.'*
18. I note that Appendix One of the Unacceptable Behaviour Policy states that *'if a customer demonstrates behaviour that you consider is unreasonably persistent, consult your line manager. The line manager may then decide to restrict the customers' access.'*
19. I refer to the Court of Appeal's judgment in the case of Miller & Another v The Health Service Commissioner for England [2018] EWCA Civ 144. I note that paragraph 42 of the judgment of Sir Ernest Ryder states the following:

'In that context, what are the standards of fairness to which the ombudsman must adhere? First, section 11(1A) of the 1993 Act provides that the ombudsman must give the person concerned the opportunity to comment on the allegations contained in the complaint before deciding to conduct an investigation. Second, the common law imports a duty of fairness. In light of the statutory context, the conclusion of Lewis J at [63] in the court below seems to me to be a correct statement of what fairness requires:

"The essential requirement, recognised both by section 11 of the Act, and by the common law, is that the gist of the allegations be given with

sufficient particularity to enable the person concerned to have a meaningful opportunity to comment upon the allegations.”

20. In response to enquiries regarding the VSS letter of 24 February 2017, the VSS responded as follows.
21. The VSS denied that it made false accusations against the man. It stated that *‘The Head of Health and Wellbeing compiled a full record of contacts and communication between [him] and VSS staff from 20th February until 24th February [which] identified a trend of challenging behaviour.’* The VSS informed me that these contacts were *‘assessed cumulatively.’*
22. The VSS advised that the *‘threatening and derogatory comments made by [the man] in this instance concerned threats to go to the media and calling a member of staff a liar. These threatening and derogatory comments fall within the examples of unacceptable behaviour provided in section 2.3 of the [Unacceptable Behaviour] Policy.’*
23. The VSS confirmed that the Head of Health and Wellbeing met with the Chief Executive who agreed to issue the man with a warning *‘in line with section 9.6 of the VSS policy on Handling Unacceptable Behaviour from members of the Public which gives the client the opportunity to modify their behaviour or actions...and thereby avoid classifying [him] as an Unacceptable Customer.’*
24. The VSS stated that the man’s *‘behaviour in these circumstances was unacceptable and appropriately managed.’*
25. I have reviewed the instances of contact between the man and the VSS between 20 and 24 February 2017. In particular, I note a VSS staff member’s record of a meeting with him on 20 February 2017. This record states that the man advised the staff member *‘that he will be going to the press to confirm the conversation he had with [her]’* regarding paramilitary threats. I also note the content of an email sent by a staff member on 21 February 2017 in which she recorded that he told her that another staff member had *‘made allegations about him in the past and he is not dealing with liars.’*

26. I have reviewed the file note of the meeting on 24 February 2017 between the VSS Chief Executive and the Head of Health and Wellbeing about the man's behaviour. I note that during the meeting the Head of Health and Wellbeing highlighted *'issues of concern'* regarding his behaviour between 20 and 24 February 2017. I note that the *'issues of concern'* identified were:
1. *'Disclosure to staff that a child was under threat from paramilitaries;*
 2. *Persistent and unrelenting calls to staff, disregarding advice being given and threatening staff with exposure via the media, and;*
 3. *Making explicit defamatory comment regarding a member of staff who attempted to support and advise [him] to contact Social Services and PSNI in relation to ensuring the safety of the child was paramount.'*
27. I note that the file note records that the Head of Health and Wellbeing and the Chief Executive agreed to *'issue [the man] with a warning in line with the VSS Unacceptable Customer Policy in relation to the impact his behaviour and comments during the last few days have had on the health and wellbeing of the staff involved.'*
28. I have reviewed the letter of 24 February 2017 sent by the VSS Chief Executive. I note that the letter refers to an attachment detailing *'contact that VSS has recorded from you over the past five days.'* I note that the letter states that the attachment *'shows that you have persistently disregarded information that has been provided to you by VSS staff.'*
29. I note that the letter informs the man *'...that the VSS operates an open and transparent complaints procedure, and that if you have a specific concern it should be raised as a complaint. It is not acceptable to make threatening or derogatory comments in relation to VSS staff members. On the basis of the trend of challenging behaviour outlined [in the attachment] I must advise you that if you continue to behave in that manner, VSS will have to consider modifying the way that we engage with you. This warning is issued to you in line with the VSS Policy on Handling Unacceptable Behaviour from members of*

the public.'

30. The Investigating Officer obtained accounts from two VSS staff members in relation to their meeting with the man on 20 February 2017. The first staff member stated that during the meeting he told her he would tell the media what she had said to him during the meeting about VSS's role in relation to dealing with paramilitary threats. She stated that she *'felt it was a threat against her'* and it left her feeling *'worried, frightened and concerned that her name would be in the press.'* She stated that she informed Senior Management about the comment that day.
31. The second staff member recalled that the man did make a comment regarding going to the media but she could not recall exact details of what was said. She said that she did not personally regard the comment as a threat.

Analysis and Findings

32. I note the man's comments in relation to this issue of complaint. I also note the response provided by the VSS, in particular it's rationale for sending the warning letter. I also note the content of the records provided by the VSS, in particular the contemporaneous records of 20 and 21 February 2017 made by a member of VSS staff. I have also considered the accounts provided by VSS staff in relation to the meeting on 20 February 2017. In particular I note the comments of the member of staff who described how she felt following the comments.
33. In the absence of evidence from a third party I must rely on the evidence available in the contemporaneous and detailed records made by a staff member in this case. Having considered all the available evidence, on the balance of probabilities, I find that the man made the comments to VSS staff. **I therefore do not uphold this issue of the complaint.**
34. When considering this issue of complaint I examined the VSS process for dealing with incidents of threatening behaviour. I note that Paragraph 8.1 of

the Unacceptable Behaviour Policy states that if an incident of threatening behaviour occurs '*...all staff involved or who have witnessed the incident must complete detailed reports recording as far as possible the actual words or actions used.*' I note that in this case a member of staff present during the meeting of 20 February 2017 did not complete a report. I consider that VSS Senior Management ought to have ensured that an account was obtained from the staff member once they were aware that an allegation of threatening behaviour had been made.

35. I find that this failure is contrary to the first Principle of Good Administration 'Getting it right' which requires a public body to act in accordance with its policies and guidance. I consider that the failure did not meet the standards required and this failing constitutes maladministration. However, I have not identified any injustice suffered by the man as a result of this failure as it is unlikely that the report from the staff member would have altered the VSS's decision to send him a warning letter.
36. When considering this issue of complaint I reviewed the content of the VSS letter of 24 February 2017 and the attachment to the letter detailing contact from the man. I have also taken into consideration the Court's judgment in the case of Miller & Another v The Health Service Commissioner for England.
37. I am satisfied that the VSS acted in accordance with its Unacceptable Behaviour policy by issuing the letter. However, I consider that in this letter the VSS failed to clearly communicate to the man the nature of the threatening behaviour allegedly engaged in by him. I also find that in the letter the VSS failed to provide him with details of the derogatory language allegedly used by him.
38. I find that the VSS failed to provide the man with clear and complete information in relation to his alleged misconduct. I consider that by doing so the VSS failed to give him adequate reasons for the decision to issue him with a warning. I find that this failure removed from the man the opportunity to fully respond to and challenge these allegations.

39. I consider that this failure is contrary to the third Principle of Good Administration 'Being open and accountable' which requires a public body to provide clear and complete information to members of the public to whom they provide a service and to provide reasons for decisions. I also find that this failure is contrary to the fourth Principle of Good Administration 'Acting fairly and appropriately' which requires a public body to ensure that decisions and actions are fair.
40. I consider that the VSS's failure to provide the man with clear and complete information did not meet the standards required by this Principle and this failing constitutes maladministration. As a consequence of the maladministration, I am satisfied that he suffered the injustice of uncertainty and frustration in relation to the lack of clarity about the allegations made against him, and his inability to fully respond to and challenge these allegations.

The VSS's response to my draft report

41. In her response to the draft report, the Chief Executive of the VSS stated that she did not believe that there was a failure to obtain a report from a staff member as the report produced by another staff member '*was clearly reflective of the experience of both members of staff in respect of the discussions during the meeting of the 20 February 2017.*'
42. The Chief Executive also informed me that the man '*was provided with sufficiently clear and complete information, both within my letter of 24 February 2017, and during the numerous interactions in the period preceding that letter...*'
43. I have carefully considered the Chief Executive's comments regarding these issues but cannot accept that in this instance the report from a third party was sufficient or that the VSS provided sufficient information and reasons for its decision.

Issue 2: Whether the man's complaint was investigated properly?

44. The man complained to the VSS that its Chief Executive falsely accused him of threatening behaviour and derogatory comments to VSS staff. He also informed the VSS at this time that he was unaware of the nature of threatening behaviour or derogatory comments he allegedly used. In response, I note that two members of the VSS Board investigated his complaint, which was not upheld. The man informed me that he only became aware of details of the allegations against him when the VSS Board wrote to him to inform him of the outcome of his complaint.
45. He complained that the VSS did not properly investigate his complaint and it was not a balanced investigation. He complained that the VSS investigators only spoke to VSS staff. He stated that the VSS investigators ought to have spoken to him so he could have given his version of events.
46. I have reviewed the VSS Complaints Policy & Procedure (the Complaints Procedure). I note that Paragraph 1.5 of the Complaints Procedure states that: *'You can expect that in dealing with VSS:*
- *You will be treated with respect and courtesy.*
 - *...Your complaint or enquiry will be dealt with promptly and efficiently.*
 - *...You will be provided with a response in a manner which is clear, accurate, complete and relevant.'*
47. I note that Paragraph 5.5 of the Complaints Procedure states that *'All complaints will be dealt with through an efficient and effective process as detailed below. All investigations will be conducted promptly, thoroughly, openly, honestly, and objectively.'*
48. I note that Paragraph 10.3 of the Complaints Procedure states that *'if the complaint is about the Chief Executive it must be investigated by the Chair or a delegated Board member.'*
49. The VSS responded to enquiries regarding the handling of the complaint.
50. It stated that *'The VSS Board considered the complaint raised by [the man]*

[and] two members of the VSS Board were assigned to investigate the complaint. The investigation involved two VSS Board Members reviewing the complaints file and interviewing all staff members involved.'

51. The VSS informed me that the VSS Complaints Procedure *'does not require involvement of the client for decision making. In the VSS Complaints Policy section 5.18 for complaints referred to the VSS Board it states "the review may require further meeting with the complainant"'. The VSS Board members agreed that based on the information provided and the nature of the warning issued, it was not necessary to meet the complainant in this case.'*
52. The VSS advised me that *'In relation to [the man's] complaint the VSS has operated in a manner which is in line with policy, proportionate and fair (sic).'*
53. I have reviewed the man's written complaint of 2 March 2017 to the VSS. I note that in his complaint he refers to *'false accusations'* made against him by the Chief Executive in her letter of 24 February 2017. He denied using threatening behaviour or derogatory language and highlighted that he had still not been given details of what he is alleged to have said.
54. I have reviewed the file note of 29 March 2017 written by the two members of the VSS Board who investigated the complaint. The file note recorded that as part of the investigation they reviewed the VSS Complaints Procedure and Unacceptable Behaviour Policy. The file note also recorded that the investigators met with three members of VSS staff to confirm information contained within contemporaneous VSS records.
55. I note that the investigators *'Agreed that examples of behaviour which were not acceptable included:*
- *'threatening staff that they would be reported to the media if no agreement with their advice'*
 - *Calling staff "liars"*
 - *Harrassing with persistent phone calls when clear advice had already been given*

The investigators also noted that *'Staff confirmed they felt upset and distressed'*.

56. I note that the VSS investigation reached the following conclusion:

- ‘1. Issue of warning by the CEO was in line with policy and proportionate (sic).*
- 2. Words and actions by [the man] fell within the definition of unacceptable behaviour’.*
- 3. Based on the information provided, it was not necessary to meet the complainant.’*

57. I have reviewed the letter of 30 March 2017 from the Chair of the VSS Board to the man. I note that the Chair advised him that the Board *‘considered all relevant information and agrees with the Chief Executive that your words and actions fall within the definition of unacceptable behaviour’*. I note that the letter listed examples of this alleged behaviour; this included calling staff members *‘liars’* and *‘threatening staff that you would report them to the media because you did not agree with their advice.’*

Analysis and Findings

58. I note the comments of the man in relation to the VSS’s handling of his complaint. I have also considered the comments of the VSS on this issue of complaint. In particular, I note its view that the investigators interviewed *‘all staff members involved’* and *‘it was not necessary to meet [the man] in this case.’* I have also considered the relevant excerpts from the VSS Complaints Procedure. In particular I note that investigations into complaints should be conducted *‘thoroughly’, ‘openly’* and *‘objectively’*.

59. I have considered whether there was a requirement for the VSS investigators to speak with the man following his complaint. I note that when he made the complaint he informed the VSS that he was not aware of the nature of the threatening behaviour and derogatory language he allegedly used to VSS staff. I consider that in this case the VSS ought to have provided him with information of sufficient particularity to allow him to respond to the allegations. I find that the failure to do so meant that he was unable to respond to and challenge the allegations made against him.

60. I note that a VSS staff member was present at the meeting of 20 February 2017 when the man allegedly used threatening behaviour to another member of VSS staff. I consider that given the seriousness of this allegation the VSS investigators should have spoken to this member of staff for her version of events.
61. I find that the VSS failed to conduct a fair investigation into the complaint by not speaking with him or the VSS staff member. I consider that this failure is contrary to Paragraph 5.5 of the VSS Complaints Procedure which states that all complaint investigations should be investigated thoroughly. I find that this failure is contrary to the first Principle of Good Administration 'Getting it right' which requires a public body to act in accordance with its policies and guidance. I also find that this failure is contrary to the fourth Principle of Good Administration 'Acting fairly and appropriately' which requires a public body to ensure that decisions and actions are fair. **I therefore uphold this issue of complaint.**
62. I consider that the VSS's failure to conduct a fair investigation did not meet the standards required and this failing constitutes maladministration. As a consequence of the maladministration, I am satisfied that the man suffered the injustice of uncertainty, frustration and time and trouble in pursuing the complaint to my office.
63. When considering this issue of complaint I reviewed the content of the letter of 30 March 2017 from the Chair of the VSS Board to the man. I consider that this complaint response was suggestive of a lack of fairness by the VSS Board. I find that in this letter the VSS failed to respond to the issues raised in sufficient detail. I consider that the letter failed to provide the man with details of what information was considered by the Board nor did it contain an analysis of the information considered. I also find that in the letter the VSS failed to give him adequate reasons for the decision not to uphold his complaint.
64. I find that the failure of the VSS to give adequate reasons for its decision not to

uphold the complaint is contrary to the third Principle of Good Administration 'Being open and accountable' which requires a public body to provide clear and complete information to members of the public to whom they provide a service and to provide reasons for decisions. I also find that this failure is contrary to the fourth Principle of Good Administration 'Acting fairly and appropriately' which requires a public body to ensure that decisions and actions are fair.

65. I consider that the VSS's failure to provide the man with clear and complete information did not meet the standards required by this Principle and this failing constitutes maladministration. As a consequence of the maladministration, I am satisfied that he suffered the injustice of uncertainty and frustration in relation to the lack of clarity about the investigation of his complaint. I am also satisfied that it caused him to suffer the injustice of time and trouble in pursuing the complaint to my office.

The VSS's response to the draft report

66. In her response to the draft finding of maladministration in relation to the fairness of the VSS investigation, the Chief Executive of the VSS reiterated her view that the investigation of the complaint was fair. She referred to Paragraph 5.18 of the VSS complaints procedure which states that '*...the review may require further meeting with the complainant*'. She stated that the need for further engagement with the complainant '*is a matter for the investigators to determine*.' However, I find that in this case Paragraph 5.18 of the complaints procedure is not applicable as it relates to a Stage 2 review of a complaint, which in this case did not occur as the complaint was made against the Chief Executive.
67. I have carefully considered the Chief Executive's comments regarding this issue but remain of the view that the VSS failed to conduct a fair investigation into the man's complaint.

CONCLUSION

68. A man submitted a complaint to me about the actions of the Victims & Survivors Service.
69. My investigation identified maladministration in respect of the following matters:
- The failure to obtain a report from a staff member regarding the man's behaviour
 - The failure to give adequate reasons for decisions and provide clear and complete information to the man
 - The failure to conduct a fair investigation of the man's complaint.
70. I have not found maladministration in respect of the complaint that the VSS falsely accused the man of using threatening behaviour and derogatory language.
71. I am satisfied that the maladministration I identified caused the man to experience the injustice of uncertainty, frustration and time and trouble in pursuing the complaint.

Recommendations for Remedy

72. Having considered the nature and extent of the injustice sustained by the man in consequence of the maladministration identified in this report, I recommend the following:
- The VSS should apologise to the man for the failures identified in this report.
 - He should receive a payment of £500 by way of solatium for the injustice I have identified.
73. I recommend that the VSS should provide the apology and a payment within one month of the date of my final report.
74. In order to improve the service delivery of the VSS I also recommend the

following:

- The learning points outlined in my report should be communicated to the appropriate VSS staff.

75. I recommended that the VSS should provide me with evidence that this recommendation has been actioned within three months of the date of my final report.

Marie Anderson

MARIE ANDERSON
Ombudsman

December 2018

APPENDIX ONE

PRINCIPLES OF GOOD ADMINISTRATION

Good administration by public service providers means:

1. Getting it right

- Acting in accordance with the law and with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

2. Being customer focused

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

3. Being open and accountable

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

4. Acting fairly and proportionately

- Treating people impartially, with respect and courtesy.

- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

6. Seeking continuous improvement

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

APPENDIX TWO

PRINCIPLES OF GOOD COMPLAINT HANDLING

Good complaint handling by public bodies means:

Getting it right

- Acting in accordance with the law and relevant guidance, and with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learnt from complaints.
- Including complaint management as an integral part of service design.
- Ensuring that staff are equipped and empowered to act decisively to resolve complaints.
- Focusing on the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure, in the right way and at the right time.

Being Customer focused

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

Being open and accountable

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.
- Publishing service standards for handling complaints.
- Providing honest, evidence-based explanations and giving reasons for decisions.

- Keeping full and accurate records.

Acting fairly and proportionately

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants.

Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

Seeking continuous improvement

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on the learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and changes made to services, guidance or policy.