



PBNI Complaints Procedure

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SMT (as required):	<i>10/05/2016</i>			
Board (as required):	<i>24/06/2016</i>			
Version				
Version:	Final			
Date of Issue:	<i>Date 24/06/2016</i>			
Implementation	From	<i>Date</i>	To	<i>Date</i>
Review date:	<i>Date 20/06/2020</i>			

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Document Control

Version No.	Date	Description
0.1	24.11.15	Amendments JM
0.2	06.01.16	Amendments PD
0.3	01.02.16	Amendments GMcG
0.4	02.03.16	Amendments JM
0.5	01.04.16	Amendments CL HH GMcG
0.6	20.06.16	Amendments by P&P

Alternative Formats

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1. Introduction

PBNI is committed to providing an effective service to all who come into contact with the organisation. The proper handling of external complaints is a fundamental responsibility of all PBNI staff. We value all feedback as an important way of helping to improve our service. This Procedure deals with external complaints.

2. What is a complaint?

A complaint is defined as any communication which expresses dissatisfaction by any person about the service actions or inactions of a body or its staff which requires a response. This definition has been provided by the NI Ombudsman in its document for public bodies 'A framework for Effective Complaint Handling'.

Such complaints may relate to:

- the standard of service provided by PBNI
- the alleged behaviour of our staff in delivering that service or interacting with any member of the public
- any action, or lack of action, by our staff or others engaged on PBNI business

This list is not exhaustive.

PBNI will not accept complaints where:

- The subject matter of the complaint is under criminal investigation.
- The subject matter of the complaint is the decision of others. For example, the Northern Ireland Courts and Tribunal Service, Statutory Tribunal, Parole Commissioners, the Public Prosecution Service or the Northern Ireland Prison Service or it is a matter currently before the court.
- If the complaint is something PBNI is not responsible for.
- It is more than 6 months since the incident/issue being complained of has occurred.
- The complaint has already been investigated and no new significant information or factors have been submitted. In these instances the complainant will be notified that no investigation is being conducted and the reason why.

3. Who can make a Complaint?

Any person who has had contact with PBNI can make a complaint. A complaint can be made directly by an individual or through a third party, for example, a family member, or solicitor. If a third party is making a complaint on behalf of an individual PBNI require the consent of the individual made in writing.

4. Sources of Information, advice and support for staff

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On occasions parties involved in a complaint may find the situation stressful or difficult. The following are sources of information, advice and support for staff involved. It should be emphasised however that any discussion with regard to a complaint should be kept confidential.

- Work colleagues – Work colleagues can be an important area of support. They can listen to issues or problems and provide help and encouragement.
- Line Management – Line Management is an obvious source of support. Informal discussion with Line Management is encouraged; with effective and frequent communication potential issues can be resolved early.
- Trade Union – A Trade Union member can provide help, support and guidance for staff members.
- Complaints staff – the complaints co-ordinator can provide advice and guidance on the operation of the policy and procedures.
- Carecall – Staff may want to discuss their concerns in confidence with a professionally trained counsellor. Such support and counselling is available through the Employee Assisted Programme (EAP). This provides free, independent and confidential counselling support.
- Staff subject to a complaint will be given reasonable time within working hours to prepare for the complaints process.
- If at any point in the process staff, or their union representative are concerned about the process they can record those concerns by writing to the Complaints Co-ordinator.

5. Complaints Process

5.1 Informal local resolution

- a) It is in the interest of all involved that complaints are dealt with quickly and amicably. In many circumstances this is best achieved through informal local resolution and should this should be undertaken unless an exception applies (see section 8).
- b) PBNI seeks to deal with informal local resolution as expeditiously as possible, aiming to complete the process within 15 working days of receipt.
- c) All complaints being dealt with at this stage should be managed and co-ordinated by the appropriate local manager responsible for the area of work or staff member complained of.
- d) The local manager should seek to deal with the complaint by contacting or meeting with the complainant and the person complained of in an attempt to resolve the complaint.
- e) The manager must take a note of the contact or meeting(s), both to record any action points and for reference in the event that the matter progresses to the formal stage.
- f) The manager must keep the Complaints Co-ordinator informed of all ongoing local complaints and keep a note of all complaints on the local complaints register to enable the Complaints Co-ordinator to track all complaints.
- g) The Complaints Co-ordinator can provide advice and guidance to staff that are involved in the informal process.

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- h) Alternative forms of dispute resolution should be considered by local managers including mediation.

5.2 Formal Process

Where a resolution has not been reached at the informal stage then the complainant may raise a formal complaint. The complainant should normally invoke the formal process within 10 working days of the informal attempt to resolve the issue(s).

Formal complaint:

- a) The complaint should be made in writing to the Complaints Officer and should set out clearly:
- Concise details of the nature of and the circumstances of the complaint, including any supporting evidence and witness details where appropriate.
 - Ideally it should detail what the desired outcome is.
 - If a complainant needs assistance to put a complaint in writing they should notify Complaints staff.
- b) The Complaints Officer shall appoint the Decision Officer. The Decision officer in the formal process will be an Assistant Director or Head of Department who does not have direct line management responsibility for the area under investigation.
- c) Further if the complaint is against an Assistant Director or Head of Department it should be forwarded to a Deputy Director who will be the Decision Officer. If the complaint is against a Deputy Director or Director it should be forwarded to the Board Secretary who will appoint a Board member to be the Decision Officer.

5.3 Investigation of Formal Complaint

- a) Should the individual(s) named as the subject of the complaint accept the allegations without dispute an agreement of admission and advice on consequences will then be signed by the subject of the complaint and this will be provided to Complaints Officer
- b) The Decision Officer with the assistance of the Complaints Officer shall appoint an appropriate manager to act as the Investigating Officer. Normally this appointment shall be made within 5 working days of receipt of the complaint.
- c) The Decision Officer with the assistance of the Complaints Officer shall define the terms of reference for the investigation of the complaint.
- d) The Complaints Co-ordinator will send written notification of the Investigating Officer appointment to the complainant, and the individual(s) named as the subject of the complaint, with a copy of the Complaints Policy and Procedure.
- e) Prior to beginning the investigation, the Investigating Officer must liaise with the Complaints Co-ordinator who will provide guidance and advice on the investigation procedure.

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- f) The Investigating Officer will be given a template to use to complete the Investigation Report (see appendix 1) and template letters if necessary.
- g) The Investigation will include separate interviews with the complainant and the individual(s) named as the subject of the complaint, any witnesses, as well as examination of documentation.
- h) The Investigating Officer will meet with the complainant and take a note of all the issues raised.
- i) The Investigating Officer will invite the employee who is the subject of the complaint to meet. The invitation should be in writing and inform the employee that he/she may be accompanied by a trade union representative or work colleague.
- j) Depending on the level of information required the Investigating Officer may decide to address matters with any witness(es) by e-mail, telephone, face to face interview or video link.
- k) In carrying out the investigation, the Investigating Officer must consider whether there has been a breach of any PBNI policies or procedures, and if there has, must note it in report.
- l) While a longer timescale may be agreed between parties, in normal circumstances, the Investigating Officer should aim to complete the investigation and provide a written report to the Decision Officer within 25 working days from appointment.
- m) The Investigation Officer is responsible for keeping all parties to the complaint up to date with information.
- n) It is acknowledged that the length of investigation will depend on the nature and number of allegations being investigated, or other unforeseen circumstances may arise that will impact on the length of the investigation. Therefore, where it is not practicable for the investigation to be concluded within the timescales, all parties should be informed of the delay by the Investigating Officer and the investigation should be concluded as soon as is reasonably practicable.
- o) The role of the Investigation Officer is to present in his/her report the facts supported by evidence.

5.4 Completion of the Investigation

- a) Once the report is completed in draft form, the Investigating Officer will liaise with the Complaints Co-ordinator and Complaints Officer to satisfy him/herself that procedures have been followed. The member of staff who is the subject of a complaint will have the opportunity to comment on any factual inaccuracies within 5 days of the report being written.
- b) When the Investigating Officer is content with the report and is assured that procedures have been followed the final report should be sent to the Decision Officer.
- c) Following receipt of the Investigating Officer's report the Decision Officer may request further investigation. Further investigation will normally be carried out by the original Investigating Officer.
- d) Following receipt of the final Investigating Officer report the Decision Officer may decide that:
 - There is no case to answer and the matter is not upheld

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- That the complaint is partially upheld or upheld.
- e) The Decision Officer will give his/her decision within 5 working days and the letter will:
 - Include a clear statement of the issues raised
 - Detail the decision and the reason for this
 - Outline any actions that may be appropriate
 - Include the right of appeal and how to exercise that right

5.5 Appeals Process

- a) The Complainant has the right of appeal against any decision under the formal Complaints procedure.
- b) Complainants must exercise their right of appeal, in writing, to the Director of PBNI within 10 working days of being notified of the decision. The complainant should provide:
 - A statement of the case and grounds for appeal
 - The names of any witnesses he/she wishes to call and an explanation of why their evidence is required
 - The Director of Probation will be the Decision Officer. If however the complaint was against a Deputy Director or Director, the Decision Officer at this stage will be the Board Chairman.
 - The Decision Officer will appoint an appropriate manager, at a grade above the original Investigating Officer to act as Review Officer.
 - The Complaints Co-ordinator and Complaints Officer will refer papers to the appointed Review Officer, providing procedural advice and support, liaising to ensure that they are aware of their roles and responsibilities which include:
 - The Review Officer may deal with this stage by a comprehensive review of papers or a re-investigation. Each case will be looked at on an individual basis. They should record in writing their decision and reasons for proceeding by way of comprehensive review or re-investigation. A re-investigation will include interviews with one or all of those concerned.
 - In the interests of all involved, PBNI seeks to complete an Internal Review as expeditiously as possible, aiming for within 20 working days from appointment of a Review Officer.
 - The Review officer is responsible for keeping all parties to the complaint up to date with information.
 - The Review Officer should return their Review Investigation Report and all other documentation to the Complaints Co-ordinator for initial assessment of compliance to procedures. The Complaints co-ordinator will refer back to the Review Officer for corrective action as required.
 - The Complaints Co-ordinator will submit the Review Investigation Report to the Director.

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- The Decision Officer, will consider the investigation and decide on the outcome. The Decision Officer will send a letter stating the outcome to the complainant and staff involved.
- The Complaints Officer will provide advice and guidance to the Decision Officer.
- The outcome letter should explain that if the complainant is not satisfied with the outcome they may proceed to:
 - a. The Northern Ireland Ombudsman
 - b. The Information Commissioner – Complaints in relation to the Data Protection Act (DPA), Freedom of Information Act (FOI) and Environmental Information Regulations (EIR).
- The Decision Officer is responsible for communicating the outcome of the review to the Chairman of the Board, so that the Board is informed of cases which may be escalated or progressed via a complaints mechanism external to PBNI.
- Where the Decision Officer believes that the complaint should be upheld and further action is warranted he/she will refer the matter under the provisions of the PBNI Disciplinary Policy or the Performance Capability Policy.

6 Post-complaint feedback

PBNI will regularly review complainant satisfaction of formal complaints, using post-complaint questionnaires. This will be conducted by the Complaints Section.

7 Other ongoing investigations

Where, owing to the nature of the complainant, an investigation is being undertaken by another body (e.g. the PSNI, the Northern Ireland Social Care Council), the Complaints Officer may decide to defer or suspend any internal investigation, if appropriate, until after this is resolved.

8 Exceptions

Immediate Referral to Internal Investigation

If a complaint involves allegations regarding any of the following, then this should be immediately referred to the Complaints Officer for internal investigation:

- a. Any allegation of criminal behaviour by a PBNI employee
- b. Any allegation of conduct which would constitute gross misconduct under PBNI's Disciplinary Policy
- c. Any allegation which suggests that an officer has used his/her position to obtain advantage at the complainant's expense
- d. Any allegation of an improper relationship between an officer and a service user

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- e. Any allegation which suggests that a service user has suffered some loss or detriment due to the action or inaction of a PBNI employee
- f. Any allegation which suggests a breach of statutory duty
- g. Any allegation of a breach of the PBNI's Statement of Ethics including its provisions on fair and equal treatment.

The above list is not exhaustive and advice should be sought from the Complaints Section if there are any concerns.

9 Unacceptable behaviour and actions by complainants

PBNI acknowledges that making a complaint can be an upsetting and distressing time, which may cause the complainant to act out of character. Whilst PBNI will strive to deal sensitively with complaints, in the event of unacceptable actions, application of organisational Health and Safety Policy principles remain central.

In the event that a complainant fails to respond to contact, they will be offered a reasonable time period (30 days) to respond or make contact. Otherwise, PBNI may make the assumption that the complainant does not wish to pursue the complaint. The appropriate Manager, Investigating Officer or Review Officer must be satisfied that every effort has been made to contact the complainant.

Appendix 1

Probation Board for Northern Ireland Complaint Investigation Report

Name of complainant:
Reference Number: <i>Complaints Section will confirm</i>
Investigating Officer:
Contents <i>All pages should be numbered, and the contents page should detail where each section of the report, plus any appendices, can be found.</i>
Introduction and Background <i>After reading this section the reader should understand:</i> <ul style="list-style-type: none">• <i>Why the investigation was deemed necessary</i>• <i>The remit of the investigation</i>• <i>Why the person carrying out the investigation was selected for the role</i>• <i>Any other factors regarding the organisation or individuals that may be relevant.</i>
Methodology <i>In this section the investigator should detail how they went about the investigation. If this involved interviewing people, a full list of interviewees should be given, together with a brief rationale as to why they were interviewed i.e. their position in the organisation or they were eye witnesses.</i> <i>If the investigation involved activities such as reviewing documentation, or watching videos these should be detailed.</i>
Findings <i>This will be the largest section of the report. Here, the investigator will describe what he/she found, how evidence was evaluated, and what the investigator believes are the contributing factors to the situation. If there are mitigating factors that have contributed in some way to the situation, these</i>

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should be described in full.

The chosen version of events should be described with supporting reasons and any conflicting views.

Consistencies and inconsistencies should also be commented upon and explanations given if known.

Conclusions and recommendations

The investigator should refer back to the terms of reference of the investigation. Then he/she should state whether, following the findings the investigation is conclusive, and what the conclusions are.

If fault is to be attributed it should be outlined here. If a process or procedure has not been followed or an individual has behaved inappropriately, this is the ideal place to outline what went wrong and what should have happened instead. After reading this it should be clear exactly what the investigator believed happened.

Recommendations should be included and could include: training, introduction/updating of policies and procedures, initiation of disciplinary proceedings.

Upheld Not upheld Partially upheld

Appendices

These should be clearly labelled, and contain information that is relevant to the investigation, but had no place in the main body of the report. Typical appendices include:

- *Copies of signed witness statements*
- *Copies of documents reviewed during the investigation process*
- *Copies of the interview questions used, and guidance given to interviewees about the investigation process*

Signed: _____ **(Investigating Officer)**

Date: _____