



Independent Monitoring Authority
For the Citizens' Rights Agreements

Complaints and Commendations Policy

Policy Summary

Owner	Andrew Bagley, Director of Governance and Corporate Services
Approved by	Organisational Development Group
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Statement and Purpose

- 1.0. We are committed to providing excellent customer service, always being open with our customers and meeting their needs or explaining why we cannot. This policy will enable anyone who has interacted with the IMA to make a complaint if they are dissatisfied with the service they received or let us know if we have done well.

Key Principles

- 2.0. We will:
- Take all feedback seriously.
 - Treat you fairly and with respect.
 - Seek to resolve any complaints in a clear, efficient, and timely manner.
 - Let the complainant know in advance of the deadline if we are unable to meet the expected timescales.
 - Keep your complaint confidential wherever possible and in accordance with our data privacy policy.
 - Recognise staff who have done a good job.
 - Use this feedback to improve our service.
 - Publish complaint data in our annual report.
 - Handle your complaint objectively.
 - Continue to treat complainants fairly.

Scope

- 3.0. This policy applies to an individual or an organisation who has accessed our services in any way. This includes, by way of example, complaints about:
- How you or others have been treated by the IMA.
 - The IMA's conduct in performing our statutory functions in line with our legal duties, as set out in relevant legislation.
 - The IMA's conduct and compliance with its own procedures and policies as described in relevant IMA guidelines.
 - Complaints relating to data protection from anyone who is unhappy with the way we have

handled their personal information. For example: if you are unhappy with our response to a subject access request (SAR); have been impacted by a data breach; or are unhappy with the way your personal information has been processed.

- The behavior of IMA staff and the IMA Board and its members.
- The IMA will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries.

This policy **does not** cover the following matters:

- Any comments or reports received about the general conduct or actions of the IMA from anyone who has not directly accessed our services. This information will be handled through our general correspondence process.
- Requests, or refusals for requests, for information under the Freedom of Information Act 2000. Requests of this nature will be handled through our Freedom of Information policy. Further information can be found on our website [here](#).
- Concerns raised by employees of the IMA which are dealt with under our whistleblowing policy.
- We do not accept anonymous complaints.

Our Complaints and Commendations Process

How do I complain or make a commendation?

- 4.0. You can make a complaint or commendation in writing. Where possible, complete our complaint and commendation form. Please give as much information as possible.
- 5.0. Your complaint or commendation, including a completed form, should be emailed to IMA@ima-citizensrights.org.uk or sent by post to the Independent Monitoring Authority, 3rd Floor Civic Centre, Oystermouth Road, Swansea, SA1 3SN.
- 6.0. If you are unable to contact us in writing, please call us between 10:00 AM and 2:00 PM, Monday to Friday on 01792 356 300. Leave a message with your contact details, and our Governance Team will arrange an appointment to discuss your complaint.
- 7.0. Complaints must be received within three months of the decision or action you wish to complain about, to allow us to investigate most effectively. We reserve the right not to investigate any complaints received after this point. If you need assistance in completing the form, then please contact us.
- 8.0. We may need to verify your identity, especially where this relates to a data protection complaint
- 9.0. If you are making a complaint on behalf of someone else, we need their authority for you to do so. We require an authorisation form. Further information on making a complaint on behalf of someone else is detailed below.

Complaints handling

- 10.0. Following receipt of your complaint in writing, it will be given a reference number, stored in our secured storage tool, and allocated to a member of the governance team for review and response. If the complaint is in relation to the Governance Team, then it will be allocated to another Directorate to review and respond.

If you inform us of your complaint over the phone, a record of your name, contact details and nature of complaint or commendation will be made and stored in our secured storage tool. You will be contacted within five working days of your initial call to either gather more information on your complaint.

- 11.0. We will keep full and accurate records of all complaints we receive so that we can monitor the nature of complaints received, the best way to resolve them and the time it takes to reach resolution. This enables us to ensure improvements in our management of complaints.
- 12.0. Personal data provided in the exercise of this policy will be processed and managed in line with our Data Protection Policy. You can find further information about how we process your data in our [Privacy Notice](#).
- 13.0. Anonymous complaints will be considered if there is enough information to investigate. If there are insufficient details provided, we may decide not to pursue the complaint further.

What are the timescales?

- 14.0. We will acknowledge your complaint or commendation within five working days.
- 15.0. We aim to give you a full response to your complaint within twenty working days from acknowledgement of your complaint. However, if we can't give you a full response in this time, we will keep you updated with our progress and explain when you will receive a full response.

What can I expect?

- 16.0. If we consider that we have got something wrong, we will explain what went wrong, and why and how we will put things right.
- 17.0. If we do not consider that we made a mistake, we will explain our reasons.
- 18.0. In all cases, we will tell you what you can do next if you're not happy with our decision.

What to do if you are not satisfied with our decision

- 19.0. If you are not satisfied with our decision, you can write to your Member of Parliament and ask him or her to refer the matter to the Parliamentary and Health Service Ombudsman (PHSO). Information on how to do this can be found on the PHSO's website: <https://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms>
- 20.0. For data protection related complaints specifically, if you remain dissatisfied with the handling of, or response to your request or complaint, you have the right to appeal directly to the Information Commissioner (ICO) for a decision. The ICO can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113 (local rate). There is no charge for making an appeal.
- 21.0. We will not accept vexatious or persistent complaints regarding the same facts or underlying decision. Where we have dealt with a complaint and notified the complainant of the outcome, and additional correspondence is received, a final response will be sent to the complainant to explain that unless there is new evidence to support their original complaint,

we consider the matter closed and will not respond to any further correspondence on the issue.

Further information if you are making a complaint on behalf of someone else

- 22.0. We will need their authorisation allowing you to act on their behalf unless the person is a child or lacks capacity. Please use our template when making a complaint on behalf of another person, because this contains the information we need to check the individual has given their informed consent.
- 23.0. If we are satisfied that the child is not competent, and you hold parental responsibility for the child (or where the child is in the care of a local authority or voluntary organisation, the representative is authorised by the local authority or voluntary organisation), then we will usually let you make a complaint on the child's behalf. The exception to this is if, in the specific circumstances of the case, we consider that this is not in the best interests of the child.
- 24.0. If we decide the child is competent, we will still allow the parent to make a complaint on behalf of their child if the child authorises this, or it is evident that this is in the best interests of the child.
- 25.0. In the case of a person who lacks capacity, the representative must be authorised to act on the individual's behalf. We will need you to provide evidence of this authority.

Conduct and acceptable behaviour when contacting the IMA

- 26.0. We recognise that complaints can be of a personal and sensitive nature, and we aim to deal fairly, impartially and in an appropriate manner with all individuals. However, we retain the right to restrict or change access to our services where we consider actions and/or behaviour to be unacceptable, unreasonable, or unreasonably persistent. We also have a duty to protect the safety and welfare of our staff.
- 27.0. We consider unacceptable conduct to include behaviours or language whether face-to-face, by telephone, social media or written contact that may cause staff distress or harm, for example by feeling intimidated, threatened, abused, or harassed. Examples of such behaviours include: threats, verbal abuse, offensive language, for example comments that are deemed to be hurtful, derogatory, or obscene, making inflammatory statements or raising unsubstantiated allegations.
- 28.0. We consider unreasonably persistent conduct as including conduct which does not have any serious value or purpose; is designed to cause disruption or annoyance; has the effect of harassing our staff; or can be categorised as obsessive or vexatious.
- 29.0. The behaviours considered unacceptable include, but are not limited to: sending high volumes of letters, emails and/or phone calls; repeatedly posting comments on social media or public-facing sites; demanding responses within unreasonable timescales; insisting on speaking with certain members of staff; adopting a scatter-gun approach by contacting many members of staff on the same issue; and continually contacting us while we are in the process of looking at a matter.
- 30.0. On receipt of unacceptable contact or behaviour we will issue a warning and refer the complainant to this policy outlining that we do not accept complaints or contact as described above. If such contact or behaviour nevertheless persists, we will explain to the individual that we will no longer respond on the matter. In serious cases of ongoing

unacceptable conduct and/or unreasonably persistent behaviour we will refer the matter to the police and/or consider applying for a civil injunction to restrain such behaviour

Roles and Responsibilities

All Staff

- All applicable IMA staff will contribute to complaints investigations as required.

Governance Team

- 31.0. The Governance Team will log and facilitate the complaints process to respond to any complaints received.
- 32.0. All complaints will be recorded in a central complaint register, including:
- Date received
 - Summary of the issue
 - Department/function involved
 - Actions taken
 - Outcome
- 33.0. Commendations will also be logged and passed to the relevant Team Manager.
- 34.0. The Head of Governance and Secretariat will review draft responses before submission to the Director of Governance and Corporate Services for final approval.
- 35.0. Patterns or repeated issues will be flagged for further review and potential escalation.

Director of Governance and Corporate Services

- 36.0. The Director of Governance and Corporate Services will approve final responses to be sent to external complainants.

Complaint Monitoring and Reporting

- 37.0. We will inform the Executive Team when a new complaint is received
- 38.0. Complaints may be escalated from the Executive Team to the Board if necessary.
- 39.0. We will review the progress of complaints to monitor progress and identify trends.
- 40.0. A summary of complaints and commendations will be:
- Reported quarterly to the Executive Team
 - Presented quarterly to the Board with assurance that appropriate actions have been taken
 - Included annually in the IMA's Annual Report and Accounts
- 41.0. A trend analysis will be conducted every 6 months to identify recurring issues and inform policy or operational improvements.

Policy review

- 42.0. This complaint and commendations policy will be reviewed every two years or earlier if required by legislation changes or any lessons learned exercises as a result of complaints/commendations received.