



Consultation on creating complaints handling standards for the Northern Ireland public sector



Northern Ireland

Public Services

Ombudsman

Report of findings

Opinion Research Services

February 2022



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1. Consultation Overview

Introduction to the consultation

- 1.1 The primary role of the Northern Ireland Public Services Ombudsman (NIPSO) is to investigate unresolved complaints about public services in Northern Ireland. Under Part 3 of the Public Services Ombudsman Act (Northern Ireland) 2016, NIPSO has now been given the authority by the Northern Ireland Assembly to produce a set of principles and procedures to help standardise complaints handling by public bodies in Northern Ireland.
- 1.2 As a result of this, in 2021 NIPSO undertook a public consultation process inviting stakeholders to provide views and feedback relating to three main areas:
 - A draft Statement of Principles** – outlining the basic principles NIPSO is proposing should underpin a complaints handling procedure.
 - A draft Model Complaints Handling Procedure** – setting out more specific detail about the ways in which organisations may be expected to handle complaints in the future.
 - The suggested approach** – explaining NIPSO’s proposed sector-based approach, and how it plans to support public bodies to implement changes.
- 1.3 NIPSO commissioned Opinion Research Services to set up and host an online questionnaire consisting of a number of open-ended questions around the main aspects of its proposals; other formats were also available on request from NIPSO. The questionnaire was intentionally made available for any interested party to complete (i.e. whether a public body representative or an interested member of the public) between 10th June and 30th September 2021.
- 1.4 In addition to the questionnaire responses NIPSO also received a number of written submissions directly from public bodies.
- 1.5 In total, 101 consultation responses were received. A summary of the public bodies and other organisations that responded is provided in the table overleaf.

List of organisations who responded to the consultation

 <p>Education</p>	<ul style="list-style-type: none"> • Belfast Metropolitan College • Council for Catholic Maintained Schools (CCMS) • Council for the Curriculum, Assessment and Examinations (CCEA) • Education Authority (EA) • National Association for Head Teachers (NAHT) • NI Teachers Collaborate • Northern Ireland Council for Integrated Education (NICIE) • Northern Regional College • Spires Integrated Primary School • South Eastern Regional College (SERC) • South West College
 <p>Health and Social Care (*includes one Advocacy/Support body)</p>	<ul style="list-style-type: none"> • Care Home Advice and Support NI (CHASNI)* • General Medical Council (GMC) • Health and Social Care Board (HSCB) • HSC Trust Complaints Forum • Medical Protection Society (MPS) • Northern Ireland Ambulance Service Trust (NIASST) • Patient Client Council (PCC) • Southern Health and Social Care Trust (SHSCT) • NHS • Northern Health and Social Care Trust (NHSCT) • Woodbrooke Medical Practice
 <p>Housing</p>	<ul style="list-style-type: none"> • Ark Housing Association • Choice Housing Association • Clanmil Housing Association • Co-Ownership Housing Association • Northern Ireland Federation of Housing Associations (NIFHA) • Northern Ireland Housing Executive (NIHE)
 <p>Central Government (includes Govt Depts, Agenices and Non-Departmental Public Bodies [NDPB])</p>	<ul style="list-style-type: none"> • Charity Commission for NI • Consumer Council NI • Department for Communities • Department for the Economy • Department of Education • Department of Justice • Department of Health • Labour Relations Agency (LRA) • Land and Property Services (LPS) • Libraries NI • National Museums NI • NI Audit Office • Probation Board NI
 <p>Local Government</p>	<ul style="list-style-type: none"> • Antrim & Newtownabbey Borough Council • Ards & North Down Borough Council • Belfast City Council • Causeway Coast & Glens Borough Council • Fermanagh & Omagh District Council • Lisburn & Castlereagh City Council • Mid & East Antrim Borough Council • Mid Ulster District Council • Newry, Mourne & Down District Council • Northern Ireland Local Government Officers' Superannuation Committee (NILGOSC)
 <p>Other</p>	<ul style="list-style-type: none"> • Alliance Party • Information Commissioner's Office (ICO) • Scottish Public Services Ombudsman (SPSO)

The report

- 1.6 NIPSO has been provided with the full responses from the consultation (in which the views of individual members of the public have been anonymised) and is therefore aware of all issues raised.
- 1.7 The views of individual organisations have not been attributed in this report (although NIPSO is aware of their feedback); however, some indication of sector and/or the type of organisation has been provided to lend greater context to the points raised.
- 1.8 The structure of the findings is based closely on that of the consultation questionnaire, with examples of illustrative comments provided throughout in italics.
- 1.9 The full responses have been summarised by NIPSO, and the purpose of this report is to provide an overview of this exercise and of the main themes raised (i.e. it is not intended to provide an exhaustive account of all points raised).

2. Executive Summary

Summary of Main Findings

Views on the draft Statement of Principles

- 2.1 Most respondents were **generally accepting of the proposed Statement of Principles (SOP)**. While many did not provide comments, those who did were mainly positive and either accepted the proposed SOP in full, or suggested only minor changes or caveats. A very small number did not agree with or support the proposed SOP, feeling that the SOP is unsuited to a particular context, is too brief, or requires a greater focus on the customer.

Views on the draft Model Complaints Handling Procedure

- 2.2 There was generally widespread support for the suggestion that the Model Complaints Handling Procedure (MCHP) should contain **an agreed definition of what is or is not a complaint**. One perceived benefit was that this would introduce a greater consistency in approach between organisations. However, there was some concern about how these parameters might be defined: on the one hand, it was suggested that definitions would need to be agreed carefully; on the other, it was suggested that if the definition was too specific or narrow then this might also present problems. There were one or two concerns that the proposal might prevent some more straightforward complaints being resolved earlier or more informally (i.e. if public bodies were instead required to channel them through a formal process). This led to some sense that any definition may need to be 'indicative' rather than overly prescriptive.
- 2.3 There was generally very widespread support for the **keeping of a register of complaints**. In terms of the proposed **two-stage complaints process**, this was also widely supported – although a few suggested a third 'appeal' or 'review' stage.
- 2.4 More questions were raised in relation to the proposal for a **five-day turnaround for a 'frontline response'** and a **three-day turnaround for an acknowledging a complaint being escalated to 'investigation' stage** (particularly among public bodies; members of the public were somewhat more supportive of these shorter timescales). While some public bodies felt these kinds of timescales would be 'ideal', they had concerns around the practical implications if either of these was to be a 'hard target', citing concerns such as pressures on small teams, the impacts of staff absence, and so on.
- 2.5 The proposed **twenty-day turnaround for responding to 'stage 2' complaints** was more widely supported by public bodies, with a greater sense that this was achievable. Nonetheless, there were occasionally some concerns e.g. that this might lead to investigations being rushed (i.e. 'quantity over quality'), and/or that it did not take account of varying levels of complexity between different cases.
- 2.6 In the event of the 20-days being exceeded, most public bodies and individuals supported the principle that **a revised timetable should be given, with updates every twenty working days** (albeit there was some suspicion, mainly among members of the public, that organisations might use this as an excuse to

‘draw out’ the process). It was suggested that updates should include explanations for delays and that the revised timescales should be agreed with complainants.

- 2.7 In general respondents supported the **reporting and publicising of complaints**, on the basis of increased openness and transparency. Some public bodies indicated that they would welcome guidance from NIPSO on how best to report the information, the level of detail required, and to clarify potential GDPR/confidentiality issues (e.g. to reassure respondents who might have concerns about their cases being identifiable).
- 2.8 There was widespread support for the principle that organisations should **demonstrate active learning from complaints**.

Views around the suggested approach

- 2.9 Respondents generally supported the idea of a **sector-by-sector approach for implementation**, citing benefits such as flexibility (i.e. providing an opportunity to adapt MCHPs based on the differences between sectors) and the sharing of learning (i.e. being able to identify successes and improvements at each stage). However, a very small number of respondents (mainly individual members of the public) felt a concurrent approach might be preferable.
- 2.10 Some respondents mentioned caveats or concerns, e.g. the implications for complaints spanning multiple sectors, the possible need to sub-divide sectors (i.e. to take account of differences *within* rather than just across sectors), the possibility for MCHPs to conflict with existing procedures or other forms of regulation, and the lack of provision for organisations outside the five named sectors (e.g. non-departmental public bodies).
- 2.11 When asked to nominate which sector NIPSO should work with first, many respondents did not give a view; of those who did, many focused on the proposed factors that should be taken into account (e.g. complaint volumes, risk to the public, and so on). Health, Local Government and Education were most widely nominated as the first sector(s) that NIPSO should work with to introduce MCHPs.
- 2.12 Respondents were given a final opportunity to raise any sector-specific or other concerns they might have around implementation. Many of the points raised were quite specific or miscellaneous (they have been outlined more fully in the main body of this report), although the following emerged as broad themes: concerns about resources and timescales; calls for clarity and definition (e.g. in terms of what constitutes a ‘frontline’ complaint etc.); a need for better consideration of alternative forms of resolution (appeals processes, etc.); the importance of training; and support for organisations in terms of dealing with persistent or vexatious complaints.

Overall summary of views:

Where respondents could be seen to have commented directly on the draft Statement of Principles, they were generally supportive of its comments, with only a very small number of negative views expressed, and only relatively minor amendments or additions suggested.

With the exception of timescales (which many public bodies had some reservations about), most aspects of the proposed MCHP were widely supported, albeit there were several caveats and suggestions about things that NIPSO might need to consider.

Only very small numbers disagreed outright with the sector-by-sector approach for implementation, although many identified some issues or concerns that NIPSO might need to consider. There was no overwhelming consensus about which sector NIPSO should work with first; however there was most support for Health, Local Government or Education being the first sector.

Respondents raised a variety of general and sector-specific issues that they felt NIPSO ought to bear in mind, including (but not limited to): concerns around timescales/resources and clarity around definitions and processes.

3. Main findings

Views on the draft Statement of Principles

Q1.

Is there anything you would like to see added or changed in terms of the content of the principles? If yes, please indicate which principles and provide details.

- 3.1 The majority of respondents either did not provide any comment/response to the question or suggested only minor amendment(s) to the SOP. However, most of those who provided comments welcomed or explicitly agreed with the principles; the responses below are fairly representative of many of these positive views that were expressed:

*[Name of organisation] welcomes and agrees with the proposed Statement of Principles and believes that they would provide a framework within which public bodies can reflect and affirm their commitment to a complaints process that is straightforward, fair, and time bound. **Public body (Central Government)***

*[Name of organisation] would welcome the suggested principles as the foundation for any complaints handling standard and approach. **Public body (Housing)***

- 3.2 There were, however, a very small number of negative responses to the draft SOP. Some respondents felt it was not 'fit for purpose' in an education setting; the others felt it lacked a customer focus or was too 'brief':

*[Name of organisation] is greatly concerned at the proposal put forward by NIPSO. We do not believe it is fit for purpose in the education setting. It is our recommendation that an education specific advisory complaints procedure should instead be instated. **Public body (Education)***

*Don't feel that the SOP are customer focused. **Public body (Local Government)***

*[The principles] are too brief... They are not standalone nor are they clearly about complaint handling. **Public body (Education)***

- 3.3 A small number of responses suggested alternative words or phrases to those used in the SOP:

*We suggest that the name of the 2nd principle - 'Fix it early' may create an unrealistic expectation amongst those who submit complaints and should be changed to 'Address it early'. **Public body (Central Government)***

*Be transparent. **Member of the public***

- 3.4 Some responses also expanded on the text of the SOP, or repeated the text that was there. There were one or two comments to the effect that the actual principles were sound, but NIPSO would need to ensure appropriate compliance with the SOP in order for it to be effective.

- 3.5 A number of comments related more to specific actions that should possibly be taken, rather than to the overarching principles that should be adhered to. Therefore these comments were more relevant

to the MCHP rather than the SOP and will be considered by NIPSO as part of its analysis of responses in relation to the draft MCHP. In addition, NIPSO has indicated that it will consider how, in the future, confusion between the SOP and MCHP can be kept to a minimum.

Views on the draft Model Complaints Handling Procedure

Q2a.

A Complaints Handling Procedure should contain an agreed definition of what is and what is not a complaint.

3.6 **More than half of respondents expressed some agreement with the statement**; there was relatively little disagreement. Support was evident among **both** public bodies **and** individual members of the public.

3.7 Some of the main themes emerging from comments were:

- » **The definition of a complaint should be included in the public body's Complaints Policy.**
- » **Ownership of a complaint should be identified at the outset.**
- » **There should not be too definitive a list of what does or does not constitute a complaint.**

3.8 One of the perceived benefits was that this should result in **greater consistency and less confusion**:

We believe it is beneficial to have a consistent definition across all public bodies, so there is no confusion around what does or doesn't constitute a complaint from organisation to organisation.

Public body (Central Government)

3.9 There was some suggestion that a great deal of care would be required to decide upon **an agreed definition** (for example, given the potential ambiguity between what constitutes a 'complaint' versus other forms of customer contact such as service requests or general negative feedback):

[The Council] is supportive of an agreed definition but this approach needs to be carefully developed for example: what is defined as a Complaint versus an Opinion versus a Service Request versus General Feedback.

Public body (Local Government)

3.10 There was also some concern that **too narrow a definition** might be too limiting and cause distress; however it was also suggested that **too broad a definition** would also be problematic (i.e. if a formal complaints process was not the most effective way of finding a resolution):

A customer has the right to complain if they are dissatisfied with any aspect of service delivery. A list could not cover all possible dissatisfactions. Furthermore, by including an example of what may or may not a complaint, we could be deterring customers from complaining if their particular issue is not listed.

Public body (Education)
I think having a definition of what is and what isn't a complaint could lead to distress for the person making the complaint as they will feel as though they aren't believed.

*A broad definition increases the risk of customer misunderstanding and frustration if the complaints procedure is not the correct method of redress. **Public body (Housing)***

- 3.11 On that basis there was some sense that any definition might **need to be indicative**, rather than overly prescriptive:

*NIPSO should produce as part of the MHCP an indicative, but not definitive, list of examples of matters which are and are not complaints. **Public body (Local Government)***

Q2b.

A register of all complaints received should be kept by public bodies.

- 3.12 There was generally **widespread support** for the keeping of a register of complaints.

- 3.13 Some of the main themes emerging from comments were:

- » **The register should include outcomes and lessons learnt.**
- » **There would need to be clarification about when a complaint is to be recorded on the register** (i.e. what constitutes a complaint for recording purposes).
- » **The register should be used for auditing purposes.**
- » **There would be a need to ensure confidentiality.**
- » **Complaints registers should be made accessible to the public.**

- 3.14 The perceived benefits of a register included assisting with identifying potential areas of improvement and ensuring that correspondence is recorded in a consistent manner:

*This would be very effective and useful as it can be reviewed to identify areas of improvement so that they can be addressed appropriately and effectively. **Member of the public***

*100% agree with this. All complaints, both informal and formal, should be logged on a CRM database not only for reporting purposes but also so that all correspondence relating to the case and the actions taken are recorded within the one record. **Public body (Central Government)***

- 3.15 However, as indicated above, there was some suggestion that the success of the proposed register might depend closely on the extent to which complaints could be clearly defined:

*We note that this is dependent on a clear definition, communication and understanding of what is a complaint. It is possible that small numbers of informal complaints are not properly registered, simply as Officers are dealing with these promptly as part of their day-to-day work... **Public body (Local Government)***

Q2c.

Complaints should be dealt with in no more than two stages; an initial 'frontline response' based on early resolution and a stage 2 'investigation' where early resolution is not possible and a complaint needs to be thoroughly investigated.

3.16 Most respondents agreed with the principle that complaints should be dealt with in no more than two stages, although there were some instances of disagreement.

3.17 Some of the main themes that emerged were:

- » **Members of the public generally want to see complaints dealt with quickly.**
- » **Public bodies are also largely committed to keeping stages to a minimum and some already have a 2-stage process.**
- » **Some members of the public stressed the importance of sticking to timeframes.**
- » **Support for senior management to look at complaints, but disagreement over at what stage.**
- » **General agreement with the principle that it is sensible not to have too many stages.**

3.18 The following were fairly representative of the supportive comments received

Certainly no more than two. Member of the public

Agreed. Two stages is sufficient to fully investigate and respond to a complaint. Public body (Local Government)

3.19 However, a few comments perceived that there were some weaknesses with the suggestion; a small number felt a third stage, allowing an opportunity to appeal or review decisions made at stages 1 and 2, would be helpful and reduce referrals to NIPSO:

This is supported...but it should be noted that this approach has strengths and weaknesses. Resolving most complaints from at first point of contact allows for the most prompt response. Additionally, some complainants will exhaust a multi-stage formal complaint system simply because it is available, regardless of whether further stages will generate a different outcome. On the other hand, it is likely that this proposed two staged approach will consume greater resource by senior management of Council and result in some complaints taking longer to resolve than the present format. Public body (Local Government)

[Organisation] disagrees, we believe there should be an informal stage, a formal stage and an appeals stage. The appeals stage allows the complaint to be considered by independent senior members of staff who have had no involvement in the complaint to date, ensuring transparency and fairness. Public body (Education)

A stage 3 would allow for stages 1 and 2 to be reviewed to ensure that they were appropriately handled and investigated – reducing the amount of complaints that were mishandled and number of non-exhaustive complaints being submitted to NIPSO. Member of the public

Q2d.

Based on experiences in other places, a ‘frontline response’ should be responded to within a maximum of 5 working days, with the possibility of an extension in exceptional circumstances of up to 5 additional working days.

3.20 While most individuals agreed with the 5-day timescale for a ‘frontline response’, more public bodies disagreed than agreed. Put succinctly, the reasons were as follows:

- » **Many public bodies feel this would create unfair pressure on smaller organisations with limited time and resources, and not give opportunity for a meaningful assessments of complaint** e.g. for reasons such as staff being on leave, needing to contact external stakeholders etc.
- » **The public largely supported this as it meant quick resolution of complaints.**

3.21 The following were fairly representative of the non-supportive comments received:

We believe 5 days is a very short timeframe to properly consider the kind of complaints we receive at first front line stage. Public body (Central Government)

Agree that the aim should be to deal within 5 working days but not hard targets. There will be times this is not possible and it is better to wait to get [a] response rather than automatically stepping into a formal process. This should also reflect the complainants view/wish as they may prefer to wait for a call back to deal with [it] informally. Public body (Health and Social Care)

While this would be an ideal scenario and would support ensuring the complainant receives a response very promptly, this is not always possible and would create unfair pressure on a small organisation without a dedicated complaints staff. Public body (Central Government)

Q2e.

All complaints escalated to stage 2 ‘investigation’ should be acknowledged within 3 working days.

3.22 Again, most individuals were supportive of the 3-day timescale for acknowledging a stage 2 complaint; however, public bodies were evenly split (roughly as many disagreed as agreed), mainly on the basis of:

- » **Concerns around time pressures and some bodies feeling this was too quick a turnaround, particularly with a large number of complaints coming in at once.**

3.23 The following comments from public bodies help to illustrate the split in opinion:

[Organisation] agrees with this proposal, as it is imperative to keep momentum in the investigation and provide clear communication to the complainant throughout the process. Public body (Central Government)

Council supports this approach. This is in line with our current Council policy. Public body (Local Government)

3 working days is very tight. If a complaint is received at 5pm on a working day but not picked up until the following day, we would have lost a working day already. If staff were off sick or on leave, the timeframe may be missed. Public body (Education)

Q2f.

A full response to stage 2 complaints should be provided as soon as possible but no later than 20 working days from the time the complaint was received for investigation

3.24 The principle that a full response to stage 2 complaints should be provided as quickly as possible, and within 20 days, was broadly supported. However:

- » **Some felt that a longer time period would provide a better opportunity to explore the complaint in more depth, establish all the relevant facts and enable a full, objective and proportionate response on the issue.**
- » **Some suggested that complaints should be triaged to determine their seriousness/level of complexity** i.e. on the basis that this would have implications for the time needed to conduct a proper investigation.
- » **Communication with the complainant was felt to be key, whatever the timescale.**

3.25 The following comments help illustrate the range of views expressed:

On balance, we believe customers appreciate this 'quality over quantity' approach with assurance that their case is being taken seriously. The presence of an external 20-day target may lead to a reduction in the quality and extent of investigation, and, in some cases, may lead to increased customer dissatisfaction. Public body (Housing)

We agree that timescales should be included in a complaints handling process, but suggest these are based on the level of seriousness of the complaint. Public body (Health and Social Care)

Yes this would be wonderful. Member of the public

Our experience is that this is achievable for public organisations and it is appropriate that the standard reporting time is based around a reasonable timescale. It is not achievable for all complaints and so it is important to provide for some flexibility. Public body (Other)

Q2g.

In more complex cases, if it is not possible to meet the 20-day timeframe, a revised timescale should be provided, and an update at least once every 20 working days on the progress of the investigation.

3.26 This was largely supported, although some thought it would present practical difficulties. The following points were all made:

- » **Some felt that not all investigations will be able to meet the response deadline.**
- » **Some individuals commented that this could allow public bodies to ‘drag out’ the investigation process.**
- » **Keeping the complainant informed was felt to be important, and there were suggestions from members of the public that updates on delays should be agreed with the complainant – keeping them at the heart of the process.**
- » **More than one individual commented on the impact of delays on the complainant’s mental health.**

3.27 The following comments help illustrate the range of views expressed:

Agreed, but updates should include reasons on what is delaying a response. Member of the public

No. In this situation an update should be available every week. Member of the public

This gives the likes of schools the scope to delay parents indefinitely. Member of the public

Communication is key. In writing or via email. Member of the public

[Organisation] has used this timescale approach and has found that it is practical. Public body (Central Government)

Q2h.

Information about complaints received should be reported and publicised.

3.28 Among those who gave a clear view on the principle that information about complaints should be reported and publicised, there was substantial agreement, and very few respondents clearly disagreed.

- » **There was a sense that this would promote openness and transparency for the public.**
- » **Some public bodies already report on complaints but would welcome more guidance from NIPSO around standards of reporting.**
- » **Many wanted confidentiality/GDPR issues clarified. For example, bodies wondered whether this might deter complainants from making a complaint, or whether complainants would try to refuse having details published.**
- » **There was some concern about publishing data in instances of complaints that are not upheld, e.g. in terms of what detail would be required.**

- 3.29 The following comments help illustrate some of the reservations expressed by respondents around the publicising of complaints information:

*Agreed in principle but await more detail on the actual requirements, taking into account GDPR requirements where it may be possible to identify a complainant due to the subject nature, even though personal information had been redacted. **Public body (Local Government)***

*[Organisation] considers that more information is required as there is a sector concern about published complaints that are not upheld as well as how much detail is proposed to be included. In reference to regular publishing of outcomes and how this would look in practice; publishing information about complaints could contravene data protection legislation. **Public body (Education)***

Q2i.

Public bodies should demonstrate active learning from complaints.

- 3.30 There was substantial agreement, and virtually no disagreement, with the principle that public bodies should demonstrate active learning from complaints.

- » **Many people said that it was fundamental to the complaints process.**
- » **Public bodies would welcome guidance/information from NIPSO on active learning and how this should be published/demonstrated.**
- » **The demonstrated changes should be revisited/audited/external examination to see if this 'active learning' has occurred and is getting positive results.**

- 3.31 The following comments provide an overview of the main views and issues raised in relation to active learning:

*It is suggested senior management review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. [Organisation] would welcome guidance with the NIPSO on how they believe active learning from complaints should be demonstrated and whether they recommend active learning be published. **Public body (Education)***

*The Council would support this concept. Additional regional guidance and training on Best Practice would be welcome. **Public body (Local Government)***

*[Organisation] agrees with this proposal. Lessons learned from complaints should be issued to all staff. **Public body (Central Government)***

*Yes, this seems the whole point of complaints to make sure things change and are made better. The demonstrated changes should be revisited/audited/external examination to see if this 'active learning' has occurred and is getting positive results. **Member of the public***

Suggested approach and implementation

Q3.

NIPSO is proposing to introduce MCHPs for public bodies on a sector-by-sector basis. Do you consider this is the most effective approach? If not, what would you propose?

- 3.32 Again, most respondents supported the proposal of a sector-by-sector based implementation in principle. The main perceived benefits were:
- » **It would allow successes and improvements to be identified at each stage, help with the sharing of learning, and support the ‘bedding in’ of processes.**
 - » **It would allow suitable consideration of the ‘variation’ in types of complaints dealt with by different sectors, and the different natures of their work (“one size does not fit all”).**
- 3.33 Concerns and/or reservations expressed in relation to a sector-by-sector approach included:
- » **That it would take too long to get to the fifth sector** (during which time, ‘catastrophic errors’ may occur, to quote one individual).
 - » **Lack of clarity over what the approach would be in instances where a complaint cuts across multiple sectors** (a couple of possible examples were given, one being a complaint involving a child with Special Educational Needs, potentially spanning both Education and Health and Social Care).
- 3.34 The concerns above led to a few respondents **to suggest that NIPSO should work with different sectors concurrently**, rather than one-by-one (one respondent suggested this might be achieved by use of sub-committees).
- 3.35 A few responses made comments along the theme of ‘**sub-dividing**’ sectors e.g. one public body broadly agreed but also felt that consideration ought to be given to the differences between organisations *within* each sector, as well as *across* the sectors. It was also suggested that there might be distinct sub areas within sectors, and/or smaller public bodies, that might require a slightly different or nuanced approach:
- A small GP practice works very differently to a large health trust and while the principles of complaint management should be the same, the practicalities of managing complaints may be different. **Member of the public***
- Please could I ask that you examine foster care provision as a distinct area of Health and Social Care? **Member of the public***
- If ALBs [Arm’s-Length Bodies] are to be included within the government departments sector, then it would be helpful to recognise this and sub-divide to provide something meaningful for smaller bodies. **Public body (Central Government)***
- 3.36 The issue of how NIPSO would work with organisations which do not sit easily within the five identified sectors was also raised – leading to **suggestions for an additional Non-Departmental Public Body category:**

*We would appreciate further discussion...but recommend a further category of NDPB [non-departmental public body], as there will be several delivery organisations like [organisation name] who would fall into this category. **Public body (Central Government)***

- 3.37 A few organisations raised concerns about whether MCHPs might **conflict with existing complaints handling procedures and/or other forms of regulatory oversight** that bodies might be subject to:

*[Housing Associations] are subject to Departmental regulation with regard to complaints and regulatory oversight by the Charities Commission. Prior to any review of our current complaints models it is our view that regulatory/legislative conflict needs to be addressed. **Public body (Housing)***

*[Organisation name] currently has its own Complaints Handling Procedure... the framework of which is set out in...legislation. Running two different complaints handling processes with different timescales and steps has the potential of leading to member, stakeholder and administrator confusion where one process ends with the NI Ombudsman and the other with [another ombudsman]. **Public body (Local Government)***

*A new MCHP for health and social care would need to be introduced by the Department of Health. **Public body (Health and Social Care)***

- 3.38 This led to one suggestion that NIPSO should adopt organisations' or sectors' existing complaints policies rather than seeking to introduce new procedures:

*We would suggest that NIPSO adopts the HSC complaints policy as it is adequate. **Public body (Health and Social Care)***

Q4.

NIPSO has yet to decide the first sector(s) it will work with to introduce the MCHPs. Some of the factors being considered in this decision are: the number of complaints received by the sector, size/complexity of the sector, risk attached to public service provision. Do you have any views on this issue?

- 3.39 A number of respondents focused their answers on the criteria or factors that should be taken into account, for example:

- » **Prioritising the sector that receives most complaints:** to maximise benefits to the greatest number of people in the shortest timeframe.
- » **Prioritising the sector which results in most complaints being referred to NIPSO.**
- » **Prioritising a smaller sector/one with fewer complaints:** to 'learn lessons' ahead of a wider roll-out.
- » **Prioritising the sector where there is greatest risk to the public.**
- » **Prioritising the sector that offers the 'quickest win'** e.g. based on consistency of complaints dealt with.
- » **Prioritising the sector(s) that currently do not have well defined CHPs.**

- » **Considering the costs of complaints:** e.g. cost of litigation in the health sector, for example.
- » **Prioritising a sector which does not currently have a reputation for dealing with complaints well.**
- » **Identifying sectors using a ‘risk and impact based approach’.**
- » **Prioritising sectors where Covid has had most impact:** claimed to be Health and Social Care and Education.

3.40 Other respondents responded to this question by nominating a particular sector (or sectors) that NIPSO ought to work with first. Suggestions included:

- » **Health and Social Care:** argued on the basis of being most urgent and/or posing most risk to the public and/or vulnerable people (one respondent specifically suggested that care homes should be addressed first).
- » **Education:** one response mentioned the potential risk posed to children if complaints are not investigated correctly; another mentioned the potential vulnerability of service users.
- » **Local government:** due to the ‘political’ aspect and increasing numbers of complaints; also on the basis that many complaints are straightforward, there are relatively few referrals to NIPSO, and many organisations already have a two-stage complaints process.

3.41 Some respondents expressed a view on sector(s) they felt *should not* be first to work with NIPSO to introduce MCHPs, and/or which should be left until last in the process, for example:

- » **Health and Social Care:** on the basis of ongoing pressures due to the pandemic and also because it was said to already be heavily regulated/already have well defined and/or ‘robust’ CHPs.
- » **Education:** on the basis there are “more pressing concerns” to be dealt with prior to introducing MCHPs.
- » **Local government:** due to the diverse number and nature of the services provided, it was suggested that smaller bodies might be easier to start with.
- » **Housing:** on the basis that “*existing regulatory/legislative requirements should be acknowledged and considered prior to engagement with the housing sector*”.

3.42 Additionally, some respondents stated that they did not have a particular preference, but hoped that the process would be efficient and communicated well, and that public bodies would be kept informed of timescales for implementation.

3.43 One individual claimed that education should have its own regulatory body, and that NIPSO does not have sufficient powers over the sector to implement its MCHP.

Q5.

Are there any issues or concerns specific to any particular sector or area of work, that you feel NIPSO should take into account when refining MCHPs?

^{3.44} Although the question asked about quite specific issues, there were nonetheless some broad themes that emerged, for example:

- » **Cost and time limitations** – this was felt to be particularly relevant in the Health and Social Care sector where staff are stretched, meaning there is little time to address complaints; also in Education where school holidays can have an impact.
- » **Options for alternative resolution** – calls for consideration of alternative resolution options, appeals processes etc.; and providing clarity on complaint responses to help settle complaints and limit referrals to NIPSO.
- » **What constitutes a frontline complaint?** – further clarity needed to address whether a complaint is a frontline or a formal complaint (and there is a need to distinguish between lower-level customer dissatisfaction and higher-level customer complaint, which can be informal or formal).
- » **Addressing abusive complainants** – how to handle complaints/service failings whilst dealing with abusive complainants and/or vexatious complaints.
- » **Confidentiality and ‘speaking up’** – the issues of how to address or raise internal issues which relate to complaints or potential complaints, whilst also protecting one’s identity or job.
- » **Wider engagement with the process** – the need to involve key stakeholders in the development of MCHPs relevant to each sector (councillors in Local government; Personal and Public Involvement (PPI) in health and social care, etc.).
- » **Clarity around multiple organisations involved in a complaint** – There is a need to understand how to address complaints handling when there is joint working across sectors on the delivery of services.
- » **Concealing information/Duty of candour** – issues around ensuring ownership and responsibility of failings, particularly in the Health and Social Care sector.
- » **Difficulties around achieving a final resolution to parents’ complaints in the Education sector:** the role of Boards of Governors needs to be clarified and parents need to be reassured that their voices are heard.

^{3.45} The table below offers a fuller summary of points raised by organisations from the different sectors. Please note that where other comments - such as those raised by members of the public - clearly relate to a specific sector, they have been included in the relevant row of the table (i.e. alongside the organisational comments for that sector); however, general comments have been included under ‘Other and Miscellaneous’.



Education

Comments from organisations:

- » Clarity is needed on what constitutes a frontline complaint.
- » Concerns around difficulty in mutual agreement to a resolution.
- » Reservations about being able to make quick decisions on frontline complaints – not always possible to get full picture right away.
- » No requirement for a central point of contact to make decisions – risks lack of clarity within an organisation around who should escalate complaints.
- » No alternative signposting options considered e.g.: academic appeals, HR, disciplinary action.
- » The proposed timeframe and content for acknowledging complaints is unworkable.
- » Concerns about notifying staff unnecessarily about actions of staff member(s).
- » Cost implications for mediation.
- » Absence of an appeals process is a major concern (*“a key component of existing sectoral policy”*).
- » Clarity needed on 6-month period for bringing complaint forward (i.e. in terms of when this period starts).
- » Timeframe for bringing complaints forward should be 3 months and not 6.
- » Deadlines may not be achievable, especially during school holidays.
- » There is no policy to address abusive parents.
- » Workloads when parents are unhappy with a response is considerable (the complaint gets escalated to NIPSO, generating large volumes of paperwork) – an appeals process would be preferable.
- » Confidentiality is expected of schools once NIPSO’s report is received; however, complainants can make the outcome public without any sanctions.

Comments from members of the public and/or others:

- » The role of Governors in resolving complaints should be clarified.
- » Schools are too autonomous/not held accountable over safeguarding.
- » Concerns about lack of legislation around equalities in the Education sector.
- » Concerns about parents endlessly seeking resolution to their complaints.
- » NIPSO does all in its power to investigate complaints involving vulnerable children in education settings.



Health and Social Care

Comments from organisations:

- » Concerns about time and limited resources.
- » Need for more flexibility for complainants to come back to Trusts to seek clarity.
- » Need for clarity of roles and responsibilities within the MCHP.
- » Guidance is needed for managing complaints that do not fall under the definition of a formal complaint.
- » Small organisations may lack resources to support the complaints process and/or may need more time or flexibility.

	<ul style="list-style-type: none"> » No reference to advice / assistance from Health and Social Care Board for GP practices receiving complaints: will current reporting requirements for GP practices to HSCBs continue? » Concern over lack of specific reference to care homes and also lack of visibility of care home complaints. <p>Comments from members of the public and/or others:</p> <ul style="list-style-type: none"> » Training is needed, with specific reference to primary care. » Concerns exist about varying assessment and prioritisation of complaints across the sector (which may need to be addressed if comparative statistics are to be published). » Importance of duty of candour/not covering up mistakes. » There is a need to consider alternative forms of resolution. » Concerns about access to records across the health service and gender imbalances among staff. » Suggestion for involvement of Personal and Public Involvement (PPI) in the process. » It is important to consider the impacts of reduced staffing and pressures on services. » It should be considered that foster carers are not staff but are service users, and further engagement with relevant stakeholder bodies should take place prior to implementing any complaints procedure in this area.
 <p>Housing</p>	<p>Comments from organisations:</p> <ul style="list-style-type: none"> » Clarification is needed on whether property maintenance or repair issues should be recorded as frontline complaints. » Assistance is needed around managing persistent, vexatious and/or abusive complaints. » Would appreciate guidance on offering remedies to complainants when upholding their complaint. » Request that NIPSO considers the differences between organisations within the housing sector (e.g. where activities or services may be slightly different to a more traditional housing associations).
 <p>Central Government (including NDPBs)</p>	<p>Comments from organisations:</p> <ul style="list-style-type: none"> » Accessible content and flexible processes are needed for vulnerable consumers. » Guidance is needed on managing unreasonable complainant conduct.
 <p>Local Government</p>	<p>Comments from organisations:</p> <ul style="list-style-type: none"> » NIPSO should consider the possibility of political intervention when refining the MCHP for Local Government.

- » The diverse nature and number of services delivered by a Council should be considered when developing Model Complaints Handling Procedures.
- » Council complaints should be recognised as encompassing both frontline operations and complex service provisions.
- » Simplicity is needed for both the Authority and the customer to understand the process.
- » Preference not to have two separate strands in a complaints process as it is time-consuming.
- » More guidance around social media complaints may be helpful.
- » Signposting to other resolution options is needed (where appropriate).
- » Planning complaints are complex, requiring responses from different departments, and therefore are likely to take longer than 20 working days to resolve.
- » There is a concern at the misuse of the complaints process to provide a means to interfere with the normal land use planning mechanisms - forms of Alternative Dispute Resolution should be offered where appropriate.

Comments from organisations:

- » Issues can arise where services are delivered through joint working, particularly joint working across sectors, which can cause difficulties from a complaints handling perspective
- » Time and resources are needed to investigate complaints given current constraints and pressures, particularly in certain sectors.

Comments from members of the public and/or others:

- » The confidentiality of service users is important, as is that of staff (e.g. to help with 'speaking up').
- » There is a need for clarity over responsibilities where more than one organisation is involved in a complaints process.
- » NIPSO needs to take an overarching view rather than being overly concerned with differences between sectors.
- » Concern about the possibility of organisations withholding information.
- » Concern that any public body that does not consent to the MCHP may be allowed to continue handling complaints poorly.
- » Concern that policy often looks effective on paper but can be difficult to translate into working practice.
- » There should be no conflict between complaint procedures/findings and other legislation, protocols, guidance that applies elsewhere.
- » It is important to consider the health/stress impacts of the process on the complainant.



Other and Miscellaneous

Q6.

If you have any further comments on these proposals, or any other suggestions or comments about NIPSO's Statement of Principles, MCHP and/or approach for implementing complaints standards and ensuring compliance with them, please provide details below.

^{3.46} A limited number of respondents chose to make further comments about the proposals, a summary of which has been included in the table below (consisting of illustrative quotations broken down by type of response/sector). The comments were quite miscellaneous in nature, although a couple of respondents referred to the importance of training and/or issues around protecting staff from vexatious complaints.

 <p>Individuals</p>	<p><i>Delighted that this is happening.</i></p> <p><i>Resistance to change needs to be managed. Change fatigue needs to be minimised.</i></p> <p><i>Too many complainants do not know of the complaints process or system.</i></p>
 <p>Education</p>	<p><i>Support the idea of training and complaints network for staff.</i></p> <p><i>A complaints process should be explicit and clear on what can be provided to individuals in the interest of transparency and to avoid frustration during what can be a challenging time in young people's lives.</i></p> <p><i>Some complainants may have had injunctions against them for their behaviour, there should be a way to protect staff from this type of behaviour.</i></p>
 <p>Health and Social Care</p>	<p><i>Important to take circumstances of complaint into account. Staff feel the process is too weighted towards the complainant.</i></p> <p><i>Not clear how the MCHP would sit alongside existing HSC complaints procedure.</i></p> <p><i>Not sure about the need to tell complainants whether complaint is resolved, upheld, not upheld, plus questions about timeframes and signposting.</i></p> <p><i>Agree with the majority of suggestions, many of which I presumed were already in practice. However, I would have concerns that this all looks resource intense and potentially can create an industry – also not clear on how networks will operate.</i></p>
 <p>Housing</p>	<p><i>NIPSO may wish to consider an approach whereby it considers or approves submitted complaints handling models from organisations, rather than insistence on adherence to a very prescriptive model.</i></p> <p><i>Training in the implementation of the new processes is essential and specific training on how to undertake a complaint investigation and NIPSO's expectations would be beneficial for stage 1 and stage 2 complaints.</i></p>
 <p>Central Government</p>	<p><i>Welcome consistency. Note that proposed stage 2 may result in more complaints referred to NIPSO, and therefore more information [will be] needed from [the] department.</i></p>
	<p><i>Mandatory complaints training should take place annually.</i></p> <p><i>Will NIPSO provide training or include in model CHP guidance on dealing with vexatious complaints or provide guidance on an Unacceptable Actions policy?</i></p>

Local Government	<p><i>Additional support and training from NIPSO would be very beneficial in driving real change. Officers are always keen to do the right thing, but more effective dispute resolution requires skill sets not always fully developed in all areas of the business.</i></p> <p><i>We would be keen to work with NIPSO to identify suitable areas for training and access to training support.</i></p> <p><i>[Council] welcomes the opportunity to respond to the consultation and looks forward to working with NIPSO and other councils in the co-design and implementation of the complaints handling standards for the Northern Ireland public sector.</i></p>
 Other and Unknown	<p><i>Training of public sector staff is vital to help them deal with complaints... The MCHP should mention how to deal with vexatious complaints.</i></p> <p><i>It would be helpful for NIPSO to provide guidance on managing unreasonable complainant conduct.</i></p> <p><i>Will a body's MCHP need to be approved by NIPSO? Independence issues if so. Further guidance around timelines for responses needed.</i></p>

Acknowledgements and next steps

- 3.47 ORS would like to thank all involved with the consultation at NIPSO, but particularly Joanne Matthews, Andrew Ruston and Gabrielle Cairns, for their help and assistance throughout the process. We would also like to thank all the organisations and members of the public who took the time to respond to the consultation, without whose valuable input the findings would not have been possible.
- 3.48 NIPSO wishes to thank all respondents for their time in taking part in the public consultation and sharing their insightful and helpful comments. It is currently reviewing all of the feedback received in the course of the consultation and looks forward to working with public bodies and representatives on behalf of complainants in Northern Ireland to standardise complaints handling processes.