



Complaints Policy

**For the investigation and resolution of
complaints about the Jersey Care
Commission**

September 2022

Version Control

March 2020	Policy approved
March 2021	Policy reviewed. No changes made. Accompanying leaflet developed.
March 2022	Policy reviewed. No changes made.
May 2022	Policy amended to include 'partially upheld' as an outcome
July 2022	Policy reviewed and revised.
September 2022	Policy reviewed following discussion by Board

Policy aims and principles

Aim

The aim of this policy is to ensure that a clear framework exists for the investigation and resolution of complaints about the Jersey Care Commission ('the Commission'), so that:

- complainants and Commission staff know what to expect and can have confidence in the complaints investigation process
- complaints are investigated and resolved properly and fairly, and as quickly as possible; and,
- lessons are learned from the outcomes of complaints

Principles

- the complaints process should be easy to access, and a complainant should be supported in making their complaint, if necessary
- all complaints will be taken seriously
- complainants should explain what outcome they are looking for
- a complainant will be advised how their complaint will be handled and know when to expect a response
- complaints will be investigated and reviewed by someone who was not previously involved in the actions complained about
- a complainant will be kept informed of progress and will be advised of the outcome of their complaint
- if a complaint is upheld or partially upheld, the complainant will be offered an appropriate remedy, which could include an apology, an explanation and/or remedial action
- the Commission will have systems in place to record, analyse, monitor, and report on the outcomes of complaints and the learning from them

2. Scope

This policy relates to complaints about the actions of the Commission, or its staff. It also applies to actions of Commissioners, including the Chair.

The policy will not cover disputes about registration or the outcomes of inspections as these will be dealt with under the Commission's policy and procedures for registration, inspection, enforcement and escalation.

3. Who can make a complaint?

A complaint can be made by any person who is affected by the action complained about, or by someone acting on their behalf with that person's consent or authority.

In the case of a child, the Commission will wish to be satisfied that there are reasonable grounds for the complaint being made by a representative of the child and that the representative is making the complaint in the best interests of the child.

If a complaint is made on behalf of someone who is unable to complain on their own behalf, the Commission will wish to be satisfied that the complaint is being made in their best interests.

In the case of a person who has died, the complainant must be their personal representative, usually their next of kin, or someone else acting with the authority of their next of kin or personal representative.

4. How to make a complaint.

A complaint can be made:

By telephone to: 01534 445801

By email to: enquiries@carecommission.je

By letter to: The Chief Inspector, Jersey Care Commission
1st Floor, Capital House, 8 Church Street, St Helier, Jersey, JE2 3NN

The Commission will make any necessary reasonable adjustments to receive, investigate and respond to any complaint. For people whose first language is not English the Commission can access a translation service. A complaint can also be made in an alternative format such as braille.

5. Timescales

The Commission will not normally consider a complaint made more than one year after the actions complained about occurred, or came to the notice of the complainant, unless there are good reasons for not having made the complaint earlier and it is still possible to investigate the complaint effectively and fairly.

All complaints will be acknowledged, in writing, within three working days of receipt.

Within five working days the Commission will contact the complainant with a view to confirming the nature of the complaint, the outcome the complainant is seeking and the anticipated timescale for responding.

The Commission will not normally investigate historical complaints regarding matters which pre-date the establishment of the Commission on 1 January 2019.

6. Complaints process

The Commission operates a three-stage complaints process.

Stage 1 - Informal resolution

An officer of the Commission will be assigned to deal with the complaint. Where necessary the Commission may engage the services of an external agency or individual.

The officer dealing with the complaint will attempt to resolve the matter informally and in a timely manner. This will usually be within five working days of the complaint being received, either in the form of a face-to-face meeting, or in a telephone conversation with the complainant.

If it is possible to resolve the complaint informally, the Commission will confirm this in writing to the complainant with details of the outcome.

If the matter cannot be resolved by informal means, a formal investigation will be undertaken.

Stage 2 - Formal investigation

When a formal investigation is initiated, it will usually be undertaken by a senior officer of the Commission, unless the Commission determines that it is necessary for someone external to undertake the investigation. The complainant will be advised that a formal investigation has been initiated and of the timescales outlined below.

A formal investigation will consider all relevant information concerning the complaint, including any associated correspondence, minutes, notes or other relevant material. The investigation may need to include separate meetings with the complainant, with any staff members involved and with any other witnesses to the actions complained about. There will be an agreed note of any such meetings.

At the end of the formal investigation a draft report will be prepared, which will include a summary of the complaint and the outcome sought, the evidence considered, and the conclusions and recommendations. The draft report will give a clear indication as to whether, in the opinion of the investigator, the complaint is upheld, partially upheld or not upheld.

The draft report will be shared with the complainant and any person who was the subject of the complaint, with an invitation to comment on any errors of fact, in writing within 15 working days. Any written comments received within 15 working days will be considered, and the draft report amended if appropriate.

The draft report will then be presented to the Chief Inspector, or a Commissioner, for approval and sign off on behalf of the Commission.

The Chief Inspector or Commissioner will write to the complainant advising them of the outcome of the formal investigation and enclosing a copy of the report.

The Chief Inspector or Commissioner may write to any person who was the subject of a complaint, advising them of the outcome of the formal investigation and enclosing a copy of the report.

The Commission will normally investigate a complaint and provide a formal response within 25 working days. Where the matter is complex, or if for any other reason this timescale will not be possible, the Commission will contact the complainant to explain the reasons for the delay and the anticipated timescale.

If the complainant is dissatisfied with the outcome of a formal investigation they should write to the Chief Inspector, normally within 15 working days of receipt of the report, setting out why they are unhappy with the Commission's investigation and requesting a review.

Stage 3 - Review

If a review is requested, it will be undertaken by someone other than the person who carried out the Stage 2 formal investigation. The Commission may, in these circumstances, engage the services of an external agency or individual.

The complainant's request for a review will be acknowledged within three working days of receipt and they will be advised of the process to be followed and the anticipated timescale for a review.

The Reviewer will consider whether:

- the formal investigation was carried out in accordance with this policy
- the information and evidence considered during the formal investigation was complete, correct, and relevant
- the conclusions reached were based on all the relevant considerations and no irrelevant considerations, and were reasonable
- the overall outcome of the formal investigation, including any recommendations for remedy, was fair, balanced, and proportionate

The Reviewer will prepare a report setting out the conclusions of the review for consideration by a Review Panel. The Review Panel will consist of two Commissioners and will not include any Commissioner who has been involved in the investigation of the complaint or who is the subject of the Complaint. If the minimum quota cannot be achieved, the Commission may consider appointing independent persons with relevant experience of complaints management and resolution to constitute the Review Panel.

The outcomes of the review may include:

- Confirmation of the findings, conclusions and recommendations of the review and no further action
- Identification of any error or omission in the formal investigation which the Reviewer has been able to remedy, together with any recommendations for revision to the Stage 2 investigation report

- A recommendation for a further investigation and report due to a significant error or omission in the Stage 2 investigation

The Review Panel will consider the Reviewer's report and confirm the action to be taken.

The complainant will be advised of the Panel's decision and provided with a copy of the Reviewer's report.

If the Review Panel confirms that a further investigation will be undertaken, the complainant will be advised in writing of the name of the person appointed to lead the investigation and of the likely timeframe for the completion of this investigation. Normally this will be concluded within 25 working days. The complainant will be advised of anything which might impact on the indicative timeframe, causing a delay.

7. Remedy

If a complaint is upheld or partially upheld, the Commission will acknowledge responsibility and offer an appropriate remedy, which could include a letter of apology, an explanation and/or remedial action.

The Commission will take whatever corrective action is necessary and will advise the complainant accordingly.

If a complaint is upheld or partially upheld, and the outcome relates to the actions, attitude or behaviour of an employee, the Commission will consider whether this matter needs to be addressed via the relevant employment code of practice and / or referred to the relevant professional regulatory body.

The Commission has a duty of care to its staff to ensure that any action taken under either the employment code of practice, or that might impact on the individual's professional registration, is dealt with sensitively, in accordance with the relevant policy and procedures and with due regard to the need for confidentiality.

8. Public Services Ombudsperson.

In the event of the establishment of a Public Services Ombudsperson in Jersey the outcome of any complaint investigation about the Commission may be referred by the complainant to that office for further consideration.

Once a Public Services Ombudsperson is established complainants should be informed of their right to bring the outcome of their complaint investigation to that office, if they remain dissatisfied.

In the meantime, should a complainant consider that they have exhausted the Commission's complaints process and remain dissatisfied, they can direct their complaint to the Chief Minister for consideration, via the offices of the Director General, Strategic Policy, Planning and Performance.

9. Nolan Principles

As public office holders, Commission staff must abide by the Nolan Principles.

These are set out below:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Reference:

(gov.uk 31 May 1995) The 7 principles of public life. Accessed 30 January 2020.

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

10. Policy Review

This policy will be reviewed in September 2023 and thereafter on a two-yearly cycle.

Notes

1. All staff and Commissioners must ensure that they are familiar with this policy.
2. The Chief Inspector will ensure that staff respond to complaints as directed by this policy.
3. Senior officers of the Commission will be responsible for conducting complaints investigations and coordinating complaints investigations conducted by others.
4. Senior officers of the Commission will be responsible for developing and maintaining the Commission's systems to record, analyse and monitor complaints and for preparing regular reports to the Commissioners on the volume, nature and outcomes of complaints and the learning from them.
5. Commissioners must ensure that this policy is used effectively and monitored regularly.
6. Commissioners will ensure that learning from the investigation of complaints is taken fully into consideration when this policy is being revised and updated.