



The Equality and Human Rights Commission Complaints Policy and Procedure

The Equality and Human Rights Commission is committed to providing a high quality service to everyone we deal with. In order to do this we need you to give us any comments about our service, and to tell us when we get things wrong. We want to help you resolve your complaint as quickly as possible.

We treat as a complaint any expression of dissatisfaction with our service which calls for a response. We listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our service.

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What is a complaint?

A complaint is an expression of dissatisfaction, whether justified or not.

Our policy covers complaints about:

- a. the standard of service we provide
- b. the behaviour of our staff, and
- c. any action or lack of action by Commissioners or staff affecting an individual or group

Our complaints policy does not cover

- a. comments about our policies or policy decisions
- b. dissatisfaction with our policies or decisions about individual cases or grants or requests for legal assistance
- c. matters that have already been fully investigated through this complaints procedure, or
- d. anonymous complaints.

Persistent and or vexatious complaints

These are becoming an increasing problem for public sector bodies, and difficulties in handling such complaints can place strain on time and resources and can be stressful for staff who have to deal with these complex and challenging issues. In order to counter this, we are in the process of introducing a policy that deals with persistent or vexatious complaints.

Our standards for handling complaints

- We treat all complaints seriously, whether they are made by telephone, by letter, by fax, or by email.
- You will be treated with courtesy and fairness at all times. We would hope, too, that you will be courteous and fair in your dealings with our staff at all times.
- We will treat your complaint in confidence within the Commission.
- We will deal with your complaint promptly. We will acknowledge receipt of a written complaint within five working days and we will send you a full reply within 20 working days of receipt. If we cannot send a full reply within 20 working days of receipt we will tell you the reason why and let you know when we will be able to reply in full.
- We will publish information in our annual report on the numbers and categories of complaints we receive, and the percentage of complaints upheld.
- We will not treat you less favourably than anyone else because of your:
 - sex or marital status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)

- sexual orientation
- colour or race: this includes ethnic or national origin or nationality
- disability
- religious or political beliefs, or trade union affiliation, or
- other unjustifiable factors, for example language difficulties or age.

Third Party Reporting

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. Representatives may include:

- a. advice organisations,
- b. professionals such as social workers, community psychiatric nurses or doctors, solicitors,
- c. family members or friends,
- d. MPs and elected members of the Council - customers' own MPs and elected members are assumed to have consent to act and information can be disclosed in response to their enquiries,
- e. attorneys are legally empowered to act on behalf of the complainant and consent to disclose information is not required.

Where a third party is helping a complainant with a particular complaint and written authority is held to that effect, if the representative asks to be kept informed of progress on the complaint all possible steps will be taken to ensure that this happens.

Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the data protection act 1998.

How to Complain

You can make a complaint to the addresses in section 9 below in a number of ways:

- By telephone
- By email
- In writing or letter
- By fax
- By Textphone

We have a two-stage complaints procedure. At each stage it will help us to resolve your complaint quickly if you can give us as much clear detail as possible, including any documents and correspondence and stating that you are making a complaint in line with our procedure.

The stages of the complaints procedure

Stage 1

This is the first opportunity for a service to resolve a complainant's dissatisfaction, and the majority of complaints will be resolved at this stage. In the first instance, we will try to get your complaint resolved by the Head/Director of the area against whom the complaint has been made. Upon receipt of your complaint we will contact the relevant team Head/Director and ask them to deal with your complaint.

Stage 2

If you are dissatisfied with this response you may request a review by the Group Director of the relevant directorate. Your request should be sent to the Corporate Communications Officers at the address given below, who will forward your request to the Group Director for a review.

At each stage please send your complaint or request for review to the Corporate Communications Officers using the contact details given in section 9.

Timescales for handling a complaint

Stage 1 - maximum 20 working days

Acknowledgement within 5 working days

Full response within 20 working days

Stage 2 – maximum 20 working days

Acknowledgement within 5 working days

Full response within 20 working days

Extending time limits

We aim to complete all complaints within the timescales above; however, if a complaint is very complex it may occasionally be necessary to extend the time limit. If this is the case we will keep the complainant informed of progress with the investigation, the reasons for the delay, and inform them of the new deadline.

Following any stage of the procedure, a complainant has a maximum of 28 days from the date of the final response to request that their complaint be progressed to the next stage.

If you remain dissatisfied

If having followed the two stages of our complaints procedure you still remain dissatisfied, you can ask to have your complaint reviewed externally by someone who does not work for the Commission.

You should contact your Member of Parliament and ask for your complaint to be referred to the Parliamentary and Health Service Ombudsman. The Ombudsman can carry out independent investigations into complaints about government departments, agencies and some public bodies which include the Equality and Human Rights Commission.

The address to contact the Parliamentary and Health Service Ombudsman is:-

**Milbank Tower
Milbank
London
SW1P4QP**

Telephone or fax: 020 7217 4000

Remedies

When we get things wrong we will act to:

- a. accept responsibility
- b. explain what went wrong and why, and
- c. put things right by making any changes required.

The action we take to put matters right (ie redress) in response to a complaint, can include any combination of the remedies set out in the “menu” below. The general principle we follow is that a complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong.

The remedy chosen needs to be proportionate and appropriate to the failure in service, and take into account what people are looking for when they complain. An apology is normally appropriate, but other action may also be necessary.

- A sincere and meaningful apology, explaining what happened and or what went wrong) - an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006
- Remedial action, which may include reviewing or changing a decision on the service given to an individual complainant
- Provide service desired by complainant (immediately, if appropriate)
- Putting things right (for example change of procedures to prevent future difficulties of a similar kind, either for the complainant or others)
- Training or supervising staff; or any combination of these
- Financial compensation.

Compensation

In the majority of cases, remedies other than financial compensation will satisfy the complainant. Financial compensation is therefore a final option, and will only apply in cases where the loss or suffering is considered to warrant such a payment.

In circumstances where it is decided that our action or lack of action has resulted in maladministration, if the complainant has suffered direct or indirect financial loss, compensation maybe payable. In determining this we will have regard to the Parliamentary and Health Service Ombudsman (PSHO’s) published “Principles for remedy”.

Where it is decided following investigation of a complaint, that a complainant has suffered an injustice and or hardship resulting in direct or indirect financial loss, due

to maladministration, we will determine whether compensation is an appropriate remedy by looking at all the evidence, including how much the complainant can demonstrate they have lost, or what extra costs they have incurred as a result of our maladministration.

The reason for our decision will be recorded by the decision maker and included in our response.

Comments

Quality of service is an important measure of the effectiveness of public bodies. Therefore we believe that learning from complaints is a powerful way of helping to develop the Commission and increase trust among the people who use our services. As well as learning from your complaints we are also interested in other ideas you may have on how we might do things better. We would also like you to tell us when we do things well. If you have a comment to make about our policy decisions, it will be addressed by the team concerned as rapidly as possible.

You can make your comments by telephoning or writing to any members of our staff, or you can email us. We will use your comments to help improve our service and the way we do things. However, the two-stage procedure outlined above does not apply to comments.

You can make your comments by telephoning or writing to any members of our staff, or you can e-mail us. We will use your comments to help improve our service and the way we do things.

Unreasonable behaviour

All complaints will be processed in accordance with this policy. However, during this process, staff may have contact with unreasonable complainant behaviour and unreasonably persistent complainants.

The Parliamentary and health service Ombudsman defines unreasonably persistent complainants as:

“Those who, because of the frequency or nature of their contact with an authority, hinder the authority’s consideration of their or other people’s, complaints”

We have a separate policy to suggest ways of responding to these situations called “Abusive Policy”. It is attached at the end of this policy.

Recording complaints

We will log all complaints we receive so that we can monitor the types of problems, the best way to sort them out and how long we are taking to deal with them. This also helps us to take a closer look at how we can improve our own service delivery.

We will handle your information in line with data-protection legislation.

Contacting us

All complaints and requests for review under our complaints procedures should be sent to one of the following addresses:

Complaints relating to England and Scotland

Corporate Communications Officer
3rd Floor
Lancaster House
67 Newhall Street
Birmingham
B3 1NA

Email: complaints@equalityhumanrights.com

England helpline: - 0845 604 6610

Scotland helpline: - 0845 604 5510

Fax: 0845 604 6630

Text phone: 0845 604 6620

Complaints relating to Wales

Strategy and Business Planning Team
3rd Floor Callaghan Square
Cardiff
CF10 5BT

Email: complaints@equalityhumanrights.com

Helpline: 0845 604 8810

Fax: 0845 604 8830

Text phone: 0845 604 8820

Accessibility

The Commission is committed to equal opportunities and our aim is to make our corporate complaints policy easy to use and accessible to all of our customers. Staff will provide information on the complaints procedure for anyone wishing to make a complaint and provide assistance they may reasonably require e.g. language line translation

This policy is also available in Welsh. If you would like the policy or a response to a complaint in another language or format (such as Braille, audio CD, large print or Easy Read) please contact one of our help lines.

We also offer the Language Line translation service for callers to our helpline. The Commission will take reasonable steps to accommodate any requests you may make to enable you to read this policy or receive responses to complaints in other formats or languages.