

# **PDR and Service Complaints Manual**

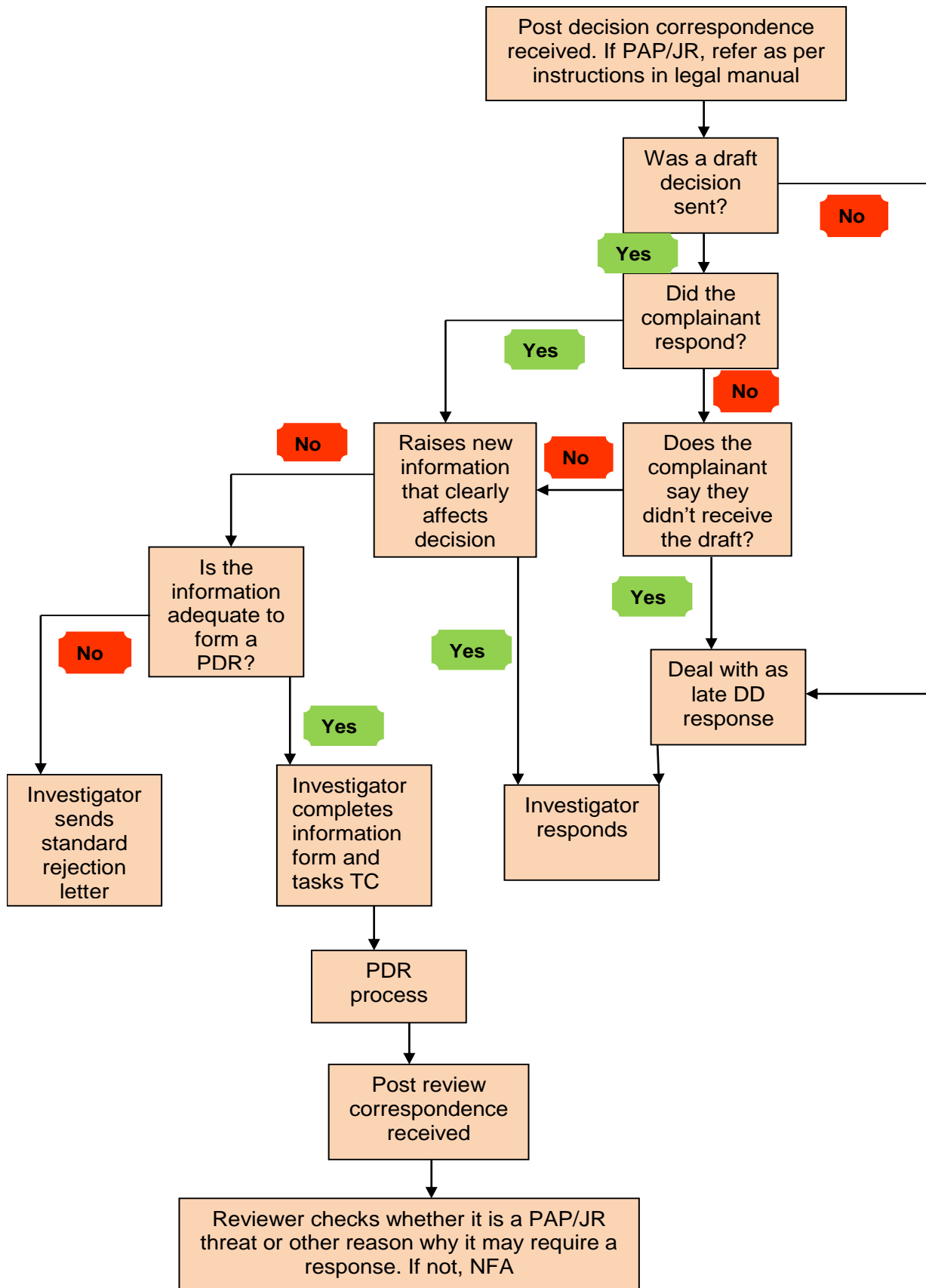
<b>Date</b>	<b>Version</b>	<b>Details</b>
May 2016	4	Final version for publication
September 2016	5	Section 3 – adding an outcome date to the other contact screen
November 2016	6	Section 9 – additional information about service complaints and introduction of the ‘fluency duty’
May 2018	7	Revised following review by MB
February 2019	8	We have amended (section 9) to confirm the steps managers need to take to obtain a copy of the recording when responding to a service complaint that an employee was rude or discourteous on the telephone.
October 2019	9	We have clarified the procedure for allocating PDRs to managers in investigation. The changes only affect investigation TCs and managers who carry out investigation reviews
June 2020	10	We have added a section to clarify the procedure for handling a PDR request involving a joint working case separated at Assessment.

# Contents

This manual is designed to support staff and managers in dealing with post decision correspondence and service complaints

<b>1. Deciding what to do with post decision correspondence .....</b>	<b>4</b>
<b>2. Expectations when dealing with reviews of decisions .....</b>	<b>5</b>
2.1. Complainants.....	5
2.2. Investigators (includes ATLS).....	5
2.3. Administration.....	6
2.4. Reviewer .....	8
2.5. Examples.....	9
<b>3. How to complete the ‘Other Contact’ screen when the Investigator rejects the PDR request.....</b>	<b>10</b>
<b>4. How to complete the PDR screen when a manager rejects a review request .....</b>	<b>12</b>
<b>5. How to complete the PDR screen when a review is completed.....</b>	<b>13</b>
5.1. Decision sound and justified and adequately explained or Decision sound and justified but further explanation needed .....	15
5.2. Decision amended and explained (substantive).....	15
5.3. Decision not sound and justified – further enquiries needed (substantive) .....	15
5.4. Any post PDR correspondence.....	16
<b>6. What to do if the reviewer considers the decision reason has been recorded incorrectly at the decision stage.....</b>	<b>16</b>
<b>7. Handling PDR requests of Joint Working decisions where the case was separated at Assessment.....</b>	<b>17</b>
<b>8. 2<sup>nd</sup> reviews .....</b>	<b>17</b>
<b>9. PDR recording on the Other Contact screen where a review has been completed .....</b>	<b>19</b>
9.1 Where the reviewer has decided that the decision on the complaint was wrong, but that it does not need to be progressed through to the next business process .....	20
9.2 Where the reviewer has decided that the decision on the complaint was wrong and that the complaint needs to be progressed through to the next business process ....	20
<b>10. Service complaints .....</b>	<b>21</b>
10.1 The service complaint screen .....	22
<b>11. Feedback to the member of staff and their manager.....</b>	<b>24</b>
<b>Annex One: Your complaint, our decision guidance leaflet .....</b>	<b>25</b>
<b>Annex Two: Your complaint, our decision form.....</b>	<b>25</b>
<b>Annex Three: Service complaint leaflet .....</b>	<b>25</b>
<b>Annex Four: Service complaint form .....</b>	<b>25</b>

## 1. Deciding what to do with post decision correspondence



## 2. Expectations when dealing with reviews of decisions

### 2.1. Complainants

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Note – a Body In Jurisdiction can ask for a review as well as a complainant. Treat these requests in the same way.

The complainant will identify, ideally in writing and within one month of the decision (but consider special circumstances):

- Important evidence which was relied on is not accurate, and this can be shown using readily available information; or
- New and relevant information that was not previously available and which affects the decision we made.

Without this we will not normally review the decision.

Reports are not subject to the PDR process. They are the Ombudsman's decisions and can only be challenged by judicial review.

### 2.2 Investigators (includes ATLs)

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Upon receipt of a review request the Investigator who decided the complaint will consider the information provided and determine whether the criteria for a review have been met. This does not mean the Investigator is reviewing their own decision.

Investigators will, if asked, tell the complainant our review procedure, even if this is before they have made a decision using the appropriate standard letter or paragraph. They should be told, however, that we will only review final decisions, not drafts.

Whenever we receive a review request we should ensure the complainant receives a copy of the leaflet 'Your complaint, our decision' that explains the grounds for requesting a review. This should be sent before progressing the case for a review.

Some post decision correspondence might be 'last words' and will not need a response.

If the complainant was not sent a draft decision, or says they did not receive it, or did not receive it before the decision was made, correspondence which challenges the decision can be treated as late comments on the draft and the Investigator can reply to this with a fresh decision, further investigation or by confirming the decision remains unchanged.

If a review request is made following a decision and the Investigator considers the information provided justifies reopening the complaint, they should do so. Exceptionally, where the relationship has broken down irretrievably, the Investigator should raise the matter with their manager to consider reallocation. If the complainant has provided information which meets the criteria for a review and the Investigator does not consider the case should be re-opened, they should pass the case for review. Example scenarios are available at [2.5 Examples](#).

**If the Investigator decides to re-open the case themselves and carry out further work, before regressing the case back to enquiries or draft decision stage, they need to delete the decision screen. If they do not delete the decision when they re-open the case, the case will not appear on the Investigator's 'in progress' report.**

If the complainant has clearly not provided the information needed for a review, the Investigator should tell the complainant they will not pass the decision for review. (*Standard letter 'PDR Inv letter no new info' can be used.*) This should be recorded on the 'Other Contact' screen, using 'Investigator responded' and 'Invalid review request' in the 'Action taken' field (as well as completing the other fields). If the complainant challenges the Investigator's decision that the criteria for review have not been met, the Investigator should discuss this with their line manager and agree what action (if any) to take. If the decision is to pass the case for review we should record the 'request date' on the PDR screen as the date we agreed to review the decision.

The decision about whether a case should be passed for review should be made promptly following receipt of the correspondence.

If in any doubt, the Investigator should seek advice from their manager.

If the case is passed for review, the Investigator will complete the Challenge/staff conduct complaint Information form. They will deal with the major points the complainant has raised: putting 'See N&A' (or similar) in a reference to previous notes is not acceptable.

The Investigator will ask a Team Coordinator to send the complainant an acknowledgment that the case has gone to review and pass it to the reviewer.

## **2.3 Administration**

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### *Intake Reviews*

Complaints about Intake decisions can be presented orally or in writing and can be recorded by any member of Intake staff. The member of staff taking the complaint will record the contact in ECHO and set a task for the decision makers line manager to review.

For complaints that relate to adviser decisions, an Intake Team Leader (ITL) will normally manage the complaint. However, there may be occasions where the ITL decides the Customer Services Manager (CSM) should respond. This may be due to the nature of the complaint or issues with the complainant.

Where a review request is about a decision taken by an ITL, the CSM will carry out the review. The CSM is the final stage of the process and no further challenges regarding the Intake decision making will be considered.

The reviewer will complete the relevant ECHO screens.

### *Assessment reviews*

Reviews of Assessment Team decisions are done by the ATLS. There may be occasions where the ATL decides the Director of Intake and Assessment should respond. This may be due to the nature of the complaint or issues with the complainant.

Where a review request is about a decision taken by an Assessment Team Leader, the Director of Intake and Assessment will carry out the review.

There is a quarterly rota for which ATL reviews which team.

### *Investigation Reviews*

#### **General procedure for allocating reviews**

There is a rota for assigning which manager will get the next review which requires completing. It can be found here [available to Ombudsman staff].

Investigation Team Co-ordinators will allocate reviews to a manager from the list and set a task for the reviewing manager to inform them of the review and the date the response is due. Managers are allocated reviews proportionate to their FTE.

Where there has either been delay in the review being identified, the review request is out of time, there is a service complaint or there is a JR threat within the request, the Team Co-ordinator should include a comment about these in the task title. They will also change the case owner to the reviewing manager through the case properties screen, however they should leave the team as that of the original investigator.

#### **Procedure for allocating reviews when managers are on leave**

When managers go on leave they can make a note on the rota of the dates they will be out of the office. Team Co-ordinators will not allocate reviews until the manager is within a week of their return to work. It is the manager's responsibility to record their leave dates on the rota and should only do so when they are within one week of going on leave. Team Co-ordinators will not allocate reviews to managers who are next on the rota but who will be going on leave within one week.

Team Co-ordinators should be mindful of the date the response is due and, where possible, seek to avoid allocating reviews with imminent due dates to ensure managers have sufficient time to respond on their return to work. Team Co-ordinators will not allocate reviews retrospectively when managers return from leave of more than one week to ensure managers do not receive several allocations at once. This means managers returning from leave will have either been allocated a review towards the end of their leave or will be allocated one when they are next on the rota. Team Co-ordinators will not 'back-fill' blocked out entries on the rota.

#### **Special arrangements**

Exceptionally, managers may be excused from being allocated reviews, or reduce the frequency of reviews they take for example, when carrying out project work that has a significant impact upon their availability. In all cases these arrangements need to be agreed by the Director of Investigation. The manager will be responsible for ensuring the rota reflects what has been agreed and updating it at the end of the agreed period. The Director of Investigation will notify the Executive Assistant of any such arrangements.

Managers will not be allocated any reviews during an absence of sickness lasting more than one week. Their Team Co-ordinator will update the rota when the manager is absent due to sickness and notify the Executive Assistant.

The Executive Assistant will carry out a check every three/six months to ensure managers have received their fair share of reviews and propose action if the distribution is not equitable. This will take account of any special arrangements agreed by the Director of

Investigation and any absence from work due to sickness. Proposed action may include allocating additional reviews to managers who have taken proportionately less than their counterparts during that period.

## 2.4 Reviewer

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The reviewer will send the complainant a decision on the review within 20 working days of us receiving the review request (not the date it was allocated or passed to the reviewer). If they cannot do this they should send the complainant a Keeping in Touch letter.

If the complainant asks for extra time to submit further evidence, the reviewer may reset the 20 working day period from its receipt by amending the 'request date' on the PDR screen in Echo. An acknowledgement letter confirming this should be sent.

The reviewer's options are –

- a) Tell the complainant the information sent is not enough to justify a review if they consider this is the case.
- b) Tell the complainant their request is too late and they have not given any good reasons why this is.
- c) Decide the Investigator's decision is sound.
- d) Decide the decision is sound, but the SOR needs some amendment.
- e) Decide the information justifies reopening the case and passing it to Investigation / further investigating the complaint.
- f) Decide the information justifies reopening the case and closing it with a different decision reason.

The review can use the standard letters available on ECHO.

If a new decision is required, the reviewer will decide who should deal with the case. The default is that it should be passed back to the original Investigator. The reviewer may wish to ask the complainant or the Body in Jurisdiction for more information.

The reviewer will not reinvestigate the case. They will concentrate on the points the complainant has raised, but if they think the Investigator has misunderstood a jurisdictional point the complainant has not raised they will consider that.

The reviewer will only change the decision where the Investigator has made a mistake in our jurisdiction, or has clearly misinterpreted information, or new evidence or other reason shows the original decision is unsound.

The reviewer will not change a decision if, although they would not have made that decision themselves, the decision is within the range of acceptable Ombudsman decisions. In other words, do not change a decision just because you would give different weight to evidence.

If the reviewer thinks the decision is wrong they may discuss this with the Investigator before making a formal decision. They will normally provide a draft of their decision letter to the Investigator for comments before sending. But this should not delay the decision on the review if, for example the Investigator is on leave.

After deciding a review the reviewer will complete the relevant post decision screen. They will note any lessons learnt in the relevant section. The reviewer will also complete the



Quality screen, including any comments on good work, and let the Investigator and their manager know the result of the review.

The reviewer deals with any post review correspondence though may also refer to the original Investigator if necessary. Generally, there should be no further action and no further contact, though a standard letter can be used

## 2.5 Examples

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When is a post decision letter from a complainant a review request?

- A. The complainant says they did not get the draft decision and makes comments on the decision. The Investigator should treat this as a late response to a draft decision and respond as if they had not made the decision. The options are to –
  - confirm that the decision made previously will not be changed;
  - reopen the case and make a new decision with a different reason; in some cases a new draft view may be needed;
  - reopen the case and pass to Investigation / carry out further work.
- B. The complainant queries a fact in the statement, asks for more explanation of a point or says they do not want the statement published – but do not say that the decision is wrong. This is not a review request and the Investigator will reply to this.
- C. The complainant appears to be providing ‘last words’ and does not appear to be questioning the decision as such, or asking for a review. This is probably not a review request and probably does not need a response. But be careful that you do not ignore this, only later to be the subject of a review request and a service complaint that you did not respond. Your knowledge of the complainant’s attitude may help here. If in doubt ask your manager.
- D. The complainant challenges an absolute bar. If they give reasons why the bar does not apply this is a review request. Otherwise the Investigator will respond to explain why the bar applies.
- E. The complainant questions the exercise of a discretionary bar, including giving reasons why we should exercise our discretion. This is a review request and the case should be passed for review.
- F. The complainant says the complaint investigated is not what was put to us by them. This is a review request and the case should be passed for review.
- G. The complainant says they do not accept your judgement or they want the matter investigated further. If the correspondence does not fulfil our criteria to undertake a review the Investigator should respond using the appropriate standard letter. If the complainant replies to this, but does not give any reasons, do not engage in further correspondence, but pass the case to a Reviewer, who will decide how to respond. If an Investigator is responding they should not say “The Ombudsman cannot help you further” unless a Reviewer has already reviewed the case.
- H. The complainant requests a review which contains all the required information but it is outside of the one month time limit. This is a review request and should be passed to a Reviewer, who will decide whether there are good reasons to accept a late request or not.

- I. The complainant requests a review however it does not contain all the required information and is outside of the one month time limit. This is not a review request. The Investigator should send the standard letter but add an extra paragraph to explain that the request is also late and if the complainant wants to pursue the review request, they will also need to provide reasons why their request is late.
- J. The complainant states at closure that they intend to collect evidence to prove the information the Council provided was false. After six months, the complainant comes back to the Investigator with evidence they have gathered. This is a review request and the Investigator has two options here:
- If the Investigator agrees the information alters their decision they can reopen the case, carry out any further work as necessary and make a new decision; in some cases a new draft view may be needed;
  - If the Investigator considers the information does not change their decision in anyway, they should pass the case to a reviewer for a decision about whether to accept the late review request on the basis that the information was not available at an earlier date and therefore whether to provide a full response.
- K. The complainant provides new information which they consider changes the outcome of their complaint. This is a review request and the Investigator has two options here:
- If the Investigator agrees the information alters their decision they can reopen the case, carry out any further work as necessary and make a new decision; in some cases a new draft view may be needed;
  - If the Investigator considers the information does not change their decision in anyway, they should pass the case to a reviewer for a response.


### **3. How to complete the 'Other Contact' screen when the Investigator rejects the PDR request**

If an Investigator receives a review request and responds themselves, or receives a review request and rejects it, they should record this contact in the 'other contact' screen. The nature of request is 'investigation review request' – this option should be used whether the request comes in at Assessment or Investigation. There are two outcomes available:

- Investigator responded:
  - This should be used for those occasions where a review request is received and the Investigator decides to carry out further work on the case themselves
- Invalid review request:
  - This should be used where the Investigator has decided the review request does not meet the criteria for requesting a review and has sent the relevant rejection letter.

The 'actual date' should be the date the Investigator either decided they would carry out the further work, or sent the relevant rejection letter. The 'date of outcome' should be the same as the 'actual date'.

Save Cancel

<b>Stage Received</b>	Decision	
<b>From</b>	Person Affected	▼
<b>B in J</b>	Ex London Residuary	▼
<b>Nature of Contact *</b>	Investigation review request	▼
<b>Date of Contact *</b>	18/04/2016	📅
<b>Date Due</b>		
	Target: 17/05/2016	📅
	Actual:	📅
<b>Date of Outcome</b>		📅
<b>Action Taken</b>	Select	▼
<b>Contact Details</b>	<ul style="list-style-type: none"><li>Response to a FOI Request</li><li>Response to DPA appeal - upheld</li><li>Response to DPA appeal - rejected</li><li>Response to FOI appeal - upheld</li><li>Response to FOI appeal - rejected</li><li>Other</li><li>JW high risk</li><li>JW medium risk</li><li>Investigator response</li><li>Invalid review request</li></ul>	
<b>Lessons Learned</b>		

Save Cancel

#### 4. How to complete the PDR screen when a manager rejects a review request

Further work required by organisation

Requested By

Method of Communication \*

Request Date \*

Nature of Request \*

Target:

Actual:

Action Taken on Request

Response to Requestor

**The reviewer should complete the date they decided the PDR request should be rejected and communicated this decision to the requestor**

**The action taken will be either:  
Rejected – out of time  
Rejected – no grounds made out**

**The response will be:  
Letter from reviewer – explaining outcome**

**Put the details of why the PDR has been rejected in this free text box**

Jurisdiction LGA

Investigation Status

Decision

PDR Decision Date

Decision By

Outcome of Request

**This field MUST be left blank**

**This should be the same decision as recorded on the decision screen**

**This is the date the rejection letter was sent**

**This is the name of the manager who rejected the PDR request**

## 5. How to complete the PDR screen when a review is completed

The PDR screen records two separate but related sets of information:

1. The outcome of the PDR request; and
2. The final decision about the complaint itself.

Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B)

**Original Decision Detail**

no mail

Requested By: [Dropdown]

Method of Communication: [Select]

Request Date: [Date Picker]

Nature of Request: [Select]

Response Due

Target: [Date Picker]

Actual: [Date Picker]

Action Taken on Request: [Select]

Response to Requestor: [Select]

**Details**

[Rich Text Editor]

Jurisdiction: LGA

Investigation Status: [Select]

Decision: [Dropdown]

PDR Decision Date: [Date Picker]

Decision By: [Select]

Outcome of Request: [Select]

Remedy or Public Value To Track:  Yes  No

**Lessons Learned**

[Rich Text Editor]

The section should be used to record comments about good or poor practice such as record keeping, timeframes, quality of written material, quality of advice and analysis etc.

Date that the reviewer sent the letter explaining their decision about the review.

This is where the reviewer confirms that they sent a letter.

What has been done e.g. an acknowledgement sent, LGO reviewed file etc. There can be multiple entries in this field.

This section should briefly explain the issues raised by the complainant and the reviewer's views about those issues.

This could be the same as the data held on the Decision screen in workflow, or it could be different. It depends on the outcome of the PDR.

This is the complaint decision, so it could be the same as the data held on Decision screen in workflow, or it could be different. It depends on the outcome of the PDR.

This is the date the complaint decision is confirmed or a new decision is made. Therefore it would be generally be the same as the Response Due – Actual field. Unless a complaint is re-opened, when it will be the date of the new complaint decision.

This is the name of the person who carried out the PDR

This is the decision taken about the PDR request.

Where a re-opened investigation has led to a remedy, the flag should be marked to 'yes' and the detail entered into the public value screen



The simplest way to explain it is to give a few scenarios. All PDR responses should be saved to the 'Decision and PDR decision' folder in ECHO.

**The outcome of the PDR is one of the following:**

### **5.1. Decision sound and justified and adequately explained or Decision sound and justified but further explanation needed**

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The PDR Decision date would be the date the manager wrote to the complainant to explain their decision about the review request and to confirm that the decision about the complaint was correct. The Investigation Status field and PDR Decision would be exactly the same as the original complaint decision and the Decision By would be the reviewer's name.

As an aide-memoire, the original decision is noted at the top of the PDR screen. It is important to make sure that the correct decision reason is entered as the reports to identify overturned decisions are based on a comparison of what is in the original decision box and what is in the PDR decision box. If you make a mistake and put in a different decision reason to the original one, the complaint will appear as a complaint where the original complaint decision has been overturned, and ECHO reports will pick up the wrong decision date.

JR runs from the date of the PDR decision.

The case owner should be altered through case properties back to the name of the original Investigator.

### **5.2. Decision amended and explained (substantive)**

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In these cases, while no further enquiries are needed, we are altering the decision. The PDR decision date would be the date the manager wrote to the PA to explain their decision about the review request and to explain what the new decision about the complaint was. The Investigation Status field and PDR Decision would be the new decision reason and the Decision By would be the reviewer's name.

JR runs from the date of the new decision.

The case owner should be altered through case properties back to the name of the original Investigator.

### **5.3. Decision not sound and justified – further enquiries needed (substantive)**

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As the manager, you will not enter anything in the Investigation Status Field, PDR Decision field or PDR Decision Date. The only fields to complete are the Response Due, Action taken upon request, Response to Requestor, Decision By and Outcome of Request fields. The original decision statement needs moving from the statement for publication folder and in to the decision folder.

The person carrying out the further enquiries needs to record their work in the PDR Enquiries and PV tabs. When they make their decision about the complaint, they should complete the Investigation Status, PDR Decision and PDR Decision Date fields. Obviously, this may be a different complaint decision to the original one, or it may be the same.

JR runs from the date of the new decision.

The case owner should be left as the name of the Investigator who carried out the further work and made the revised decision.

#### 5.4. Any post PDR correspondence

Because of how ECHO reporting works, please enter any post PDR correspondence on the 'Other Contact' screen. In 'Nature of Contact', there is an option for 'Post Review correspondence'.

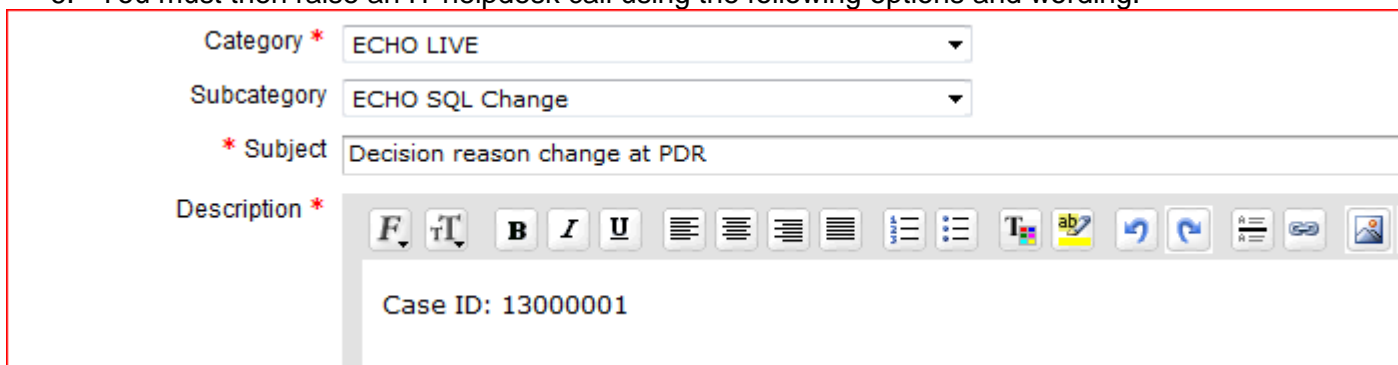
If the contact is the PA wanting the 'final word' – either post decision, or post PDR – then it should be recorded in 'Other Contact'.

**If you find you have a PDR which does not fit in with any of the above examples, please ring Geraldine Marsh to discuss the most appropriate way to complete the PDR screens.**

### 6. What to do if the reviewer considers the decision reason has been recorded incorrectly at the decision stage

There are times when the decision recorded at Investigation could be wrong. If you encounter a case like this:

1. Regress the case back to the decision screen, edit the screen, and overtype the existing decision with the correct one and save the screen. You do not need to change the decision date.
2. If the change in decision reason would lead to a different decision explanation appearing on the bottom of the decision letter to the BinJ, you must re-issue the decision letter to the BinJ with an explanation why it is being re-issued.
3. If the case has been published, we will need to get the published statement removed from the website. Please contact Nicky Watson about this.
4. You can then progress the case back to the PDR screen and complete the PDR screen and close the case as normal
5. When you complete the Quality Monitoring screen, you must answer 'no' to the question 'was the decision reason properly recorded in ECHO?'
6. You must then raise an IT helpdesk call using the following options and wording:



The screenshot shows an IT helpdesk form with the following fields:

- Category \*: ECHO LIVE
- Subcategory: ECHO SQL Change
- \* Subject: Decision reason change at PDR
- Description \*: A rich text editor containing the text "Case ID: 13000001".

7. Sysadmin will then change the data in the background to ensure all the reporting will work correctly.



## 7. Handling PDR requests of Joint Working decisions where the case was separated at Assessment

One of the decisions open to JW investigators at assessment is to 'separate' a case. This can take a number of forms:

- Separated - Single Council (no health case to investigate)
- Separated - Single Health (no Council to investigate)
- Separated - Referred back to PHSO, Council case closed at assessment
- Separated - Referred back to PHSO, Council case forwarded for LGO investigation
- Separated - Referred back to PHSO, LGO has already investigated

However, the decision reason highlighted above can cause issues in dealing with a PDR about the decision at assessment to refer back to PHSO. This is because the council case will still be open, and could either be waiting to be allocated at investigation or has already been allocated. Therefore, where we would normally change the case owner to that of the reviewing manager when considering a PDR, in these limited circumstances we should not do so.

We should use the 'other contact' screen as normal to record the PDR (as the PDR is about an assessment decision) but the case owner for the council case should remain as either the allocated investigation case owner, or no-one if the case is in the unallocated queue. Tasks should be set as normal to advise the reviewing manager of the PDR request in respect of the Assessment decision but the task should also include that the PDR request is about a separated decision.

Once the manager has made a decision about the PDR, they can complete the 'other contact' screen as usual but should make no other changes to the case, unless they make a decision that the separated decision was incorrect, at which point they will need to discuss the issue with the AO for joint working. The choice at this stage is likely to depend on progress made investigating the council case and therefore what are the available, practical options for completing a joint investigation.

## 8. 2<sup>nd</sup> reviews

Once a review has been carried out there is no option for a second review, unless the outcome of the first review was that the case should be re-opened. In those cases, if the complainant requests a review of the decision made on the re-opened case, they can do so. However, because of the way ECHO is set up the 2<sup>nd</sup> review will not normally be recorded on the PDR screen. The only time the PDR screen will be amended as a result of a 2<sup>nd</sup> review is if the decision is changed yet again.

2<sup>nd</sup> reviews should be recorded on the 'Other contact' screen. There is an option in the 'Nature of Contact' to record 'PDR decision review request'. The screen can then be completed to record the outcome of the 2<sup>nd</sup> review. The outcome options are:

- Decision changed
- Decision confirmed
- Decision confirmed – further explanation needed.

It is only if the 'decision changed' option is used that the PDR screen itself should be amended. In those cases, it depends on whether further enquiries were needed again or whether it is just the manager changing the decision. If the manager is changing the decision, you should follow the instructions for [Decision amended and explained \(substantive\)](#). If further enquiries are needed, follow the instructions for [Decision not sound and justified – further enquiries needed \(substantive\)](#).

## 9. PDR recording on the Other Contact screen where a review has been completed

The screenshot shows the 'Other Contact' form with the following fields and annotations:

- Save | Cancel | Delete** (top left)
- Record 1 of 1**
- Stage Received**: InUnitAllocation
- From**: Person Affected (dropdown)
- B in J**: City of Bradford MDC (dropdown)
- Nature of Contact \***: FOI Request (dropdown) → *This shows the type of review request – Intake decision review or Assessment decision review*
- Date of Contact \***: 21/02/2013 (calendar icon) → *This is the date the complainant contacted us to request a review*
- Date Due**: Target: 25/03/2013 (calendar icon), Actual: (calendar icon)
- Date of Outcome**: (calendar icon) → *The date the reviewer issued their decision*
- Action Taken**: Select (dropdown) → *There can be multiple actions recorded. This section will show who completed the review (ITL, ATL, CSM, HofA) and their decision. See detailed notes about recording types of decision*
- Contact Details**: (Rich text editor) → *This section should briefly explain the issues raised by the complainant and the reviewer's views about those issues.*
- Lessons Learned**: (Rich text editor) → *The section should be used to record comments about good or poor practice such as record keeping, timeframes, quality of written material, quality of advice and analysis etc.*
- Save | Cancel | Delete** (bottom left)

**No Acknowledgement** section:

- File - No Acknowledgment**:  Yes  No
- Authorised By**: Select (dropdown)

**NB: The ECHO PDR report uses the name of the person who last updated the 'other contact' screen as the name of the person who carried out the review, therefore it should be the ATL only who completes this screen for Assessment PDRs**

The following are options available in the 'Action Taken' field. When a reviewer completes a review, they will need to choose at least two options: the option to identify who they are, and their decision. However, because the 'other contact' screen does not have the functionality of the PDR screen, certain decisions will need to be recorded in specific ways.

DofA responded  
CSM responded  
ATL responded  
ITL responded  
Decision confirmed  
Case re-opened  
Decision confirmed – further explanation needed  
Decision changed.

Where the reviewer has decided that the decision was correct, or that the decision was correct but further explanation was needed, they should record the detail of who responded and either 'decision confirmed' or 'decision confirmed – further explanation needed'.

#### **9.1 Where the reviewer has decided that the decision on the complaint was wrong, but that it does not need to be progressed through to the next business process**

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In these cases, the reviewer should record 'case re-opened' alongside the detail of who responded. The original decision screen will need to be overwritten with the new decision and new decision date. The reviewer should record what the old decision was, and what it was changed to in the 'Lessons learned' free text box along with any comments they need to make about good or poor practice.

#### **9.2 Where the reviewer has decided that the decision on the complaint was wrong and that the complaint needs to be progressed through to the next business process**

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In these cases, the reviewer should record 'Decision changed' and 'Case re-opened', alongside the detail of who responded. The original decision screen will need to be overwritten with the new decision and new decision date. The reviewer should record what the old decision was, and what it was changed to in the 'Lessons learned' free text box along with any comments they need to make about good or poor practice. The decision statement needs moving from the statement for publication folder to the decision folder.

## 10. Service complaints

A service complaint is an expression of dissatisfaction from one or more customers or members of the public about the standard of service we have provided. Bodies in jurisdiction can also make a complaint about the service they have received from us.

Service complaints should generally be submitted within one month of the event being complained about, or a month from when the complainant discovers they have reason to complain.

Staff should try to deal with a service complaint at the outset if at all possible. If this is not possible, service complaints will normally be considered by the individual's line manager who will issue a response within 20 working days of receipt, unless extra time is needed.

If a service complaint is submitted in conjunction with a challenge to a decision, the CAU and PDR will be dealt with together by the manager who is next on the PDR rota (the individual's line manager would not respond in this situation).

### The Challenge/staff conduct complaint information form

Where an Investigator or ATL receives a complaint about their conduct they can complete the Challenge/staff conduct complaint information form if they wish to comment on the complaint that has been made about them – this is not a requirement for CAUs but must be completed where we receive a valid PDR request.

Examples of service complaints include:

- Delay in dealing with a complaint
- Failure to respond to communications or keep in touch appropriately
- Discourtesy/rudeness
- Insensitivity towards the PA's circumstances or feelings
- Bias
- Discrimination
- Other employee conduct
- Requests to change Investigator

Where we receive a complaint that an employee was rude or discourteous during a telephone conversation, the manager responding to the CAU should contact IT to request a copy of the telephone recording and upload it to the ECHO record. The telephone recording will be retained on the ECHO record in line with our file retention policy. This will ensure recordings are retained for 12 months after the date of the final decision and be made available to the External Reviewer. Please note our telephone recording system only keeps recordings for 30 days. If we receive a CAU beyond this timeframe telephone recordings may no longer be available.

A challenge to a PDR rejection letter from the Investigator is not grounds for a CAU.

It is not necessary for a complainant to complete a form to submit a service complaint. Written complaints ensure there can be no misunderstandings, but if a complainant wishes to submit their service complaint by telephone then this will be adequate. Where a verbal service complaint is received, a copy of the service complaint procedure should be sent to the complainant if it has not already been sent. Staff should also give a complainant the

opportunity to submit any further comments in writing if they wish to do so. The staff member receiving the verbal complaint should ensure a note is made whether the complainant has said they will send in further written comments or not.

### The 'fluency duty'

From 21 November 2016, a service complaint can also include issues around the proficiency and standard of spoken English by a staff member. More information can be found in The Code of Practice on the English language requirement for public sector workers. A legitimate complaint under this Code will be made by a member of the public or someone acting on his or her behalf. A complaint about the strength of a public sector worker's accent, dialect, manner or tone of communication, origin or nationality would not be considered legitimate as a complaint about the fluency duty.

The Code of Practice does not oblige us to respond to complaints that are vexatious, oppressive, threatening or abusive. Our normal procedures for dealing with these issues will still apply.

Where we receive a legitimate complaint about a staff member's standard of spoken English, we must assess its merits against the necessary standard of spoken English required for the role in question. If the complaint is upheld, we must consider what steps can be taken to meet the fluency duty. Steps may include specific training, retraining or assessment, re-deployment or dismissal. When considering these types of complaint, we should take account of:

- The nature of the complaint.
- English language provision for public sector workers
- The information received from the complainant or their representative.
- The complainant's expectations of an outcome.

## **10.1 The service complaint screen**

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Access to this screen is restricted. The only people who have access are managers and the case owner of the particular complaint. The PDR Information Form has a breakdown of the options available under 'Nature of Complaint'. Any field marked with a red star on this screen is mandatory. If the CAU is about more than one person, you must create multiple entries on the screen. One for each person complained about.

The image shows a screenshot of a complaint management system interface. The form is divided into several sections: 'Stage Received', 'Comments/Notes', 'Lessons Learned', and a bottom section for management actions. Each field has a corresponding callout box explaining its purpose.

**Stage Received**

- From \***: Select (Dropdown menu)
- Method of Communication \***: Select (Dropdown menu)
- B in J**: Lambeth LB (Dropdown menu)
- Nature of Complaint \***: Select (Dropdown menu)
- Staff Concerned \***: Select (Dropdown menu)
- Staff Named**: Select (Dropdown menu)
- Date of Contact \***: [Date field]
- Due Date**: [Date field] with a refresh icon. Callout: "This is the type of complaint received" (points to Nature of Complaint).
- Target:** [Date field]
- Actual:** [Date field]
- Action Taken**: Select (Dropdown menu)
- Outcome Date**: [Date field]. Callout: "The date the response was sent" (points to Outcome Date).
- Dealt With By**: Select (Dropdown menu)
- Outcome**: Select (Dropdown menu)
- Response**: Select (Dropdown menu)
- Management Action**: Select (Dropdown menu). Callout: "If any management action is required, such as a discussion with the individual, or disciplinary action etc it should be recorded here." (points to Management Action).

**Comments/Notes**

Use this free form text box to record detail of what the complaint was about and the reviewer's conclusions, including why the complaint may or may not have been justified.

**Lessons Learned**

Use this free form text box to identify good or poor practice and any feedback that is required for the individual(s) complained about.

**Field Explanations:**

- This field records the designation of the person complained about. E.g. AO, Investigator, ITL etc (points to Staff Concerned).
- This field identifies the individual complained about (points to Staff Named).
- This is the date the staff conduct complaint is received (points to Date of Contact).
- You should record what action has been taken here. E.g. reviewed file, Interviewed employee etc. (points to Action Taken).
- The reviewer should record their own name here (points to Dealt With By).
- Record in this field whether the complaint was justified. (points to Response).
- This field details the response given to the complainant. Only one option can be chosen. (points to Outcome).

Open

## **11. Feedback to the member of staff and their manager**

There will no longer be a form for managers to complete following a review. Managers will generally include their comments on the quality screen, however, when upholding a PDR, information must be recorded in the 'details' and 'lessons learned' boxes on the PDR screen for challenges to investigation decisions, or the 'lessons learned' box on the Other contact screen for challenges to Intake or Assessment decisions. Where the issue has been a staff conduct complaint, the 'comments/notes' and 'lessons learned' boxes on the service complaints screen should be completed.

If there are issues that are inappropriate to enter in the text boxes on the PDR or other contact screen, managers should discuss these directly.



**Annex One: Your complaint, our decision guidance leaflet**

[Your complaint, our decision leaflet](#)

**Annex Two: Your complaint, our decision form**

[Your complaint, our decision form](#)

**Annex Three: Service complaint leaflet**

[Service complaint leaflet](#)

**Annex Four: Service complaint form**

[Service complaint form](#)