



HMCPSI

HM Crown Prosecution
Service Inspectorate

SFO handling of complaints

**An inspection of the Serious
Fraud Office's complaints policy
and handling of complaints**

February 2021

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Who we are

HM Crown Prosecution Service Inspectorate inspects prosecution services, providing evidence to make the prosecution process better and more accountable.

We have a statutory duty to inspect the work of the Crown Prosecution Service and Serious Fraud Office. By special arrangement, we also share our expertise with other prosecution services in the UK and overseas.

We are independent of the organisations we inspect, and our methods of gathering evidence and reporting are open and transparent. We do not judge or enforce; we inform prosecution services' strategies and activities by presenting evidence of good practice and issues to address. Independent inspections like these help to maintain trust in the prosecution process.

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- 1. Summary,
recommendations and
good practice**

What this report is about

1.1. The proper handling of complaints is an essential part of any public organisation's accountability. How effectively an organisation deals with complaints made to it is often an indicator of how open it is to feedback and how it approaches customer relations. Whether the complaint is justified or not, the person making it feels aggrieved and, therefore, dealing with them courteously and effectively can do much to restore the complainant's confidence in the organisation. In the case of the Serious Fraud Office (SFO), a failure to handle complaints adequately can damage not only its reputation, but also that of the wider criminal justice system.

1.2. The Parliamentary and Health Service Ombudsman published the *Principles of good complaint handling*, which can be found in annex C. In summary, an organisation's complaints handling policy should:

- be easily accessible, well publicised, open and accountable
- be simple to understand and use
- allow speedy handling, with established timescales for action, and keep people informed of progress
- act fairly and impartially, ensuring no conflicts of interest
- be confidential
- be effective by dealing with all points raised and providing suitable remedies
- use feedback and lessons learned from complaints to improve performance.

1.3. This report examines the SFO's complaints policy and the quality of the SFO's handling of the complaints it receives, taking these principles into account.

1.4. The SFO receives very few complaints during the course of the year. In this inspection we considered 14 complaints received between 1 April 2019 and 31 January 2020, which was the total number of complaints received by the SFO in that period.

Key findings

1.5. The SFO has a complaints policy which is available on its public website and simple to use. All SFO staff can access the complaints policy and guidance. The staff we spoke to understand its structure and their roles, and are confident in progressing complaints. The policy provides for a review by someone not connected to the subject matter of the complaint, and this was adhered to in the cases we looked at.

1.6. We agreed with the decision to uphold or not uphold a complaint in all of the cases we examined.

1.7. The SFO meets its deadlines for providing acknowledgements of complaints and substantive responses to them most of the time, but the timeframes set for responses are not challenging and could be shortened considerably.

1.8. There are differences in the wording of the external-facing and internal-facing complaints policies in relation to the timeframes set. This risks misunderstandings and, in one case we examined, resulted in a fresh complaint.

1.9. The SFO accepts complaints under three broad themes and has three stages of complaints. The three stages of complaints are:

- Stage 1 complaints, described as 'informal'.
- Stage 2 complaints, described as 'review'. These are either where the complainant is dissatisfied with the response at stage 1, or where it would be inappropriate to involve the member of staff complained of.
- Stage 3 complaints, described as 'further review'. These are where the complainant is dissatisfied with the response at stage 2 and the complaint is about the conduct of SFO staff, or action or inaction by the SFO.

1.10. The three broad themes are:

- legal, investigative or operational decisions
- the behaviour and conduct of staff
- any action or inaction by the SFO or staff affecting an individual or group of people who have had direct contact with the SFO.

1.11. We recommend removing stage 1 (the informal stage) from the formal process. This would leave just two stages, or one for those not included in the current stage 3. Most of the complaints the SFO receives relate to a decision not

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to take on a criminal allegation for investigation, and these are invariably classified as investigative, and excluded from stage 3 under the current complaints policy.

1.12. We were unable to find the rationale within the policy for why legal, operational or investigative complaints were not able to progress to the next stage, so we recommend a review of this aspect of the process to consider whether all complaints should qualify for a stage 3 re-review.

1.13. The policy is not sufficiently clear about what constitutes a stage 1 or informal complaint, and issues that could amount to a stage 1 complaint may be dealt with in case teams without the correspondence unit, which is responsible for dealing with complaints, being told about it. For this reason, the SFO no longer records stage 1 complaints on its complaint log. As a result, there was only one example of a stage 1 complaint in the timeframe covered by our sample. The organisation does, however, strive to resolve issues in a complaint at the earliest possible stage in its process. By comparison, stage 2 complaints are easier for staff to identify using the policy and guidance.

1.14. A small number of complaints were received that related to the behaviour and conduct of staff. These were handled well, with appropriate consideration given to whether the member of staff should be asked to comment on the complaint before the response to the complainant.

1.15. There is no standard template for complaint responses, but practices have developed as the SFO matures in its complaints handling. The SFO acknowledged where it had made mistakes, and apologised where necessary, in all the complaints we examined. The responses were generally of a high standard, but there remain aspects which could be done better, including the level of empathy expressed, signposting to other organisations where appropriate, and providing the complainant with details of how to escalate a complaint if they remained dissatisfied.

1.16. The SFO quality assured 12 of the 14 complaints we read: eight in the correspondence unit and four by lawyers in the Strategy and Policy Division (S&PD). In the eight cases assured by the correspondence unit, the unit added value by so doing. The lack of a proper audit trail meant we were unable to see what changes had been made by S&PD lawyers so we cannot comment on whether they too added value. However, there is no mandated policy for quality assurance, so the approach is not consistent. We recommend the SFO introduces a clear process and sets standards for quality assurance.

1.17. The SFO logs the complaints it receives, but does not record the outcome on the log, nor does it have any formal process for identifying and sharing learning from complaints, which means it is missing an opportunity to improve its service and thereby avoid future complaints.

Recommendations, issues to address and good practice

Recommendations
The Serious Fraud Office should remove stage 1 from the complaints policy and ensure that, when any correspondence is sent out regarding informal complaints, it contains signposting to the complaints policy. (paragraph 3.18)
The Serious Fraud Office should align the wording on timescales in the internal and external-facing complaints policies, and should make clear to complainants in advance when they can expect a substantive response. (paragraph 3.22)
The Serious Fraud Office should set a target of 28 days for responding to stage 2 and stage 3 complaints. (paragraph 4.17)
The Serious Fraud Office should ensure that a consistent quality assurance process is applied to all complaint responses. (paragraph 5.14)
The Serious Fraud Office should: <ul style="list-style-type: none">• record the outcomes of complaints and anything done well, or which could be improved• implement a process to ensure any learning is embedded by changes to policy or guidance documents• consider how best to use learning from previous complaints to forestall future complaints, such as providing better explanations at the outset for why cases are not adopted for investigation. (paragraph 6.13)

Issues to address
<p>The Serious Fraud Office should provide more detail in the descriptions of the categories of complaint that can be made. It should be apparent to complainants from the outset that all complaints related to the Serious Fraud Office's decision not to investigate are classified as investigative complaints rather than complaints about the inaction of the Serious Fraud Office. (paragraph 3.20)</p>
<p>The Serious Fraud Office should consider how best to ensure a fair complaints process whilst maintaining proportionality in its response. It should review the process to consider whether all complaints should be allowed to proceed to stage 3, making the formal complaints policy a two-stage process. This should be made clear to complainants in the policy on the Serious Fraud Office website and in complaint responses. (paragraph 4.8)</p>
<p>The Serious Fraud Office should expressly state in the final response letter that the complaint has been dealt with independently. (paragraph 4.10)</p>
<p>The Serious Fraud Office should acknowledge all complaints at stage 2 and 3 within five working days and ensure that every acknowledgement contains a date by which the complainant can expect a substantive response. (paragraph 4.15)</p>
<p>Complaint responses should indicate whether there is a further stage open to the complainant in the Serious Fraud Office complaints process, and if so, what that is, and whether other agencies may be able to assist. (paragraph 5.7)</p>

1.18. Whilst the impact of these issues is not as great as that of our recommendations, the SFO will need to consider what measures it can take to address these issues.

1.19. We define good practice as an aspect of performance or activity that demonstrates an innovative or creative approach and that leads to a positive change, improved quality or better performance, or represents value for money.

Good practice
<p>The Intelligence Division has introduced a Standard Operating Procedure which requires a senior manager in the division to allocate an appropriate reviewer for a complaint. This ensures that the complaint will be dealt with independently. (paragraph 4.6)</p>
<p>Staff are provided with a recommended structure for responses to complaints, which includes details of what must be included in the reply. (paragraph 5.2)</p>

2. Framework and methodology

Inspection framework

2.1. The framework for this inspection consisted of an overarching inspection question and six underpinning questions. The overarching question was: “Does the Serious Fraud Office (SFO) have an accessible complaint handling system supported by an effective governance structure and which delivers a service in line with the guidance for public bodies?”

2.2. In order to answer this question, our inspection framework consisted of six questions, together with subsidiary questions under each of the six which can be found in annex A. The six questions were:

1. Does the SFO have an appropriate service standard for handling complaints that is published?
2. Does the SFO have a complaints system that is easily accessible to the public offering a clear, simple and prompt service?
3. Does the system ensure fair and timely handling of complaints?
4. Are responses to complaints appropriately drafted, acknowledge mistakes, if appropriate, and offer prompt and proportionate remedies?
5. Does the SFO have an effective governance structure for handling complaints?
6. Does the SFO have a system which allows it to learn from complaints to improve its service and, where appropriate, informs the complainant of any changes made in light of their complaint?

Methodology

2.3. In line with our inspection methodology, we requested and examined documents before starting our on-site activity. Owing to the changes to working practices in the Inspectorate and SFO brought about by the COVID-19 pandemic, all on-site activity was conducted virtually. We are grateful to the SFO and its staff for accommodating the necessary changes to our methodology.

2.4. Our on-site phase took place between 30 November and 7 December 2020 and included:

- interviews with all heads of divisions
- interviews and focus groups with SFO staff across a range of roles in the various divisions.

2.5. Inspectors read all 14 of the complaints received by the SFO between 1 April 2019 and 31 January 2020. Of these, one was a stage 1 complaint, 12 were at stage 2 and one was at stage 3, according to the SFO's classifications. The complaints were assessed against a bespoke question set, which is contained in annex B.

Complaint types

2.6. The majority of the 14 complaints were from victims or members of the public who were unhappy with an SFO decision not to take on an investigation. There was also one complaint made by a defence solicitor on behalf of their client and one from a potential witness.

2.7. We classified the 14 complaints as follows:

- seven related to investigative activity
- two regarding action or inaction by the SFO
- three related to the conduct or behaviour of staff
- two that contained more than one type of the above classifications.

3. How easy is it to make a complaint?

3.1. In this section, we discuss the first two of our six inspection questions:

- Does the Serious Fraud Office (SFO) have an appropriate service standard for handling complaints that is published?
- Does the SFO have a complaints process that is easily accessible to the public offering a clear, simple and prompt service?

The SFO policy

3.2. The SFO complaints policy¹ sets out the types of complaints that are accepted by the SFO, which are:

- legal, investigative or operational decisions
- the behaviour and conduct of staff
- any action or inaction by the SFO or staff affecting an individual or group of people who have had direct contact with the SFO.

3.3. The SFO also excludes various matters from its complaints policy, such as anonymous complaints, anything more than six months old, or complaints about matters which are before a court. Representations about decisions which come within the ambit of the Victims' Right to Review scheme are dealt with separately². There is no further definition in the policy of what constitutes a complaint.

3.4. The policy sets out three stages for the complaints process.

- Stage 1 complaints are described as 'informal'. The aim is to resolve these directly with the member of staff involved in the conduct or matter about which the complaint is made.
- Stage 2 complaints are described as 'review'. These are either where the complainant is dissatisfied with the response to a stage 1 complaint, or where it would be inappropriate to involve the member of staff complained of. The policy says that the review will be carried out by "an appropriate person".
- Stage 3 complaints are described as 'further review'. These are where the complainant is dissatisfied with the response at stage 2 and the complaint is about the conduct of SFO staff, or action or inaction by the SFO. Complaints

¹ *Complaints policy and Victims' Right to Review*; Serious Fraud Office; accessed January 2021

<https://www.sfo.gov.uk/publications/guidance-policy-and-protocols/complaints-policy/>

² Ibid

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relating to legal, investigative or operational decisions are excluded from stage 3. The policy states that the stage 3 review will be conducted by “an appropriate person” in a more senior grade than the person who carried out the stage 2 review.

3.5. The SFO policy advises that if a complainant remains dissatisfied after the three stages of the complaints policy have been exhausted, and if the complaint relates to a breach of the Code of Practice for victims of crimes, the complainant can contact their local MP, who may refer it to the Parliamentary and Health Services Ombudsman.

3.6. The policy also sets out clearly what information should be supplied to the SFO so a formal complaint can be addressed without delays to seek additional information. This is helpful.

3.7. The policy does not explain why complaints about legal, investigative or operational decisions cannot proceed to stage 3. We discuss this omission in the context of the resource implications of the majority of stage 2 complaints in our chapter on complaints handling (from paragraph 4.8).

Accessibility

3.8. The SFO complaints policy is accessible. It is written in clear English, and straightforwardly explains who can complain and how to go about doing so. The policy is available to members of the public from the publications section of the SFO website, and can be easily located upon a search of its website or via online search engines. Searching for the word “complaints” on the SFO website returns the correct link as the first item in the results. The complaints page itself does not deal with accessibility issues, but the website does have a clearly signposted accessibility section with details of how to request information in various formats, including braille, easy to read and large print.

3.9. The complainant is asked to direct stage 1 complaints to the person directly involved with the particular issue or matter. This assumes that the complainant has the necessary details to make this complaint. In the only stage 1 complaint we examined, it was clear that the complainant had known who to contact to raise their concerns. If a complainant did not, the contact information on the website is sufficiently clear to enable the matter to be raised.

3.10. Stage 2 complaints should be sent to the correspondence unit, and the email and postal addresses are provided on the website. There is no phone number provided, but one is readily available on the “contact us” page. We were told that if a member of the public contacted the SFO by telephone indicating that they wished to make a complaint, they would be directed to the complaints

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policy on the SFO website and be provided with the relevant email address in order to submit the complaint in writing. We were also told that if staff become aware of difficulties in doing so, a complaint could be taken over the telephone; none of the complaints we reviewed were recorded in this manner.

3.11. The public enquiries email address provided to complainants on the website is a shared mailbox which is monitored by the correspondence unit. Upon receipt of a complaint to the mailbox, the correspondence unit are responsible for acknowledging the complaint and ensuring it is provided to the relevant division to prepare a final response. They are also responsible for ensuring the final response is sent out to the complainant.

3.12. In all but one of the 14 complaints we examined, the complainant had not apparently experienced any difficulty in finding and making use of the information about how to complain. In the final case, the complaint was not properly recorded and acknowledged; we discuss this instance further in the case study set out after paragraph 3.22.

3.13. Few of the staff we spoke to had accessed the SFO complaints policy, but they were confident they would be able to locate it easily on their intranet and external website. They were equally comfortable with consulting their line manager if they needed more information.

Scope of complaints

Stage 1

3.14. The SFO's policy does not tell members of the public or SFO staff what the complainant can expect to happen at stage 1 (informal complaints) or any timescales for dealing with the matter. In this respect it falls below the standards expected under the principles for good complaint handling. We discuss timeliness further in chapter 4.

3.15. The SFO policy also lacks a clear definition of what falls within the scope of a stage 1 complaint. Consequently, staff we spoke to were unable to identify what should be classified as stage 1 rather than a part of litigation, day to day case progression or other casework enquiries. The result was that any matter raised was unlikely to be recorded under stage 1 unless the correspondence specifically used the word "complaint". However, all staff we spoke with were committed to resolving complaints informally where they could.

3.16. There was only one stage 1 complaint recorded by the SFO during the timeframe of this inspection. It related to delays in providing the complainant with updates regarding a report submitted for investigation, and was closed after the

SFO confirmed that the information requested would be supplied. We have not seen any further correspondence, but there was no indication that the complaint reached stage 2. The complainant had said that if they remained dissatisfied, they would invoke the next stage of the complaints policy, so the lack of escalation tends to suggest it was resolved to their satisfaction.

3.17. In focus groups, two common examples were given of what could equally be usual casework enquiries or potential stage 1 complaints:

- correspondence received addressing the concerns with regards to delays in case progression
- correspondence requesting the return of items seized during an investigation.

3.18. The lack of clarity means that these matters are not recorded as complaints, but since the embedded culture is to try to resolve these informally, the outcome is likely to be the same, but without specific mention of stage 2 of the complaints process. We therefore recommend that stage 1 is removed from the complaints process, but that where someone raises an issue that could fall within the policy, when the matter is addressed informally, reference is also made to the formal complaints policy and how to take matters further.

Recommendation
The Serious Fraud Office should remove stage 1 from the complaints policy and ensure that, when any correspondence is sent out regarding informal complaints, it contains signposting to the complaints policy.

Stages 2 and 3

3.19. Any complaint correspondence sent to the public enquiries mailbox is automatically classified and logged as stage 2 and dealt with formally. Stage 3 complaints are also logged, which we confirmed in the one stage 3 matter we examined. There is, however, no definition of what a complaint is for stage 2 or 3 of the policy, over and above the categories set out in paragraph 3.2 and the exclusion of legal, investigative or operational complaints from stage 3. We discuss how the SFO deals with categorising incoming communications as complaints or other matters from paragraph 4.4.

3.20. At least half the complaints we examined related to a decision by the SFO not to investigate a report of crime. These were always classified as investigative complaints, which means they were then excluded from stage 3. They could equally have been classified as inaction by the SFO, which would have retained the right to a stage 3 review for the complainant. It is right that the complainant should be aware of this from the outset, which is not the case at present.

Issue to address
The Serious Fraud Office should provide more detail in the descriptions of the categories of complaint that can be made. It should be apparent to complainants from the outset that all complaints related to the Serious Fraud Office's decision not to investigate are classified as investigative complaints rather than complaints about the inaction of the Serious Fraud Office.

3.21. The policy on the SFO's website sets out that, for stages 2 and 3, a review will be carried out by an appropriate person and the complainant will be told whether their complaint is upheld or not. If it is upheld, the SFO will try to resolve the problem, and if it is not, the SFO will explain why. For stage 2, the complainant is told they will receive an acknowledgement of the complaint within ten days, but no timescales are set for a full response, nor for any aspects of stage 3. The external information is not the same as that provided to staff in relation to stage 2 timescales.

3.22. Internal guidance and an associated flow chart state that all complaints must be responded to within two months. This is not the same as the information that is conveyed to complainants on the website, which is that they will be told when the complaint is acknowledged how long the response will take. Although there is no explicit contradiction between the two versions, the differing wording does not provide the complainant with full information or clear expectations from the outset. In the case study below, this in itself provoked a further complaint.

Case study

The complainant contacted the SFO to make a stage 2 complaint which was not initially responded to. No acknowledgement was provided for a period of two months.

When the complaint was acknowledged by the SFO, the complainant was informed that they would receive a response as soon as possible but no definitive date was supplied to them. However, on the internal complaints log, a two-month deadline date for response was recorded.

When the complainant contacted the SFO to chase up a response a month after the acknowledgement, they were informed that the matter remained under review and were then provided with the two-month deadline date that the SFO had set for itself and informed that this was per the policy. The member of staff at the SFO who provided this information had not appreciated that the external complaints policy document did not state a timeframe of two months, which was identified by the complainant. This caused an additional complaint to be raised about the lack of clarity on the expected timeframe for response.

Recommendation

The Serious Fraud Office should align the wording on timescales in the internal and external-facing complaints policies, and should make clear to complainants when they can expect a substantive response.

4. Complaints handling and timeliness

4.1. In this chapter we address the third of our six inspection questions: Does the system ensure fair and timely handling of complaints?

Complaints handling

Stage 1

4.2. We are unable to comment meaningfully on the handling of stage 1 complaints at the Serious Fraud Office (SFO), as only one was available in the sample during the timeframe of this inspection. However, as we discuss in paragraph 3.15, it was evident from interviews with staff that when matters were brought to their attention, they were committed to resolving them where they could.

Stages 2 and 3

4.3. Stage 2 and 3 complaints are received either directly into the SFO enquiries mailbox, as indicated in the policy on the website, or to other teams, in which case the team sends the complaint to the correspondence unit. The correspondence unit are responsible for logging complaints and monitoring the progress of responses. They also quality assure some of the replies.

4.4. The correspondence unit receive other communications as well, so they need to determine which are and which are not complaints. The lack of specific guidance in the policy means that the unit must use a common-sense approach. They do so, they told us, by weighing the content and tone, and usually they found it obvious whether the writer was complaining. Where they are unsure, correspondence unit staff told us, they would ask managers or lawyers for advice.

4.5. Once identified as a complaint, the matter is recorded on a complaints log by the correspondence unit, who then provide the content to the relevant SFO division, along with a deadline for the response to the complainant. The unit also acknowledge receipt of the complaint and should tell the complainant when they can expect the full response, but in nearly half the acknowledgements we saw (six out of 14), there was no timescale provided. We discuss from paragraphs 4.13 the timescales the SFO sets itself for acknowledgements and substantive responses, and its compliance with those deadlines.

4.6. In most instances, there is a designated staff member in each SFO division to whom the correspondence unit send the complaint. That person then decides who will independently review and respond to the complaint. In the Intelligence Division, which receives the majority of complaints to the SFO, a Standard Operating Practice has very recently been introduced. This requires all complaints to be directed to a senior manager, who then allocates them to the appropriate person.

Good practice

The Intelligence Division has introduced a Standard Operating Procedure which requires a senior manager in the division to allocate an appropriate reviewer for a complaint. This ensures that the complaint will be dealt with independently.

4.7. In the Intelligence Division complaints we reviewed, we noted that if the complaint concerned a refusal to start an investigation (which is true of most of the division's, and indeed the SFO's, complaints), the reviewer had conducted a fresh review of the material initially submitted by the complainant when asking the SFO to take on and investigate their allegation of crime. This ensures a thorough and independent check on whether the initial decision to decline the case was correct.

4.8. Such complaints are invariably recorded as investigative and thereby excluded from stage 3. This means that there would be no avenue for a complainant's initial submission to be independently re-reviewed, and this is not commensurate with the principles of good complaint handling. There is no rationale given in the SFO policy for excluding legal, operational and investigative matters from stage 2, so it would be possible to allow such matters to reach stage 3. This would enable the detailed consideration at stage 2 and a proportionate review at stage 3.

Issue to address

The Serious Fraud Office should consider how best to ensure a fair complaints process whilst maintaining proportionality in its response. It should review the process to consider whether all complaints should be allowed to proceed to stage 3, making the formal complaints policy a two-stage process. This should be made clear to complainants in the policy on the Serious Fraud Office website and in complaint responses.

4.9. The complaint reviewer in the relevant division (including the Intelligence Division) should make a note of their review which is stored on the individual case file, unless confidentiality requires it to be stored elsewhere on the SFO's system. The reviewer drafts a response, which is then sent to the correspondence unit to quality assure and send to the complainant. The correspondence unit update the log to show the date of the substantive response and that the complaint is closed.

4.10. Of the 13 stage 2 and 3 complaints we examined, we were able to see that they had been dealt with by an independent person in 12. In two of the 12, this was expressly stated. In the other ten, the language used suggested a review by someone else in the division than the person to whom or to whose decision(s) the complaint related. The complaint response would be enhanced if it specifically told the complainant, where it is so, that the reviewer is independent of the subject of the complaint.

Issue to address
The Serious Fraud Office should expressly state in the final response letter that the complaint has been dealt with independently.

Complaints regarding conduct of staff

4.11. The SFO receives very few complaints about the conduct or behaviour of a person (only three in the sample of 14 we reviewed) and those that are received are handled well. In one, the SFO should have given the member of staff concerned the opportunity to comment; we could not tell if this had happened. In other respects, the complaint was dealt with well. The other two related to circumstances where it would not have been appropriate to involve the member of staff about whom the complaint was made.

Timeliness

4.12. There are no timeframes set for stage 1 complaints and these are no longer recorded centrally by the SFO. In paragraph 3.18, we recommend the removal of stage 1 from the complaints process.

4.13. Stage 2 complaints should be acknowledged within ten days. In ten of the 14 complaints we reviewed, the acknowledgement met this target, and most (seven out of the ten) were acknowledged within 48 hours. In two, the SFO did not meet its target date, and two were not acknowledged at all. These last two were amongst the earliest complaints we reviewed, dating back to October 2019. Since then, all complaints have been acknowledged. This indicates that since then, the SFO has correctly identified and addressed the issue.

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4.14. The correspondence unit monitor the relevant mailbox regularly, and deliver a prompt acknowledgment without difficulty in many of their complaints. We consider that a shorter deadline is therefore achievable and, more importantly, is commensurate with good complaint handling. In a highly digital age, ten days is too long for a complainant to wait to be told the SFO has received their email or letter. There are no deadlines set for acknowledgements at stage 3, but there ought to be.

4.15. The acknowledgement of the complaint should tell the complainant when they can expect to receive a substantive reply. In the acknowledgements we saw, only half (six of the 12 applicable files) provided this information.

Issue to address
The Serious Fraud Office should acknowledge all complaints at stage 2 and 3 within five working days and ensure that every acknowledgement contains a date by which the complainant can expect a substantive response.

4.16. As we have discussed, the external-facing policy does not set a timescale for responses to complaints. Internally, the policy sets a target of two months, and the SFO met its target in all but one of the 13 stage 2 and 3 complaints we reviewed. The one reply that was not on time was nine days late.

4.17. As with acknowledgements, we consider the target the SFO has set to be neither sufficiently challenging, nor one which represents a quality service for complainants. In seven of the cases we examined, the reply was 11 days or more ahead of the target date, so a shorter target is clearly achievable with the appropriate commitment.

Recommendation
The Serious Fraud Office should set a target of 28 days for responding to stage 2 and stage 3 complaints.

5. The quality of complaints responses

5.1. In this chapter, we deal with the fourth of our six inspection questions: Are responses to complaints appropriately drafted, and do they acknowledge any mistakes if appropriate, and offer prompt and proportionate remedies?

Quality standards

The structure of complaint responses

5.2. The Serious Fraud Office (SFO) does not use a standard template for complaint responses, but has developed a structure over time, based on previous experience and quality assurance of some more complex complaints by lawyers in the Strategy and Policy Division. The structure consists of:

- an introduction by the person responding to the complaint
- the stage of the complaint
- a summary of the complaint made
- a chronology of the circumstances in the lead up to the complaint
- a response to the complaint and any findings made
- any remedies, if applicable
- details of any relevant signposting to assist the complainant.

Good practice

Staff are provided with a recommended structure for responses to complaints, which includes details of what must be included in the reply.
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5.3. We noted instances where previous responses of a good standard were sent to someone dealing with a new complaint to assist them in drafting their reply. This is also helpful.

5.4. All inspectors felt that this was a good and clear structure to follow when responding to complaints and, if followed, meant that all issues would be fully dealt with.

Case study

In a complaint received in April 2019, a defence solicitor wrote to the SFO on behalf of their client to raise a complaint under stage 2 of the policy. This was regarding a mixture of complaints, namely the decision taken to arrest the suspect, a lack of pre-interview disclosure and the conduct of a member of staff.

The SFO provided a final response which did not follow the structure detailed in paragraph 5.2 and had limited information. As a result, the complainant wrote back to the SFO requesting more detail and information to allow them to consider whether they wished to instigate stage 3 of the policy.

The SFO then sent a more detailed response to the complainant. Although this had a more structured approach, it still did not follow the good practice structure in paragraph 5.2. After this, more correspondence was received from the complainant and a final response was sent by an Associate General Counsel to the complainant. As a result of not following the structure and providing insufficient information in the first response to the complainant, extra resource and time were taken to draft additional responses, which all could have been dealt with in the first response.

In comparison, in a complaint received in January 2020, the complainant raised a complaint under stage 2 of the policy regarding the SFO's decision not to investigate a matter they had reported to the SFO. Previous sample responses with the good practice structure were supplied to the member of staff drafting the final response. They followed this structure in the final response sent to the complainant. As a result, there was no further correspondence from the complainant after the receipt of the final response and the matter was concluded to a satisfactory standard.

The standard of responses

5.5. Overall, complaint responses produced by the SFO were of a good quality. Half the 14 files we reviewed fully met the expected standard, and another six partially met the expected standard. Only one file did not meet the standard at all; this was the only stage 1 complaint in our sample. It failed in our assessment because there was no evidence of a final response being sent, according to the material supplied to us, although it was marked as closed on the SFO complaints log.

5.6. In most cases (11 out of 14), there was a clear and understandable explanation set out in the response, albeit not all of them were sufficiently detailed. This was one of the reasons for marking down the six letters that did not fully meet expectations. The other reasons were a combination of lack of

empathy and lack of signposting to assist the complainant with other avenues for resolving their concerns.

5.7. In ten out of the 14 complaints, the final responses did not tell the complainant whether there was a next stage available in the SFO's complaints process and if so, what it was. The SFO needs to align itself more fully with the principles of good complaint handling by including the complainant's options for next steps, if any. We also noted instances where the response did not tell the complainant where else they could go for assistance, such as to the police or HM Revenue and Customs. It would be helpful if such signposting occurred in every relevant case.

Issue to address
Complaint responses should indicate whether there is a further stage open to the complainant in the Serious Fraud Office complaints process, and if so, what that is, and whether other agencies may be able to assist.

5.8. Overall, responses were well written, with the correct address and addressee and no spelling errors. Only two complaints had minor typographical errors, and these did not affect the meaning. There was one letter which had poor sentence construction, which made the response confusing. If it had been better structured, the explanation would have been clearer to the reader.

5.9. In four of the 14 cases, we considered the response to lack sufficient empathy; we based this on the tone and wording used in the response. Examples include: "it is unfortunate you"; "you claim"; and "the vast amount of information you supplied". These suggest culpability, inaccuracy or unhelpfulness on the part of the complainant, which we consider to be inappropriate and unempathetic.

Making amends

5.10. There were two complaints in our sample of 14 where the complaint was partially upheld, and 12 where it was not upheld. We agreed with those outcomes. An apology was offered in every complaint where it was appropriate and required. In the two partially upheld complaints, remedial action was appropriate, and in both, the responses identified the correct remedial action and informed the complainant it would be undertaken.

Quality assurance

5.11. The SFO quality assures some of the responses to complainants, but there is not a consistent approach to the process and no criteria or standards are set for use in assurance work.

5.12. We could see that quality assurance took place in 12 of 14 complaints we reviewed. In eight, the reply was checked by the correspondence unit, and in the other four, it was reviewed by lawyers in the Strategy and Policy Division. In two cases, we could not tell whether the reply had been reviewed before it was sent to the complainant. The Strategy and Policy Division assurance was usually in cases that were more complex or carried a greater risk of reputational damage to the SFO.

5.13. In the eight replies quality assured by the correspondence unit, amendments were suggested in seven, and six of these were sent back to the relevant division to agree before the response was sent to the complainant. The amendments included corrections of typographical errors and changes to sentence structure. In seven of the eight cases the quality assurance added value, although it did not always address all the failings we identified in the reply.

5.14. A more structured approach to quality assurance, with clear criteria set for what the assurance is meant to address, would assist in improving the standard of assurance and thereby complaint responses.

Recommendation
The Serious Fraud Office should ensure that a consistent quality assurance process is applied to all complaint responses.

6. Governance and learning from complaints

6.1. In this section, we deal with the fifth and sixth of our six inspection questions:

- Does the Serious Fraud Office (SFO) have an effective governance structure for handling complaints?
- Does the SFO have a system which allows it to learn from complaints to improve the service?

Governance and learning

6.2. The culture among senior managers is one of attempting to resolve matters informally before invoking the formal complaints policy, and carrying out remedial action where any aspect of a complaint is upheld. Senior managers are involved at appropriate stages, such as when allocating an independent reviewer to respond to the complaint, and the more complex or higher risk complaints are quality assured by the Strategy and Policy Division.

6.3. The SFO's approach would present as more open and transparent if the relevant changes to the policy that we recommend in earlier chapters are adopted.

6.4. The organisation has taken steps to improve the complaints process where appropriate. Examples include:

- better performance in acknowledging complaints since the earliest cases in our sample
- the Intelligence Division's Standard Operating Procedure
- the structure provided to guide staff on how to construct a response to a complaint.

6.5. There are further steps the SFO can take to improve the learning from complaints. At present, there is no formal process for recording and disseminating learning or good practice from complaints, and the complaints log does not include the outcome of the complaint (whether it was upheld or not) or any narrative that identifies aspects that the SFO did well or could do better.

6.6. We have discussed already that the external policy does not set out a timescale for substantive replies, whereas the internal policy sets a target of two months. In one case, that lack of cohesion between the two generated a fresh complaint, but the two policies have not been reconciled; an opportunity to learn and improve has been missed.

Learning from upheld complaints

6.7. Remedial action was taken in both cases where it was warranted. However, the learning was not used to drive structured improvements across the SFO in one of the two partially upheld complaints.

Case study

In July 2019, a complainant submitted a report to the SFO for consideration of investigation. The complainant received mixed communications on the same date from both the Intelligence Division and the correspondence unit. The Intelligence Division informed the complainant that they would not be taking on the case whereas the correspondence unit informed the complainant that the matter was still under review. An apology was later issued to the complainant for the mixed communications received along with an assurance that this would not happen again in the future.

Staff in post at the time were told about the issue, but there was no formal change in process, so any staff joining thereafter would be unaware of the risk of miscommunication.

6.8. In another complaint which had been partially upheld, there had been a change to the guidance for switchboard operators as a result, and staff we interviewed were aware of the revision to the guidance.

Learning from decisions not to accept cases for investigation

6.9. The vast majority of the complaints the SFO receives relate to decisions not to take on a criminal allegation for investigation. Most complainants in this category had made their initial referral via the “make a report” function on the SFO website. When they do so, an automated response is sent confirming receipt of the report and informing them if they do not hear anything from the SFO within 20 working days, they should assume the report is being taken no further.

6.10. Some people reporting allegations did, however, receive a reply telling them that the SFO was not accepting it for investigation. This appeared to be based on a template response; it thanked the complainant for bringing the matter to the SFO’s attention and provided a bullet point list of what the SFO would consider when deciding whether to take the case on. It went on to inform the complainant that their case did not fall within the relevant criteria and would not be taken on, without specifying in which way the matter did not meet the criteria. On some occasions, but not always, the response signposted other organisations that may be able to assist.

SFO handling of complaints

6.11. When a complaint was then made, often the complainant was requesting more detailed information as to why their case did not fall within the SFO's criteria or which of the bullet points of relevant factors their case had failed on. The complaint would also often request confirmation whether the SFO had re-directed their case to other relevant organisations.

6.12. In the complaints we examined, there was not a great deal more information provided at stage 2 and the reply was not always as empathetic as it could have been. Some replies did reflect that the complainant may be disappointed, but did not go on, for example, to acknowledge that what is serious for the complainant may yet not fit the SFO's criteria for seriousness.

6.13. Despite these cases accounting for the bulk of the SFO's complaints work, there has been no consideration of improving the quality and detail of the information provided to people reporting crimes, which could avoid the need for the complaint and provide a better service to the public at the same time.

Recommendation

The Serious Fraud Office should:

- record the outcomes of complaints and anything done well, or which could be improved
- implement a process to ensure any learning is embedded by changes to policy or guidance documents
- consider how best to use learning from previous complaints to forestall future complaints, such as providing better explanations at the outset for why cases are not adopted for investigation.

Annex A

Framework

Framework

Inspection question

Does the Serious Fraud Office (SFO) have an accessible complaint handling system supported by an effective governance structure and which delivers a service in line with the guidance for public bodies?

Sub-questions

- Does the SFO have an appropriate service standard for handling complaints that is published?
 - Does the SFO complaints standard follow the *Principles of good complaint handling* guidance for public bodies?
 - Is the organisation's complaints standard available to the public?
- Does the SFO have a complaints system that is easily accessible to the public offering a clear, simple and prompt service?
 - Is there a clear policy written in plain English for handling complaints?
 - Does the standard set out to the public the scope of complaints that can be considered by the organisation?
 - Does the standard set out what the complainant can expect in terms of timescales, possible remedies and guidance as to how and when to take things further?
 - Is the process for submitting a complaint straightforward?
- Does the system ensure fair and timely handling of complaints?
 - Does the complaints system have flexibility to respond in an appropriate way based on the seriousness of the complaint and in proportion to the circumstances? Does the initial assessment consider the effect on the complainant and whether others have suffered similar injustice or hardship due to the same issue?
 - How much 'independence' is built into the system when investigating a complaint?
 - Are all stages of dealing with a complaint handled promptly and in line with any undertakings given?

SFO handling of complaints

- If a member of staff has been subject to a complaint, are they given the chance to respond?
- Are responses to complaints appropriately drafted, do they acknowledge mistakes if appropriate, and do they offer prompt and proportionate remedies?
 - Are responses to complaints tailored to the complainant, free from spelling mistakes or typos and grammatically correct, and do they display empathy where appropriate?
 - Does the SFO acknowledge in response to complaints where it has fallen short and offer an apology?
 - Do responses by the SFO set out a summary of any remedial action it has taken where it has upheld a complaint?
 - Does the SFO offer information to the complainant about other ways in which they may be able to pursue their case by other legal means (via civil courts, for example)?
- Does the SFO have an effective governance structure for handling complaints?
 - Do senior managers set the tone in prioritising and welcoming complaints as a means of putting things right and improving service?
 - Are staff aware of their role and remit in relation to handling complaints?
 - Are there clear lines of authority and levels of decision making within the complaints system?
 - Is there a system for formally recording the findings of the investigation into the complaint, creating a record of the evidence on which decisions are based?
 - Are the records of investigations and decisions made retained in accordance with the organisation's statutory duty and business need?
- Does the SFO have a system which allows it to learn from complaints to improve its service and, where appropriate, informs the complainant of any changes made in light of their complaint?
 - Does the SFO inform the complainant where the investigation of a complaint has led to a change in its processes to improve future performance?

SFO handling of complaints

- Does the SFO report publicly on its complaints performance (number received, outcome and whether any have resulted in changes in practice)?
- Does the SFO have any formal process by which improvements in processes are identified as part of the complaints process?

Annex B

Question set

Complaint

Question	Answer
1. What was the level of the complaint?	Stage 1
	Stage 2
	Stage 3
2. If the answer to Q1 was stage 2, had the complaint been dealt with at stage 1?	Yes
	No
	Not known
	Not applicable
3. If the answer to Q1 was stage 3, had the complaint been dealt with at stage 2?	Yes
	No
	Not known
	Not applicable
4. What was the format of the complaint?	Letter
	Email
	Phone call
	Other (please note)
5. Who sent the complaint?	Defence solicitor
	Victim
	Witness
	Third party
	Other (please note)
6. What category does the complaint fall within?	Legal
	Investigative
	Operational
	Behaviour or conduct of staff
	Action or inaction of SFO
	Other, ie more than one category
7. Which division did the complaint relate to?	Division A
	Division B
	Division C
	POCA & International Assistance Division
	Strategy & Policy Division
	Intelligence Division

SFO handling of complaints

Question	Answer
	A mixture of teams
	Unable to identify
8. Was the complaint provided to the correct team for a response to be provided?	Yes
	No
	Not known
9. Where was the complaint recorded?	On the complaints log held by the correspondence unit
	By the specific team on their own log
	Not recorded

Timings

Question	Answer
10. Date SFO received the complaint	(add date)
	Not known
11. Date that the acknowledgement letter was sent	(add date)
	Not applicable
12. If the acknowledgement of receipt was late, did the response recognise there was a delay?	Yes
	No
	Not applicable
13. Did the initial handler have to contact the complainant for any further detail?	Yes
	No
	Not applicable
14. If the answer to Q13 was yes, was the request for the further material appropriate?	Yes
	No
	Not known
	Not applicable
15. Did the acknowledgement letter provide a timeframe for how long it would take for the complaint to be reviewed and a full response provided?	Yes
	No
	Not applicable
16. What was the deadline set for a full response?	(add date)
	Not applicable
17. Was the full response to the complaint sent within the agreed timeframes?	Yes
	No
	Not applicable
18. What date was the full response sent?	(add date)
	Not applicable
19. If the response missed the deadline set, was an adequate explanation provided in the response?	Fully met
	Partially met
	Not met
	Not applicable

System

Question	Answer
20. Was the complaint submitted to the correspondence unit?	Yes
	No
	Not known
21. Was the complaint provided to the correct team to deal with the complaint?	Yes
	No
	Not known
	Not applicable
22. Is there any evidence that the complainant had difficulty making the complaint?	Yes
	No
23. If the answer to Q22 is yes, was this difficulty acknowledged in the response?	Yes
	No
	Not applicable
24. If the complaint was about an individual, was that person consulted or given an opportunity to input into the investigation?	Yes
	No
	Not known
	Not applicable
25. If the answer to Q24 is no or not known, should the individual the complaint was about have been consulted or given the opportunity for input?	Yes
	No
	Not applicable
26. Was the complaint logged anywhere?	Yes
	No
	Not applicable
27. What was the result of the complaint?	Upheld
	Partially upheld
	Not upheld
	Not applicable
28. Was the result of the complaint recorded anywhere?	Yes
	No
	Not applicable

Response

Question	Answer
29. What method was used to respond to the complaint?	Letter
	Email
	Telephone
	Face to face meeting
	No response
	Other (please note)
30. Was the addressee correct?	Yes
	No
31. Was the address correct?	Yes
	No
32. Has the response addressed the complaint and, if not, has it offered an explanation as to why?	Yes in full
	Part response
	No
33. Did there appear to be any use of standard/template paragraphs?	Yes
	No
34. If the answer to Q33 was yes, did the response contain inappropriate template material?	Yes
	No
	Not applicable
35. Does the response contain any errors in spelling?	Yes – only one
	Yes – less than five
	Yes – more than five
	No
36. Does the response contain any errors with typos?	Yes – only one
	Yes – less than five
	Yes – more than five
	No
37. Was the explanation understandable/clear?	Yes
	No
	Not applicable
38. If the answer to Q37 is no, did the response contain jargon?	Yes
	No
	Not applicable
	Yes

SFO handling of complaints

Question	Answer
39. If the answer to Q37 is no, did the response contain poor sentence structure?	No
	Not applicable
40. Where appropriate, did the response express empathy?	Yes
	No
	Not applicable
41. Was an apology offered if appropriate?	Yes
	No
	Not applicable
42. Did it appear from the response that action had been taken to remedy the complaint if appropriate?	Yes
	No
	Not known
	Not applicable
43. Did the letter set out if the complaint had been reviewed "independently"?	Yes
	No
	Not applicable
44. If the answer to Q43 is yes, did the letter expressly set out it was independent or infer this by the content of the letter?	Express
	Inferred
	Not applicable
45. If appropriate, was any information offered about any learning and changes to systems as a result of the complaint?	Yes
	No
	Not applicable
46. Has the complainant been given information on how to escalate the complaint if they are not satisfied or confirmation that there is no further stage to complaints policy and the matter has concluded at this stage?	Yes
	No
47. Was the response of a high standard?	Fully met
	Partially met
	Not met

Quality assurance

Question	Answer
48. Was the response quality assured by the correspondence unit before being sent out to the complainant?	Yes
	No
	Not known
	Not applicable
49. If the answer to Q48 was no, why?	The response was sent out directly with no involvement from the correspondence unit
	The response was sent out without needing any action from the correspondence unit
	Other (please note)
	Not applicable
50. Was the draft amended by the correspondence unit?	Yes
	No
	Not known
	Not applicable
51. If the answer to Q50 is yes, was the draft submitted back to the original team to agree the amendments before the response was sent out?	Yes
	No
	Not known
	Not applicable
52. If the answer to Q50 is yes, were the amendments made to spelling errors?	Yes
	No
	Not applicable
53. If the answer to Q50 is yes, were the amendments to typos?	Yes
	No
	Not applicable
54. If the answer to Q50 is yes, were amendments made to ensure the letter was clear and understandable to the reader, including removing jargon or amending sentence structure?	Yes
	No
	Not applicable
55. If the answer to Q50 is yes, were amendments made to ensure the correct addressee was named?	Yes
	No
	Not applicable
	Yes
	No

SFO handling of complaints

56. If the answer to Q50 is yes, were amendments made to ensure the correct address was on the response?	Not applicable
57. If the answer to Q50 is yes, were amendments made to ensure all complaints raised were dealt with in the response?	Yes
	No
	Not applicable
58. Did the quality assurance process add value to the quality of the response?	Yes
	No
	Not applicable

Annex C
Principles of good complaint
handling – Parliamentary
and Health Service
Ombudsman

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Good complaint handling means:

- Getting it right
- Being customer focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

Introduction

This document gives our views on the Principles of Good Complaint Handling. We want public bodies and complainants to understand what we mean by good complaint handling and to be clear about what we expect from public bodies when dealing with complaints. We will also apply the Principles to any complaints made to us about our own service.

These Principles of Good Complaint Handling should be read in conjunction with our Principles of Good Administration and Principles for Remedy. Everyone has the right to expect a good service from public bodies and to have things put right if they go wrong. When things do go wrong, public bodies should manage complaints properly so customers' concerns are dealt with appropriately. Good complaint handling matters because it is an important way of ensuring customers receive the service they are entitled to expect. Complaints are a valuable source of feedback for the public body; they provide an audit trail and can be an early warning of failures in service delivery. When handled well, complaints provide an opportunity for public bodies to improve their service and reputation.

We understand there is often a balance between responding appropriately to complaints and acting proportionately within available resources. However, prompt and efficient complaint handling can save the public body time and money by preventing a complaint from escalating unnecessarily. Learning from complaints can reduce the number of complaints in the future.

SFO handling of complaints

The public bodies within our jurisdiction are many and varied, and sometimes complainants will be individuals and sometimes organisations. Accordingly, the systems that public bodies have in place for handling complaints will depend on their own circumstances. However, certain Principles should be common to all. Good complaint handling should be led from the top, focused on outcomes, fair and proportionate, and sensitive to complainants' needs. The process should be clear and straightforward, and readily accessible to customers. It should be well managed throughout so that decisions are taken quickly, things put right where necessary and lessons learnt for service improvement. In many of the complaints investigated by the Ombudsman we have found that poor complaint handling itself constituted maladministration or service failure leading to an injustice or hardship for the complainant. This was so even in cases in which we did not uphold the original complaint.

The Principles set out here are intended to promote a shared understanding of what is meant by good complaint handling and to help public bodies in the Parliamentary and Health Service Ombudsman's jurisdiction deliver first-class complaint handling to all their customers.

Good complaint handling by public bodies means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, and with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learnt from complaints.
- Including complaint management as an integral part of service design.
- Ensuring that staff are equipped and empowered to act decisively to resolve complaints.
- Focusing on the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure, in the right way and at the right time.

2. Being customer focused

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

3. Being open and accountable

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.
- Publishing service standards for handling complaints.
- Providing honest, evidence-based explanations and giving reasons for decisions.
- Keeping full and accurate records.

4. Acting fairly and proportionately

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

6. Seeking continuous improvement

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on the learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and changes made to services, guidance or policy.

These Principles are not a checklist to be applied mechanically. Public bodies should use their judgment in applying the Principles to produce reasonable, fair and proportionate results in all the circumstances of the case. The Ombudsman will adopt a similar approach when considering the standard of complaint handling by public bodies in her jurisdiction.

The supporting text for each Principle follows.

1. Getting it right

All public bodies must comply with the law and have regard for the rights of those concerned. They should act according to their statutory powers and duties, and any other rules governing the service they provide. They should follow their own policy and procedural guidance on complaint handling, whether published or internal.

Good complaint handling requires strong and effective leadership. Those at the top of the public body should take the lead in ensuring good complaint handling, with regard to both the practice and the culture. Senior managers should:

- set the complaint handling policy, and own both the policy and the process
- give priority and importance to good complaint handling, to set the tone and act as an example for all staff
- develop a culture that values and welcomes complaints as a way of putting things right and improving service
- be responsible and accountable for complaint handling
- ensure that effective governance arrangements underpin and support good complaint handling
- ensure the policy is delivered through a clear and accountable complaint handling process
- ensure learning from complaints is used to improve service.

Public bodies should consider the policy and practice of complaint handling as an integral part of the service they provide to customers.

Staff should be properly equipped and empowered to put things right promptly where something has gone wrong. They should be supported by clear lines of authority and decision making that are flexible enough to respond to complaints effectively and authoritatively.

Complaint handling should focus on the outcomes for the complainant and, where appropriate, others affected. Public bodies should put in place policies and procedures to ensure complainants are treated fairly, to aid decision making and to ensure fair outcomes. Those policies and procedures should allow staff the flexibility to resolve complaints promptly and in the most appropriate way while still learning from complaints.

Public bodies should make it clear to complainants when they have provided their final response to a complaint. At that stage, public bodies should provide clear and accurate information about the next stage of the complaint process so the complainant is clear about what to do next if they remain dissatisfied. If the complaints procedure is not the most appropriate way for a customer to take forward their concern, public bodies should also clearly direct them to the most appropriate way, for example through alternative appeals mechanisms.

2. Being customer focused

Public bodies should do the following:

- Ensure their complaints procedure is simple and clear, involving as few steps as possible. Having too many complaint handling stages may unnecessarily complicate the process and deter complainants from pursuing their concerns.
- Ensure that their complaint handling arrangements are easily accessible to their customers.
- Let their customers know about any help or advice that may be available to them if they are considering making a complaint. For example, Community Legal Advice offers wide-ranging legal advice and the Independent Complaints Advocacy Service (ICAS) provides advocacy for NHS complainants.
- Deal with complaints promptly, avoiding unnecessary delay, and in line with published service standards where appropriate. Resolving problems and complaints as soon as possible is best for both complainants and public bodies.
- Acknowledge the complaint and tell the complainant how long they can expect to wait to receive a reply. Public bodies should keep the complainant regularly informed about progress and the reasons for any delays, and provide a point of contact throughout the course of the complaint.
- Treat complainants sensitively and in a way that takes account of their needs.
- Use language that is easy to understand, and communicate with the complainant in a way that is appropriate to them and their circumstances. For example, public bodies should make arrangements for complainants with special needs or those whose first language is not English.

SFO handling of complaints

- Listen to and consider the complainant's views, asking them to clarify where necessary, to make sure the public body understands clearly what the complaint is about and the outcome the complainant wants.
- Respond flexibly to the circumstances of the case. This means considering how the public body may need to adjust its normal approach to handling a complaint in the particular circumstances.
- Ensure, where complaints raise issues about services provided by more than one public body, that the complaint is dealt with in a co-ordinated way with other providers. If a public body cannot respond, it should refer the complainant quickly to other sources of help.

3. Being open and accountable

Public bodies should do the following:

- Ensure that information about how to complain is easily available. They should provide clear, accurate and complete information to their customers about the scope of complaints the organisation can consider; what customers can and cannot expect from the complaint handling arrangements, including timescales and likely remedies; and how, when and where to take things further.
- Be open and honest when accounting for their decisions and actions. They should give clear, evidence-based explanations, and reasons for their decisions. When things have gone wrong, public bodies should explain fully and say what they will do to put matters right as quickly as possible.
- Create and maintain reliable and usable records as evidence of their activities. These records should include the evidence considered and the reasons for decisions. Public bodies should manage complaint records in line with recognised standards to ensure they are kept and can be retrieved for as long as there is a statutory duty or business need. This can include the need to respond to complaints or to provide relevant information to the Ombudsman.
- Handle and process information properly and appropriately, in line with the law and relevant guidance. So while their policies and procedures should be transparent, public bodies should also respect the privacy of personal and confidential information, as the law requires.
- Take responsibility for the actions of their staff and those acting on behalf of the public body.

4. Acting fairly and proportionately

Public bodies should do the following:

- Understand and respect the diversity of their customers and ensure fair access to services regardless of background or circumstances.
- Investigate complaints thoroughly and fairly, basing their decisions on the available facts and evidence, and avoiding undue delay. Public bodies should deal with complaints objectively, fairly and consistently, so that similar circumstances are handled similarly. Any different decisions about two similar complaints should be justified by the circumstances of the complaint or complainant.
- Seek to ensure, where a complaint relates to an ongoing relationship between the public body and complainant, that staff do not treat the complainant any differently during or after the complaint.
- Avoid taking a rigid, process-driven, 'one-size-fits-all' approach to complaint handling, and ensure the response to an individual complaint is proportionate to the circumstances. This means taking into account the seriousness of the issues raised, the effect on the complainant, and whether any others may have suffered injustice or hardship as a result of the same problem.
- Ask a member of staff who was not involved in the events leading to the complaint to review the case. The public body can still put things right quickly for the complainant where appropriate.
- Act fairly towards staff as well as customers. This means ensuring members of staff know they have been complained about and, where appropriate, have an opportunity to respond.

A minority of complainants can be unreasonably persistent or behave unacceptably in pursuing their complaints. Public bodies should have arrangements for managing unacceptable behaviour.

5. Putting things right

Providing fair and proportionate remedies is an integral part of good complaint handling. Where a public body has failed to get it right and this has led to injustice or hardship, it should take steps to put things right. That means, if possible, returning complainants and, where appropriate, others who have suffered the same injustice or hardship as a result of the same maladministration or poor service, to the position they were in before this took place. If that is not possible, it means compensating complainants and such others appropriately.

In many cases, a prompt explanation and an apology will be a sufficient and appropriate response and will prevent the complaint escalating. Apologising is not an invitation to litigate or a sign of organisational weakness³.

There is a wide range of appropriate responses to a complaint that has been upheld. These include:

- an apology, explanation and acknowledgement of responsibility
- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures, policies or guidance to prevent the same thing happening again; training or supervising staff; or any combination of these
- financial compensation for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these.

When deciding the level of financial compensation, public bodies should consider:

- the nature of the complaint
- the impact on the complainant
- how long it took to resolve the complaint
- the trouble the complainant was put to in pursuing it.

Remedies may also need to take account of any injustice or hardship that has resulted from pursuing the complaint as well as from the original dispute.

³ Section 2 of the Compensation Act 2006 states: "An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty". This section of the Act applies to England and Wales only.

Further information about the Ombudsman's views on how public bodies should provide remedies is set out in the Ombudsman's Principles for Remedy available on our website at: www.ombudsman.org.uk.

6. Seeking continuous improvement

Good complaint handling is not limited to providing an individual remedy to the complainant: public bodies should ensure that all feedback and lessons learnt from complaints contribute to service improvement.

Learning from complaints is a powerful way of helping to improve public service, enhancing the reputation of a public body and increasing trust among the people who use its service. Public bodies should have systems to record, analyse and report on the learning from complaints. Public bodies should feed that learning back into the system to improve their performance.

It is good practice for public bodies to report publicly on their complaint handling performance. This should include reporting on the number of complaints received and the outcome of those complaints. Where complaints have led to a change in services, policies or procedures, public bodies could report those changes. Reporting on complaint handling performance can help to:

- motivate staff
- promote achievement
- drive improvement in service delivery
- boost public confidence in the complaint process
- encourage potential complainants to access the scheme properly
- enable public bodies to identify patterns in complaints.

Public bodies should ensure they:

- tell the complainant when lessons have been learnt as a result of their complaint
- state any changes they have made to prevent the problem recurring.

About the Ombudsman and this guidance

Our role is to consider complaints that government departments, a range of other public bodies in the UK, and the NHS in England, have not acted properly or fairly or have provided a poor service.

We aim to provide an independent, high quality complaint handling service that rights individual wrongs, drives improvement in public services and informs public policy.

For further information please contact phso.enquiries@ombudsman.org.uk or visit our website at www.ombudsman.org.uk

Copies of this publication are available in large print and other formats on request. Copies are also available in Welsh and can be made available in other languages.

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