

## Handling and learning from complaints

### Project Specification

#### Background

The way an organisation handles complaints is important. There are significant benefits to doing things well, including:

- providing valuable information about weaknesses in programmes of work, policies and service delivery;
- stimulating improvement;
- reassuring the public that the organisation is committed to resolving problems; and
- enhancing accountability and transparency.

Conversely, done badly it can:

- fail to produce learning and improvement;
- lead to repetition and in some cases exacerbation of the underlying issue;
- damage the organisation's reputation; and
- impact on the organisation's relationship with the public and other stakeholders.

The States' arrangements for handling complaints comprise departmental complaints processes and a statutory Complaints Panel.

The Administrative Decisions (Review) Jersey Law 1982 established a Complaints Panel from which a Board can be drawn to consider complaints against Ministers, Departments and those acting for them. Boards consider complaints in public, report their findings publicly and may recommend reconsideration of a matter.

Following the Jersey Law Commission's 2017 report, *Improving Administrative Redress in Jersey*, the States Assembly voted in favour of a Proposition (P.32/2018), agreeing in principle that in place of the Complaints Panel there should be an Ombudsman and calling for further research to be carried out. In November 2018 the Jersey Law Commission published another report, *Designing a Public Services Ombudsman for Jersey*, identifying and examining options for an Ombudsman and making recommendations.

The States of Jersey have:

- not always exhibited best practice in their management of complaints. For example I noted concerns with how complaints are managed in my September 2018 report *Governance in health and social care*, in particular the time taken to respond and the lack of evidence of learning and sharing from complaints; and
- been the subject of some highly critical findings from the Complaints Board that appear to reflect issues in engaging with the public. For example in its August 2018 report that upheld a complaint about processing a planning application.

### **The Functions of the Comptroller and Auditor General (C&AG)**

Article 11 of the Comptroller and Auditor General (Jersey) Law 2014 requires the C&AG to:

- provide the States with independent assurance that the public finances of Jersey are being regulated, controlled, supervised and accounted for in accordance with the Public Finances (Jersey) Law 2005;
- consider and report to the States on:
  - the effectiveness of internal controls of the States, States funded bodies and funds;
  - the economy, efficiency and effectiveness in the way the States, States funded bodies and funds use their resources; and
  - the general corporate governance arrangements of the States, States funded bodies and funds; and
- make recommendations to bring about improvement where improvement is needed.

### **Objectives**

The review will evaluate:

- the design and effectiveness of arrangements for the handling of complaints across the States; and
- the design and effectiveness of arrangements for learning from the management of complaints across the States.

## **Scope**

The review will not extend to a detailed review of the work of the Complaints Panel. It will however extend to the inter-relationship between departmental complaints processes and the work of the Complaints Panel.

The review will not extend to the work of the Police Complaints Authority.

The objectives and/or scope of the review may be amended in the course of the review in the light of emerging findings or other matters arising.

## **Approach**

The review will involve:

- an initial documentation request;
- review of documentation provided; and
- interviews with key officers within the States.

The detailed work will be undertaken by an affiliate engaged by the C&AG.