

# **STATES OF JERSEY**



## **HANDLING AND LEARNING FROM COMPLAINTS (R.67/2020): EXECUTIVE RESPONSE (R.67/2020 RES.) – COMMENTS**

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**Presented to the States on 1st October 2020  
by the Public Accounts Committee**

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**STATES GREFFE**

## COMMENTS

### Foreword

In accordance with paragraphs 64-66 of the [Code of Practice](#) for engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’, the Public Accounts Committee (PAC) presents comments on the [Executive Response](#) to the Comptroller and Auditor General’s (C&AG) Report on [Handling and Learning from Complaints](#).

### Background

The Comptroller and Auditor General’s (C&AG) Report on Handling and Learning from Complaints was published in July 2020. The report focuses on the design and operation of the Government’s current arrangements for handling and learning from complaints and its incumbent Customer Feedback Policy, which was launched in October 2019. This includes an examination of the effectiveness of people, analysis, processes and culture that have supported the policy’s implementation. The PAC is supportive of the C&AG’s recommendations to improve the information captured and reported through complaints, the measuring of the efficiency and effectiveness of the complaints handling process, and improving clarity regarding the involvement of non-Ministerial departments in the new Customer Feedback Policy. The PAC notes that the C&AG’s report references her predecessor’s [‘Governance – A Thinkpiece’](#) report of December 2019, which supported the establishment of a Public Services Ombudsman for Jersey. It agrees that the establishment of an independent Public Services Ombudsman, with wide powers reflecting modern legislation in other jurisdictions, sends an important message about transparent, accountable services that embrace feedback and a commitment to improve.

The Executive Response to the C&AG’s Report, which is issued by the Chief Executive, was received by the Public Accounts Committee (PAC) on 20th August 2020 and presented to the States and published shortly thereafter. The Chief Executive advised that several of the C&AG’s recommendations had already been captured as potential improvements as part of the review of the Government of Jersey’s Customer Feedback Policy. It was also confirmed that an action plan arising from the review has been shared with departments and considered by the Executive Leadership Team to improve the working culture within the Government of Jersey.

The PAC also sought the views of the Chair of the States of Jersey Complaints Panel on the C&AG’s Report and the Executive Response to it. In a letter to the PAC, the Chair welcomed the Executive’s commitment to standardising, where possible, the complaints process across all States’ departments and to emphasising the benefits of a strong, transparent and consistent complaints procedure, with the adoption of clear timeframes for the hearing of complaints. He stressed the importance of independent scrutiny or oversight of the complaints process which is essential to hold that process - and ultimately, Ministers, to account. The PAC agrees that there must be an independent body to which the public can turn, for example, if the complaints process fails or is unjust or unduly convoluted.

The PAC agrees with the Chair of the Complaints Panel that it is a fundamental requirement of any robust complaints process that a complainant should be able to turn to an independent body to take over or manage the hearing of a complaint if the

complaint process is failing. For example, there are no sanctions suggested for exceeding time limits of actioning a complaint. The PAC agrees that if an independent complaints body had the power to assume responsibility for the determination of a complaint if the time limit was exceeded, or if delay of the process would cause an irreversible injustice, this would provide incentive for the department to give its complaints process (and the complainant) priority.

Although the Chief Executive has accepted all of the recommendations contained in the C&AG's report, the PAC seeks assurance that they will be implemented in a timely and robust manner. It sets out its detailed comments below:

### **Specific Recommendations**

#### **C&AG Recommendation 1: Include in the planned post implementation review consideration of solutions to the current barriers to access, including for:**

- **children and young people;**
- **people with sensory disabilities;**
- **those whose first language is not English; and**
- **those with learning and reading difficulties.**

The PAC welcomes the commitment from the Government of Jersey towards removing existing accessibility barriers to Islanders. However, the PAC stresses the need for the ‘voice of the customer’ research to be communicated beyond Customer and Local Services and throughout all areas of Government, in order to be fully effective.

The PAC recommends that the Government consider examining how easy it is for the public to find and use the online complaints channel. It suggests that the role of the Corporate Team in Customer and Local Services should be made explicit to the public and that the Government should, in order to understand how the public engages with them, solicit feedback. It should also examine the reliance on form-filling, and whether alternatives can be provided for those either unfamiliar with the necessary technology or uncomfortable with the process. The PAC recommends that the Government should offer a link to the online channels and perhaps offer the name and details of a team or individual for Islanders to contact if they wish to submit a complaint or feedback (there is a phone number but not a named person on the same page as the online form). The PAC also notes that the Policy offers options of face to face, phone, email, letter and online form.

The PAC also considers that if a designated officer or team is established as a point of contact for the processing of complaints, complainants should be granted the opportunity to discuss the complaint directly with the officer. The PAC considers that when an individual complainant can express their dissatisfaction directly, this can often be enough to resolve the issue, before it escalates into a larger problem. The PAC would suggest exploring the feasibility of delivering this type of scheme across every Government department.

#### **C&AG Recommendation 2: Explicitly state in the Customer Feedback Policy and in relevant literature and communications that there is no charge for complaints handling.**

The PAC is pleased to note the lack of cost to Islanders wishing to submit complaints or feedback but agrees with the C&AG that the relevant statement in the Customer Feedback Policy is not immediately visible – it recommends that the Government seek to make this statement explicit in the Policy's introduction.

**Recommendation 3: Develop and agree a corporate process so that departments can obtain assurance that:**

- contracted out service providers have an accessible and comprehensive complaints management process;
- contracted out service providers and departments have a shared understanding of the scope and responsibilities of each other's complaints processes; and
- there are mutually agreed approaches to handling complaints relating to more than one public body, including coverage of information exchanges, joint working and monitoring the effectiveness of handling such complaints.

The PAC is welcoming of the Government's acceptance of the need to deliver a corporate process. However, there should be consideration of how non-Ministerial departments can develop effective complaints channels without compromising their independence. The PAC notes that the C&AG's report does not encompass Arm's-Length Organisations, the Police Complaints Authority, the Complaints Panel or Ministerial responses to the Complaints Panel. The Government should, therefore, seek to anticipate the need for the public to have clear feedback channels and procedures for these areas.

**C&AG Recommendation 7: Identify barriers to take-up of mandatory on-line training and take appropriate corrective action.**

The PAC considers that the Chief Executive's response to the C&AG's recommendation is inadequate. It does not fully address the concerns raised by the C&AG. The PAC recommends that the new training policy should be repeatedly refreshed and monitored to ensure that it reaches all Government staff and that the leadership teams actively demonstrate the value of feedback and their ability to respond to it. The PAC further recommends that best practice training policy and delivery should be deployed to identify and respond to conflicts of interest.

**Recommendation 9: Ensure that operating procedures adequately address:**

- provision of reasons for decisions;
- provision of interim decisions;
- consideration of each element of a complaint;
- criteria for escalation in handling;
- handling of complaints that fall within the scope of the Whistleblowing Policy; and
- offering complainants the opportunity to seek review of a decision.

The PAC is welcoming of the Executive's commitment towards adequately addressing all necessary areas within internal operating procedures. However, the PAC wishes to urge that staff feedback on Whistleblowing Policy is sought as a matter of urgency, and

subsequently published. The Government should collect and present evidence to objectively demonstrate success in the areas of weakness identified in the C&AG's report and include a zero-tolerance policy for bullying.

### **Summary of other recommendations**

The C&AG commented in her report that the 'tone from the top' has emphasised the importance of complaints as an integral part of public service provision. However, a consistent shared culture of valuing and learning from complaints is not yet embedded. She advised that there should be a common role description for key departmental staff involved in handling complaints and that the staff tasked with handling complaints should have the right skills, experience, training and supervision.

The PAC concurs with this approach and is also supportive of the need for the Government to:

- Develop, adopt, roll out and monitor compliance with corporate standards for promoting awareness of complaints handling processes for volunteers;
- Prioritise system developments to capture:
  - the remedy being sought;
  - systemic issues in a structured way, to facilitate learning and improvement; and
- Develop plans to use information from the Customer Feedback Management System for performance management purposes;
- Develop plans for a relaunch of the Customer Feedback Policy to staff following further work to secure management buy-in and implementation of the recommendations about complaints management contained in the C&AG's report.

The PAC notes that, other than guidance on the use of the Customer Feedback Management System, there are no standardised corporate procedures to support the implementation of the Customer Feedback Policy. Departments rely on their own procedures that have not been updated consistently to reflect the Customer Feedback Policy. This should be rectified as a matter of urgency. The PAC is of the belief that complaints and customer feedback procedures should follow a simple and independent structure that is applicable to both the entire organisation and members of the public. The Government should ensure that complaints are logged centrally and held independently, thereby preventing complaints from being held within the originating department. The PAC also considers that the Government should seek to give Islanders confidence in the independence of both the investigator and their path of investigation, with significant complaints signed off by the Chief Executive (unless they relate to him). This is a vital necessary step to ensure that the public can have trust in the processes of Government.

### **Conclusion**

Overall, the PAC welcomes the positive response made by the Executive to the recommendations of the C&AG. It is also pleased to note the progress made by the Government which is taking important steps towards improving complaints' handling, as demonstrated by the adoption of a Customer Feedback Policy, investment in a

Customer Feedback Management System, recruitment of a corporate team, and the designation of departmental staff.

However, as the Chief Executive acknowledged, there is still more to do. Any action plan developed has to have a joined-up approach throughout the organisation. The PAC is extremely concerned that even after pointing out in its [Report on Decision Making](#) of July 2019, several weaknesses in the Government's approach to joined up thinking and decision making, and receiving a robust rebuttal of its recommendations in the [Executive Response](#) of September 2019, there has been little progress in the strategies and solutions presented by the Executive to establish standardised procedures. Taking these steps urgently is fundamental to engendering public trust in the Government. Inside or out of the organisation, people need to know there will be no negative consequences for whistleblowing or raising a complaint and that any such complaints raised within or outside the organisation, will be dealt with effectively and in a timely manner, leading to an improvement in the service for everyone. The PAC urges the Executive to ensure that there is a robust, unbiased complaints procedure in place such that prospective complainants and the wider public can be comfortable that there will be no recriminations and only positive response to feedback.

The PAC concludes that there is a need for more work on providing an accessible and inclusive customer feedback policy, and a more explicit demonstration that the Government of Jersey seeks feedback from staff across the organisation. Furthermore, the PAC considers that many of the recommendations, such as confronting barriers to accessibility, should have been anticipated by the Government and improvements made prior to the findings of the C&AG report. The PAC also concurs with the Chair of the Complaints Panel, that, it is imperative that the public retains access to a wholly independent body which is able to reconsider administrative decisions and make recommendations to which a Minister is obliged to respond. This body's role would be narrower than the suggested role of the Public Services Ombudsman, who would have a much wider remit in examining all areas of public administration.

The PAC will continue to assess the Executive's progress in strengthening its complaints process throughout 2020 and 2021. The PAC seek a further response from the Chief Executive, committing to positive actioning of its recommendations and may undertake its own review of complaints' handling as part of its future work plan.