

Complaints Procedures



COMPLAINTS

Updated by Complaints Clerk (Karen Goulder).

Home Office Detention Service Order **DSO 03/2015** which was revised and implemented during **August 2015**, replaced DSO 03/2011, and sets out the procedures for:

- Handling of complaints in removal centres, short term holding facilities, holding rooms and on escort
- Detainee Complaint Procedure
- Guidance for Contractor's staff and IS staff

Full copies of the DSO 03/2015 are available on request from the Complaints Clerk.

The new 7-page Home Office DCF9 complaint form with information leaflet for detainees is currently available in 17 languages at all times at designated places around the centre

Attachment 1: The Current 17 Designated Languages (25.08.15)

Attachment 2: New DCF9 (25.08.15)

Attachment 3: Complaints Process Map

When complaints are responded to, the recipient receives a copy of the PPO (Prison & Probation Ombudsman) leaflet which outlines how they can go about referring a complaint if they are unhappy with the response.

Detainee complaints should be placed in yellow complaint boxes, which are checked/opened daily by the Home Office Manager or a member of the Home Office staff. The IMB complaints box is opened by IMB members.

The Home Office scan the complaint to Detention Services who log and allocate to either a centre for local investigation, but if it is more serious, then it may be forwarded to PSU (Professional Standards Unit) for consideration and resolution. Detention Services will also allocate a target date for when the complaint is due to be completed by and returned to them and the complainant.

If it is for G4S, then the complaint will be forwarded to the Complaints Clerk who will:

1. Log the details of the complaint on the Complaints Register database.
2. Send an acknowledgement letter to the detainee within 24 hours.
3. Review the complaint to decide which Senior Manager it will be allocated to.
4. Send the complaint to the Manager, specifying the deadline for the return of the response (2 weeks prior to the official Detention Services target date).
5. Update the Complaints Register database with who is dealing with the complaint and when it is due back.
6. The Senior Manager will allocate the complaint if necessary to a manager in their team for investigation. Managers will be required to provide evidence of the investigation to support their conclusion.
7. Once the investigating manager has concluded their response, this is sent, along with their evidence, to the Senior Manager for approval before it is forwarded to the complaints clerk.
8. Once the response is received from the Senior Manager, the complaints clerk will review the response (for spelling/grammar) and log the outcome on the database.
9. Send details of all complaints responses to Detention Services, to the complainant and to the Home Office and IMB.

Complaints are discussed at the monthly meeting of the IMB with Home Office and the Centre Manager and a report is created with full details of the complaints from the previous month which the Department Manager reviews for any trends. Management information is also provided from this report to the Monthly Trading Review and SMT presentations which are reviewed by the Centre Director.

Whilst the complete DSO can be downloaded using the below link:

<https://www.gov.uk/government/publications/handling-complaints-in-immigration-removal-centres>
for training purposes we are concentrating on what you, as DCO's, need to know if you are approached by a detainee who wishes to make a complaint, and are quoting from the DSO for the relevant procedures as follows:

HANDLING OF COMPLAINTS

CHAPTER 1 INTRODUCTION

Introductory remarks

An effective system for dealing with a complaint from a Detainee underpins much of detention life. It helps to ensure that Detention Services meets its obligation of dealing fairly, openly and humanely with Detainees. It also helps staff by Detainees having greater confidence that their needs and welfare are being looked after, by reducing tension and by promoting better relations between Detainees and staff. A Detainee's positive state of mind is more likely to be maintained if he feels he has an accessible and effective means of making a complaint, an outlet for his grievances and confidence that his complaint will be considered properly, with reasons given for decisions made.

The procedures in the previous Detention Services Orders have taken account of the recommendation contained in the report of the Prisons and Probation Ombudsman (the Ombudsman) into the fire at Yarl's Wood IRC in February 2002 and the Prisons and Probation Ombudsman's report into allegations of racism and mistreatment of Detainees at Oakington Reception Centre and whilst under escort, that an independent element should be introduced at the apex of the complaints system.

Underlying principles

The procedures set out in the Order are based on the following general principles:

- There is compliance with the requirements of Detention Centre Rule 38 and the Detention Services Operating Standard on complaints.
- Complaints should wherever appropriate be dealt with informally, with a full opportunity for explanation and conciliation before formal written procedures are invoked.
- Contractors should take full responsibility for dealing with complaints internally, with recourse to the Professional Standard Unit (PSU) only in the case of confidential access complaints.
- Complaints concerning alleged misconduct of staff should also be referred to the Professional Standards Unit (PSU)
- Complaints should be dealt with by the most appropriate person at which a proper response can be provided.

- Staff should take responsibility for their decisions and actions and be prepared to explain them.
- If the complainant is not satisfied with the outcome of a formal written complaint s/he has the right to appeal to the Ombudsman (PPO).

4.3.4 Categories of Complaints

Formatted: Bullets and Numbering

Complaints can be categorised on the following basis:

- **Service delivery complaints** refer to the way in which we deliver the day-to-day service but do not include the unprofessional conduct of staff. Examples include the availability of a service, lost or damaged property or the provision of food. These complaints are both about the actual service provided and the operational policies that the UK Border Agency operates.
- **Minor misconduct complaints** are about the conduct of staff but which are not so serious enough to warrant a formal investigation by the PSU. They are generally investigated by the local management team where the person works. Examples include rudeness or a consistent failure by an individual to do what they say they will do. Where substantiated, staff can expect guidance from their management chain about how to improve the standard of their personal conduct. In cases of repeated misconduct, they can expect disciplinary proceedings to commence.
- **Serious misconduct complaints** are defined as any unprofessional behaviour which, if substantiated, would lead to serious disciplinary proceedings. Examples of serious misconduct matters could include unauthorised disclosure of official information, giving false statements, bullying or harassment, offensive / violent / improper behaviour, ill treatment, allegation of assault. Such complaints are generally investigated by the Home Office's Professional Standards Unit (PSU).

Resolving complaints informally

Prescribed procedures cannot, on their own, produce effective systems which have the confidence of Detainees. Staff need to possess the necessary skills to enable them to handle everyday complaints, defuse problems before they become complaints and to resolve minor complaints in a positive way before they become serious. Where it is not possible to give a Detainee what he wants, the way in which this is conveyed can often make a difference as to whether the Detainee feels aggrieved.

The complaint procedures described in this Order are designed as a formal system for redressing grievances. Contractor's staff and Detainees should be encouraged to resolve day-to-day problems informally at accommodation unit level through discussion. Only if the matter cannot be resolved in this way should a complaint be handled through the formal complaint procedures.

4.4.3 Both the complaint form DCF9 prescribed in this Order and the Information Leaflet for Detainees make it clear that the formal written complaint procedures should only be used when an informal approach to staff is inappropriate or has failed to redress a problem.

Formatted: Bullets and Numbering

All complaints involving the alleged misconduct of staff should be dealt with formally.

CHAPTER 2 TEN PRINCIPLES UNDERLYING THE FORMAL COMPLAINT PROCEDURES

The complaint procedures set out in this Order are based on the following ten principles:

1. **Openness**
The procedures must be well-publicised and all Detainees must know how to make a complaint.
2. **Simplicity**
Procedures must be simple, easy to understand and free of unnecessary bureaucracy, subject to the need to incorporate safeguards and maintain proper records where necessary.
3. **Ease of access**
It must be easy to make a complaint and obstacles must not be put in the way of a Detainee who wishes to do so.
4. **Timeliness**
Complaints must be resolved within a reasonable time according to set deadlines.
5. **Fairness**
Complaints must be considered fairly and properly.
6. **Responding at an appropriate level**
Complaints must be answered at the most appropriate level and by the most appropriate member of staff. In most cases this will be at the lowest suitable level.
7. **Confidentiality**
Confidentiality must be respected
8. **Appropriate redress**
Appropriate action must be taken when complaints are upheld.
9. **Freedom from penalty**
Detainees must not be penalised for making a complaint.
10. **Use of the system to provide management information**
Management must make use of statistical and other information provided by the complaints system.

The Complaint Form

The new complaint form DCF9 (Attachment 2) must be used.

A Detainee can submit a complaint as follows; -

- For response by the current Removal Centre Contractor, or other Removal Centre Contractor or In-country/Overseas Escorting Contractor.
- For response by the Professional Standards Unit or Home Office.

Availability of forms

It is a fundamental principle of any complaints system that it should be easy to make a complaint. The procedures in this Order place the emphasis firmly on ensuring that Detainees know how to make a written complaint and have ready access to the means to do so.

Contractors must ensure that complaint forms and envelopes are freely available to Detainees and located near to where the box for the receipt of completed forms is situated.

Staff and Detainees should be encouraged to resolve day-to-day problems informally through face to face discussion. The written complaint procedures should only be used if problems cannot be resolved in this way. But if a Detainee feels that their concerns can only be met by submission of a written complaint, then they must be entirely free to do so.— Staff, if requested, should assist a Detainee to complete a complaint form

It is recognised that there is a tension between the need to ensure a Detainee's freedom to make a written complaint and the need to ensure that the complaints system is not over-loaded by trivial or inappropriate matters. The way to deal with this is by dealing with minor matters informally and at the earliest possible stage, not by restricting a Detainee's right to make a written complaint.

Submitting a completed complaint form

There must be at least one locked box for complaint forms in each accommodation unit in an Immigration Removal Centre where a Detainee can deposit a completed complaint form. The box must be fixed securely to a wall and every Detainee should have access to a complaints box. **A Detainee may hand a completed form to staff in which case the staff member should place the form in the complaints box.**

Time limit for submitting a complaint

A complaint should be submitted within three months of the incident or circumstances which gave rise to the complaint. However if the complaint is of a serious or sensitive nature then consideration on investigating the complaint should be given by Contractor even if it is submitted outside this time scale.

Arrangements for Detainees whose first language is not English

Detainees whose first language is not English will be allowed to submit a complaint in their own language. Arrangements must be in place for the Complaints Clerk to have the complaint translated. The reply to a complaint need only be provided in English but arrangements must extend to providing the Detainee with a verbal translation of the response.

Detainees with learning, literacy or visual difficulties

Contractors must take into account the needs of Detainees who may find it difficult or impossible to make a written complaint in the normal way.

These include:

- *Detainees who have difficulty reading and writing because of learning or literacy difficulties;*
- *Detainees who are visually or hearing impaired.*

CHAPTER 3 HEALTHCARE COMPLAINTS

Complaints relating to healthcare in England will be handled under separate NHS complaints procedures and different timescales for investigation and response will apply. Healthcare complaints are defined in this context as health related service complaints (e.g. delay in obtaining an appointment with a health professional), clinical complaints (e.g. a complaint about medication or prescribing practice) and both minor misconduct complaints and any allegations of serious misconduct against a member of healthcare staff. Complaints about healthcare facilities (e.g. insufficient space in the waiting room or lack of privacy) are not healthcare complaints and should be directed to the supplier running the centre. The NHS England procedure is explained here:

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/complaints/Pages/NHScomplaints.aspx>

Any complaints relating solely to healthcare in England which are made to the Home Office rather than directly to the NHS (e.g. made on the DCF9 form and placed in the yellow complaints box) as opposed to through NHS procedures, will be forwarded to the NHS England Customer Contact Centre (england.contactus@nhs.net, NHS England, PO Box 16738, Redditch, B97 9PT or by phone on 0300 3 11 22 33) by the Home Office and treated in accordance with NHS procedures. They will not be logged by the Home Office and no further action will be taken by the Home Office. The appeal process will be via the independent Parliamentary and Health Service Ombudsman (PHSO).

Healthcare complaints (England) will not be recorded nor monitored by the Home Office. Separate arrangements between NHS England and the Home Office will determine reporting arrangements on numbers and types of healthcare complaints, outcomes etc.

CHAPTER 4 COMPLAINTS ABOUT MEMBERS OF STAFF

General remarks

This chapter describes the action that must be taken where a complaint comprises an allegation against a member of staff concerning misconduct which may constitute a disciplinary or criminal offence.

Respective responsibilities

It is particularly important in dealing with allegations against staff that the guidelines below are followed:

- the Head of PSU is responsible for investigating any serious misconduct complaint about a member of the Contractor's staff or a member of the Home Office in conjunction with the Contractor.
- the Contractor is responsible for initiating and conducting all other investigations of staff that do not involve a confidential access complaint. This may be done with the oversight of a PSU Representative.
- Contractors may wish to consult PSU about the procedures to be followed before an investigation is started and consideration- will have to be given as to:
 - whether to refer the allegation to the police;
 - whether to suspend the member of staff from duty; and
 - what will be the appropriate action following either a police or an internal investigation.

- The Contractor has responsibility for deciding if a member of their staff needs to be disciplined.

Procedure for making a complaint

The normal procedure for making a complaint against a member of staff is by a written statement on a complaint form DCF9. However, any written allegation against a member of staff will be investigated, irrespective of whether the Detainee or a third party has completed form DCF9.

Where a Detainee makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the IMB, the Detainee should be encouraged to put the allegation in writing on a complaint form DCF9 if he or she wishes. The Detainee's attention should also be drawn to the information leaflet for Detainees on how to make a complaint.

When it is alleged that a member of staff has committed an assault, the alleged victim must be examined by a member of the Healthcare Team as soon as possible and the outcome recorded. Where a detainee is injured, the medical team should make a photographic record of the injuries if the detainee agrees.

Investigations

If the Contractor or Professional Standards Unit consider that there is evidence that a criminal offence may have been committed by a member of staff, the Police must be informed about the allegations. Details of all communication with the Police should be recorded in writing. If the Police are called in to investigate PSU will provide advice on whether an internal investigation should be suspended.

All investigations within Detention Services must be carried out in accordance with UKIS Guidelines.

Action following an investigation

The report of any investigation in to the conduct of a member of staff should normally be considered by the Professional Standards Unit. The relevant Home Office Manager must be provided with a copy of the report in order that proper consideration may be given as to the suitability of any DCO / ACO / DCM to retain his/her certificate.

Unfounded allegations

A Detainee who has made an allegation against a member of staff which, on investigation, has been deemed to be unfounded should be informed in writing of the result of the investigation.

Detainees who are reluctant to make a written complaint about a member of staff

A Detainee might decline to put an allegation in writing because of language or literacy difficulties. In these circumstances, the Detainee should be asked whether they wish the allegation to be investigated. If so, the member of staff or member of the IMB to whose attention the allegation came to light may assist the Detainee to complete a complaint form and submit it in the normal way.

A Detainee might decline to put an allegation in writing for some other reason. A Detainee might feel that it is dangerous to do so or might decide on reflection to withdraw the allegation. The member of staff or member of the IMB to whose attention the allegation has been brought should nevertheless still make a note of the allegation and pass it to the appropriate manager. It is open to a manager to initiate an investigation into an oral allegation, even though a Detainee may have declined to make it in writing. Any reasons given by the Detainee for withdrawing the allegation or

declining to make it in writing should be taken into account in deciding whether to initiate an investigation.

Continuing with an investigation when the complaint has been withdrawn

When a Detainee wishes to withdraw a written allegation, he or she should be permitted to do so by endorsing the complaint form. However, a Manager or Senior Manager has the discretion to continue an investigation if he or she judges that the circumstances of the case justify it. He or she might decide that the nature of an allegation justifies this action or that investigation would serve to remove doubts in the minds of staff or other Detainees. Any reasons given by a Detainee for withdrawing the allegation should be taken into account in deciding whether to initiate an investigation.

CHAPTER 5 OTHER SPECIAL TYPES OF COMPLAINT

Complaints involving a racial incident or bullying

The complaint procedures must ensure that any complaint involving a racial incident or bullying is recognised, recorded and investigated. It may not always be evident that a matter being complained about is of a racial nature. A racial incident is defined as any incident which is perceived to be racial by the victim or any other person. It is possible for a complaint to appear to be about something unrelated to race or bullying (it may be about abuse, intimidation, or being treated unfairly), when in fact the underlying concern of the complainant is about race or bullying.

Detainees who are the victims of bullying may be afraid to make a complaint about it directly, even under the confidential access procedures. Bullying might be the underlying reason for a complaint even if this is not directly expressed.

These complaints should be investigated by the Diversity Manager and the Complaints Department Manager quality assures the responses.

Complaints involving an incident at another Removal Centre or whilst on Escort

A complaint received at a Removal Centre might involve an incident which occurred in another location, or whilst the Detainee was on Escort. The Centre where the Detainee is located at the time a complaint is submitted is responsible for ensuring that the Detainee is provided with a response to his/her complaint. The Contractor at the location where a Detainee was at the time of the incident or circumstances to which a complaint refers is responsible for investigating the complaint and providing a response.

Complaints about loss of or damage to a Detainee's property

A complaint about loss of or damage to property which is upheld is sent to the Deputy Director / Director of our centre for review and authorisation of any compensation. These complaints are investigated by the DCM in the first instance and a response formulated, which the Senior Manager who allocated the complaint reviews prior to it being sent to the Directors.

Cross-cutting complaints

It is important that complaints which cover more than one area are properly handled, with each part of the complaint addressed. Where a complaint covers the responsibility of more than one agency, complaints will need to be considered on a case by case basis in order to determine the lead responder and timescales. As a general rule, the timescale for reply will be that with the shortest stated deadline, so, for example, a complaint about the behaviour of both a member of medical staff (NHS 40 day deadline) and a Detainee Custody Manager (DCM) (Home Office 20 day deadline) should be answered within 20 days. The only exception to this will be in cases involving

the conduct of personnel where specialists will investigate the complaint, be it the Home Office PSU or the NHS. DS CSU and the NHS England Customer Service Centre will liaise on a case by case basis in relation to complaints covering both healthcare and non-healthcare issues in order to agree timescales and processes for investigation.

Anonymous complaints and group complaints

These will be handled under the procedures outlined here and investigated and appropriate action taken. Third party complaints may require the written consent of the detainee concerned, although allegations of serious misconduct will always be referred to the Home Office PSU.

CHAPTER 6 TIME LIMITS FOR THE SUBMISSION OF A COMPLAINT

The following time limits apply for the submission of a complaint by a Detainee and the provision of a reply to the complaint.

Action	Time limit
Submission of a complaint by a Detainee	Within 3 months of the incident or the circumstances which gave rise to the complaint
Response to a Service Delivery Complaint	20 working days
Response to a Minor Misconduct Complaint	20 working days

The complaints clerk will give a target date to the Senior Manager which sooner than the official deadline given by Detention Services (usually 10 working days) from when it has been allocated.

CHAPTER 7 RESPONDING TO A COMPLAINT

Returning the response to the Detainee

Completed complaint responses are returned to the Complaints Clerk who will retain a copy of the response and arrange for Detainee to receive a copy too. A copy will be emailed to Detention Services, the Home Office and the IMB.

If a response is delayed or is expected to be delayed beyond the appropriate time limit, an interim reply must be sent by the Complaints Clerk to the Detainee explaining the reason for the delay and giving an indication of when a full reply can be expected.

Abuse of the complaint procedures

Some Detainees will abuse the complaint procedures by submitting numerous complaints on trivial matters or multiple complaints on the same subject. The potential for abuse is higher in a system based on free access to complaint forms.

A certain level of abuse is unavoidable. Prescribed measures to prevent such abuse have the potential to create more problems than they solve. A denial of access to complaint forms, or a blanket refusal to consider further complaints from a persistent complainant, could place a Detainee at risk by denying him or her recourse if he or she has a genuine grievance.

It is for each Contractor to decide how to manage such cases on an individual basis but this is subject to the proviso that a Detainee's right to make a complaint must never be completely withdrawn.

Retention of copies of complaints

A copy of a complaint and the outcome held by the Complaints Clerk must be retained for 24 months to allow for the possibility that the Detainee will take their complaint to the Ombudsman or other outside organisation. PSU will retain correspondence on confidential access complaints for three years.

CHAPTER 8 THE ROLE OF THE INDEPENDENT MONITORING BOARD (IMB)

Responsibilities

The IMB have a statutory duty under the Immigration and Asylum Act 1999 and Detention Centre Rules 2001 to satisfy themselves about the treatment of Detainees and, in particular, to hear a complaint from a Detainee. Staff dealing with complaints need to be aware of the responsibilities and legal duties of the IMB in this respect.

Procedures

Each IMB will decide its own detailed procedures, taking account of statutory requirements, best practice, this Order and local circumstances. The IMB will make its own practice and procedures known to staff and Detainees. Staff must ensure that any request from a Detainee to speak to a member of the IMB is promptly passed to Board members.

Detainees may ask the IMB to hear a complaint or to consider a decision and reply provided by the Removal Centre in response to a complaint. Staff must provide information and help to the IMB in its consideration of any complaint referred to them.

IMB monitoring role

The IMB has a responsibility, as part of its "watchdog" role in the Removal Centre, to monitor the system for dealing with complaints. The IMB will, examine the complaints log and see the monthly complaints statistics. The IMB will bring to the attention of the IS Manager or Centre Manager any shortcomings which it sees in the operation of the system or other areas of the Removal Centre's management identified as a result of a Detainee's complaint.

CHAPTER 9 THE OMBUDSMAN (PRISON & PROBATION OMBUDSMAN)

The right to complain to the Ombudsman

On completion of the complaint procedures and within one month of having received a reply a Detainee may take their complaint to the Ombudsman. The Ombudsman may in some cases accept a complaint made outside this time limit but this will be dependant on the particular circumstances of the complaint.

CHAPTER 10 INFORMATION FOR DETAINEES

Information for Detainees

It is essential that all Detainees know how to make a complaint.

Removal Centres must inform Detainees of the complaint procedures in their induction process and include details of the procedures in any locally produced Detainee information booklet.

An information leaflet for Detainees about the complaint procedures must be readily available in the IRCs near the box for the receipt of completed complaints forms. The information leaflet and the complaint form in the designation will be sent out by Detention Services the Contractors in PDF and Word format for local production.

Any person involved in recording, investigating or resolving a complaint should treat the complaint as a confidential matter only to be discussed with those who need to know.

Please be aware that the Professional Standards Unit can record on tape any interviews they conduct with officers, managers and Detainees.

ATTACHMENTS:

Attachment 1: Current 17 Designated Languages (25.08.15)

Attachment 2: New DCF9 (25.08.15)

Attachment 3: COMPLAINTS PROCESS MAP

Karen Goulder
Complaints Clerk
Updated 17/09/15