

COMPLAINTS PROCEDURE

CASEWORK POLICY

Table of Contents

General Principles	1
Process.....	2
Redress	3
Persistent Applicants	3
Judicial Review Process	3
Subject Access and Freedom of Information Requests.....	3

General Principles

1. The Complaints procedure enables the Commission to identify areas for improvement in its practices and policies. Complaints are, therefore, an important source of information on the quality of the service provided by the Commission.
2. This Complaints procedure exists to identify and redress legitimate grievances held by those affected by the functions, actions or decisions of the Commission. Primarily, this includes applicants, representatives and victims. The procedure will also address any allegations in relation to discrimination.
3. The Complaints Department has the responsibility to carry out the functions set out in this procedure, which includes impartiality as a central concept. Complaints will be investigated independently and in accordance with the Commission's wider principles of openness and thoroughness.
4. This policy does not cover:
 - a. Dissatisfaction or disagreement solely with the decision whether or not to refer a conviction and/or sentence.
 - b. A general view from members of the public who wish to express dissatisfaction regarding the functions of the Commission or in

relation to specific cases to which they have no direct connection.

Process

5. Complaints can be received either orally, in writing, or on a specific complaints form which can be requested from the Commission.
6. All complaints are passed to the Complaints Department, which is responsible for considering the most appropriate course of action. Wherever possible, the aim should be to resolve expressions of dissatisfaction informally and as quickly as possible.
7. Formal complaints should be received by the Commission within 3 months of the occurrence which forms the subject of the complaint. Alternatively, complaints may be considered within 3 months of a case being closed. Only in exceptional circumstances will the Commission accept complaints that are lodged over the 3 months time limit.
8. All formal complaints are logged and will be acknowledged by the Complaints Department within 10 working days of receipt. We aim to provide a full response within a further 25 working days. A more specific estimated timescale for when a substantive response can be expected will be given based upon the individual complaint.
9. In matters where there may be a conflict of interest, investigations will be delegated to another appropriate member of staff.
10. Complaints in relation to the manner in which a complaint has been investigated will be considered by the Chief Executive or a Non-Executive Director. On occasions it may be appropriate for the Chief Executive to nominate another appropriate senior member of staff, or Board member. Such complaints must be lodged within 25 working days from the date of the Commission's response to the original complaint.
11. In cases where a decision is made that the expression of dissatisfaction would be better dealt with as part of the ongoing review process or by a different department, the complainant will be informed in writing. If there is a dispute about whether a complaint requires investigation under the Complaints policy, the matter will be referred to the Chief Executive.
12. Unless it is deemed inappropriate, other Commission functions in relation to the case will continue whilst the investigation into a complaint is carried out.
13. Where a decision to cease usual functions is deemed appropriate the Complaints Department will refer to the Director of Casework Operations. Steps may include other members of staff no longer dealing with the complainant.

Redress

14. Where a complaint is upheld, it will often be appropriate to offer redress. On most occasions this is likely to be limited to the rectification of the problem together with an apology. In some circumstances, a case may be re-opened or a specific issue reconsidered. In these circumstances a complaint is deemed to be upheld, and recorded as such, whether or not the substantive issues in the complaint are accepted.
15. If other forms of redress are considered appropriate, any proposals will put to the Chief Executive for consideration.

Persistent Applicants

16. If, after the complaints process has been exhausted, the Commission receives repeated complaints on the same subject, or a series of unsubstantiated complaints from the same person on different subjects, they will be addressed under the Commission's published policy on persistent applicants.

Judicial Review Process

17. The Commission's complaints procedure is separate from the judicial review process. Judicial review is a type of court proceeding in which a judge will review the unlawfulness of a decision or action made by a public body. Please see the Commission's policy in relation to judicial review for more information.

Subject Access and Freedom of Information Requests

18. The Commission's review process in relation to subject access and freedom of information requests and responses is also separate from the complaints procedure. Please see the Commission's guidance in relation to requesting information from the CCRC under the Freedom of Information Act 2000 and the Data Protection Act 1998 for more information, available on the Commission's website.