

# FALKLAND ISLANDS GOVERNMENT

## COMPLAINTS HANDLING POLICY



**The Secretariat  
Stanley**

### **Policy Dates**

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Policy review date: March 2018 for July 2018 publication

Responsible officer for review: Chief Executive

# **FIG Complaints Handling Policy**

## **Introduction**

FIG regards a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf. As the Head of the Civil Service the Chief Executive is responsible for ensuring that appropriate procedures are in place to address complaints.

Our complaints handling policy reflects Falkland Islands Government commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

Complaints give us valuable information we can use to improve satisfaction. Our complaints handling procedure will enable us to address dissatisfaction and may also prevent the same issues that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the views and experience of the service, and can highlight issues we may otherwise miss. Handled well, complaints can give people who use FIG services a form of redress when things go wrong, and can also help us continuously improve our services.

Resolving complaints early saves public money and creates better services. Sorting them out as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

The complaints handling policy will help us do our job better, improve relationships with our customers and enhance public perception of FIG. It will help us keep the community at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

Different complaints need to be considered in different ways based on their context. The FIG Complaints Handling Policy is therefore supported by four procedures which deal with different types of complaints.

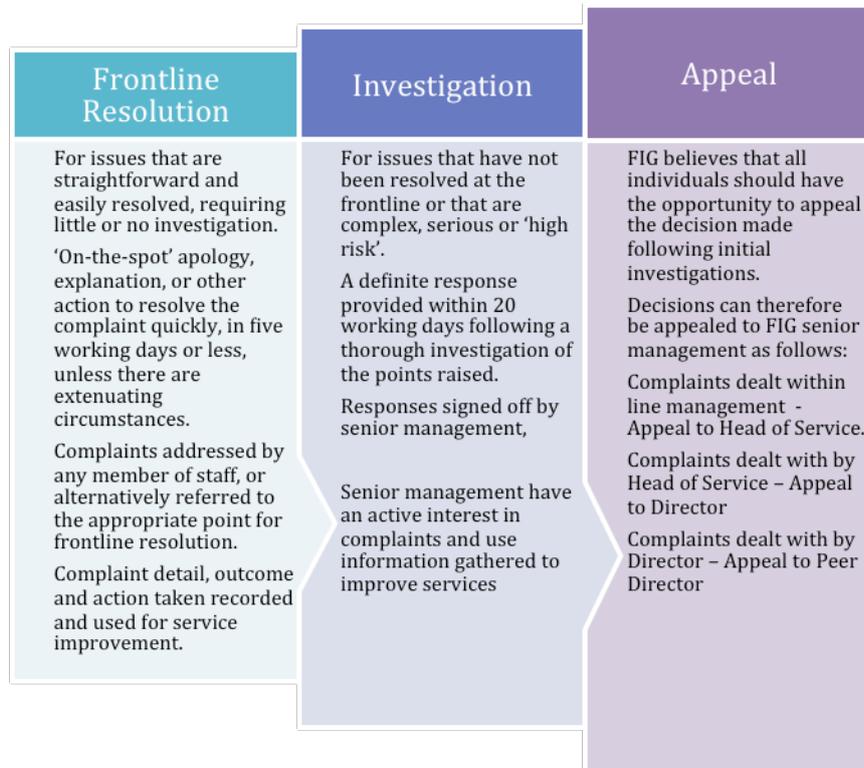
## Process

Relating to employment with FIG	<ul style="list-style-type: none"><li>• Grievance procedure</li><li>• Managed by: Director of HR</li></ul>
Administration or running of an FIG service	<ul style="list-style-type: none"><li>• Corporate Complaints Procedure</li><li>• Managed by: Director of Central Serv.</li></ul>
Serious financial concerns	<ul style="list-style-type: none"><li>• Anti-fraud &amp; Anti-corruption procedure</li><li>• Managed by: Financial Secretary</li></ul>
Serious non-financial concerns	<ul style="list-style-type: none"><li>• Whistleblowing procedure</li><li>• Managed by: Attorney General</li></ul>

The Chief Executive has delegated the management of the four procedures as shown above. The delegated officer is responsible for ensuring that an appropriate procedure is in place, that it is reviewed regularly and that the Civil Service is appropriately trained and aware of responsibilities within each policy.

The starting point for non-employment complaints should also be through the corporate complaints procedure unless the case clearly relates to fraud or corruption.

FIG's Complaints Handling procedures are based around the following structure though specific details on process are detailed in the individual procedures.



External Review – This policy relates to the Falkland Islands Government procedures for handling complaints and as such does not extend to external reviews which are set out in the detailed procedures as appropriate.

## Other

### Vexatious complaints

All complaints will be processed in accordance with this policy and the supporting procedures. However, during this process, staff may have contact with unreasonable behaviour from individuals complaining or unreasonably persistent individuals. FIG will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from individuals making complaints. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

FIG considers unreasonably persistent complaints to be those who, because of the frequency or nature of their contact with FIG, hinder FIG's consideration of their or other people's, complaints or impact on FIG's ability to provide a service.

Our staff who investigate complaints also need to continue providing FIG services and ensure their time and resources is used to best effect. They cannot do so if

someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their, or other people's, complaints and the provision of FIG services. When necessary, we will take action to restrict an individual's ability to submit further complaints on a matter when unreasonable behaviour of this nature persists.

Should an investigator believe that an individual has become abusive, persistent or vexatious they should raise this matter to their Head of Service. The Head of Service shall assess the matter and make a formal recommendation to their director. A complaint can only be categorised as vexatious by a Director and in doing so the Director must consult with, and obtain agreement from, a Peer Director. At this point all contact relating to the matter (except for the provision of essential or statutory services) will cease along with any investigation into their complaint for a period of time determined by the two Directors. Heads of Service and Directors should take into account the guidance on categorising complaints as vexatious (Annex A).

### **Publication**

All complaints procedures will be made available on Public Folders under one "Complaints" folder and on the FIG website under a new "Complaints" section. Responsibility for ensuring these documents are up to date sits with the relevant policy manager.

### **Updates**

Each policy should be reviewed by the responsible manager (or their delegate) at least biennially or when a specific need arises.

### **Training**

It is important that all FIG managers and employees understand their responsibilities relating to complaint handling and therefore it is proposed that all FIG managers and frontline employees are to carry out the Civil Service Learning e-module on Complaints which FIG will support with an internal program of training on the specific policies on a regular basis and following any updates.

### **Learning**

FIG recognises that complaints can be a good source of information for improving services therefore all procedures require Directors to monitor complaints and use these to improve service delivery where possible.

## **Protection**

All concerns will be treated in confidence and every effort will be made to protect the identity of the person raising the concern. The presumption will be that the discloser's identity should be protected and it will not be disclosed without the discloser's permission.

## **Conflicts of interest**

Should a conflict of interest occur within the usual procedure for any complaint the procedures require the Director to consult with the Director of HR, Financial Secretary and Attorney General, as relevant, to advise on the appointment of a peer Director to manage any investigations.

# **Specific procedures**

## **Corporate Complaints Procedure**

FIG values complaints and uses information from them to help improve services. If a member of the public is dissatisfied with FIG services this policy should be used to make a complaint. Complaints can be in the following areas:

- delays in responding to enquiries and requests
- failure to provide a service appropriately
- standard of service
- treatment by or attitude of a member of staff
- failure to follow proper procedure
- non-compliance with legislation or approved government policy.

## **Grievance, Bullying and Harassment Procedure**

The purpose of this policy & procedure is to provide a constructive mechanism where issues in relation to work, the working environment or with working relationships can be raised and addressed by employees (if such issues cannot be resolved informally by members of staff themselves).

## **Anti-fraud and Anti-corruption Procedure**

The policy provides information for all officers on their rights and responsibilities with regard to raising concerns and the investigation of allegations of fraud and

corruption and guidance to staff and the public on action to be taken where they suspect any corrupt or fraudulent activity within government.

### **Whistleblowing Procedure**

The Government expects officers (and provides the opportunity to those outside FIG) who have the most serious of concerns about any aspect of its work to come forward and voice those concerns internally within the Government rather than overlooking the issue or “blowing the whistle” outside. This policy gives individuals the confidence to raise serious concerns without fear of victimisation, discrimination or disadvantage, if they have done so in good faith. Concerns that are not of the most serious nature should be raised under the Corporate Complaints Procedure.

## **Annex A Guidance in categorising complaints as vexatious**

As a general rule, you should not take into account the identity or intentions of a requester when considering whether to respond to a complaint. You cannot refuse to investigate a complaint simply because it does not seem to be of much value. However, a minority of complaints can threaten to undermine the credibility of the complaints procedure and divert resources away from more deserving complaints and other public business.

You can refuse to investigate a complaint when a complaint is categorised as vexatious. When assessing whether a complaint is vexatious, you should take into account the context and history of the complaint and the organisation's previous contact relating to the matter. The decision to refuse to investigate a complaint often follows a long series of requests and correspondence.

The key question to ask yourself is whether investigating the complaint is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation.

You should be prepared to find a complaint vexatious in legitimate circumstances, but you should exercise care when refusing someone's rights in this way. Some indicators are listed below however, the fact that a complaint has one or more of the characteristics listed above does not necessarily mean it that it is vexatious. Some factors will be easier to evidence and support than others. It is also important that factors are considered on the circumstances of each individual case; the strength of the factors will vary in importance depending on the case.

### **Indicators (not listed in any order of importance)**

#### **Abusive or aggressive language**

The tone or language of the individual's correspondence goes beyond the level of criticism that FIG or its employees should reasonably expect to receive.

#### **Burden on FIG or the taxpayer**

The effort required to meet the complaint will be so grossly oppressive in terms of the strain on time and resources, that FIG cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.

**Personal grudges**

For whatever reason, the individual making the complaint is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.

**Unreasonable persistence**

The individual making the complaint is attempting to reopen an issue which has already been comprehensively addressed by FIG, or otherwise subjected to some form of independent scrutiny.

**Unfounded accusations**

The individual complaining makes completely unsubstantiated accusations against FIG or specific employees.

**Intransigence**

The individual complaining takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with FIG.

**Frequent or overlapping complaints**

The individual complaining submits frequent correspondence about the same issue or sends in new complaints before FIG has had an opportunity to address their earlier complaints.

**Deliberate intention to cause annoyance**

The individual complaining has explicitly stated that it is their intention to cause disruption to FIG, or is a member of a campaign group whose stated aim is to disrupt FIG.

**Scattergun approach**

The complaint appears to be part of a completely random approach, lacks any clear focus.

**Disproportionate effort**

The matter being pursued in the complaint is relatively trivial and FIG would have to expend a disproportionate amount of resources in order to deal with their complaint.

**Frivolous complaints**

The subject matter is inane or extremely trivial and the individual complaining appears to lack any serious purpose. The complaint is made for the sole purpose of amusement.