



Parole Commissioners  
for Northern Ireland

# Commissioners' Procedural Guidance for Complaints

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*Parole Commissioners for Northern Ireland*

Guidance for Investigating and Resolving Complaints.



## **TABLE OF CONTENTS**

<b>1.</b>	<b>Glossary of Terms</b>	<b>2</b>
<b>2.</b>	<b>Introduction</b>	<b>2</b>
<b>3.</b>	<b>Guiding Principles</b>	<b>3</b>
<b>4.</b>	<b>Submitting a complaint</b>	<b>3</b>
<b>5.</b>	<b>Response Times</b>	<b>3</b>
<b>6.</b>	<b>The Procedure</b>	<b>4</b>
<b>7.</b>	<b>Action to be taken on receipt of a Complaint</b>	<b>4</b>
	<b>Reporting of Complaints and the role of the Parole Complaints Officer</b>	<b>4</b>
	<b>Formal Complaints Procedure</b>	<b>5</b>
	<b>Right to Review</b>	<b>5</b>
<b>8.</b>	<b>Outcomes</b>	<b>6</b>
<b>9.</b>	<b>The Investigating Officer</b>	<b>7</b>
<b>10.</b>	<b>Joint Responsibilities</b>	<b>7</b>
<b>11.</b>	<b>Protection of Staff/Commissioners</b>	<b>7</b>
<b>12.</b>	<b>Future Amendments to the Procedure</b>	<b>8</b>
<b>Annex A</b>	<b>Complaints of a ‘Serious’ nature</b>	<b>9</b>
<b>Annex B</b>	<b>Complaints Form</b>	<b>10</b>

## 1. GLOSSARY OF TERMS

**DOJ** – Department of Justice

**IO** – Investigating Officer – a Commissioner appointed by the Chief Commissioner to investigate the complaint. This Commissioner will have played no part in the matter complained about.

**NICS** – Northern Ireland Civil Service

**NICTS** – Northern Ireland Courts and Tribunals Service

**PCNI** – Parole Commissioners for Northern Ireland

**PCO** – Parole Complaints Officer (Deputy Secretary to the Parole Commissioners) – co-ordination role

## 2. INTRODUCTION

2.1 The Parole Commissioners for Northern Ireland (PCNI) want to ensure that they listen to feedback, of both a positive and negative nature, and learn from this to improve their service. An important way of doing this is through their complaints procedure.

2.2 Every individual has the right to complain if they are not satisfied with the service provided by the Commissioners or their staff. The definition of a complaint is any written or spoken expression of dissatisfaction by any individual or organisation about the service provided. A justified complaint is one where there is substance in the allegation made by the person complaining.

2.3 The Commissioners have established a clear procedure for the reporting, investigating and management of all complaints received about its services. The procedure is explained in detail in this document. The complaints procedure relates exclusively to PCNI and is issued to a complainant upon receipt of a complaint and also upon request. A guide for formal complaints is also available on the PCNI website. [Parole Commissioners for Northern Ireland \(parolecomni.org.uk\)](http://parolecomni.org.uk)

2.4 ***This procedure may not be used to challenge a decision made by the Commissioners. Complaints that concern a Commissioner's decision in a case, or the reasoning behind such a decision, cannot be considered under the complaints policy.*** To safeguard the principle of the Parole Commissioners' independence and the effective operation of the system, such decisions can only be challenged through established legal procedures, for example by Judicial Review. This process is concerned with complaints about the conduct of Commissioners acting in their official capacity. This procedure should not be used when dealing with complaints about members of staff in PCNI (Secretariat). The Northern Ireland Courts and Tribunals Service (NICTS) has a complaints procedure which should be used for this purpose. Complaints about administrative staff should be directed to the NICTS at [complaints@courtsni.gov.uk](mailto:complaints@courtsni.gov.uk)

2.5 It is important that steps taken to investigate a complaint do not compromise or have an impact on ongoing cases. Therefore, the investigation of a complaint may be delayed pending the outcome of the parole hearing.

2.6 If the complaint relates to the Chief Commissioner, it will not be investigated internally by the PCNI. Any complaints against the Chief Commissioner should be referred to the Northern Ireland Courts and Tribunals Service (NICTS). If a complaint is to be investigated by NICTS it will fall under the NICTS timeframes and outcomes will be reported by NICTS. The Parole Complaints Officer (PCO) will advise the complainant that their complaint has been forwarded to NICTS for investigation.

2.7 The Commissioners' Complaints procedure will:

- Resolve complaints promptly and informally wherever possible;
- Treat complaints objectively and consider them thoroughly; and
- Learn from complaints and take action to improve services where possible.

### **3. GUIDING PRINCIPLES**

- Complaints will receive a full and unbiased investigation, with confidentiality being maintained at all times;
- Complaints will be dealt with fairly, honestly, consistently, effectively and without discrimination or regard to any irrelevant factor;
- In appropriate cases the emphasis will be on achieving an informal resolution followed up in writing detailing the agreed resolution;
- Complainants and the subject of the complaint will be kept informed of the progress of the investigation into the complaint; and
- Complainants with a disability or whose first language is not English, or who have difficulty with communication, will be given such reasonable assistance as is necessary to ensure they are able to participate fully in the complaints process.

### **4. SUBMITTING A COMPLAINT**

4.1 It is important complaints are made as soon as possible after the events(s) which led to the complaint. As a general rule, the Parole Complaints Officer (PCO) will only initiate an investigation on complaints that are made within three months of the event.

### **5. RESPONSE TIMES**

5.1 Complainants and any Commissioner subject to a complaint should be provided with a response at the earliest opportunity when a thorough investigation is completed. Every effort will be made to ensure that the timescales detailed in this document are met. Every complaint will be investigated thoroughly and if at any time deadlines are not going to be met, a letter will be sent to the complainant and any Commissioner subject to a complaint explaining why there will be a delay indicating a date when a response can be expected.

5.2 All complaints must be submitted in writing and every complainant will receive a letter of acknowledgement within five working days of receipt. A clear indication of the date the complaint was received will be included in the acknowledgement letter/e-mail.

5.3 The complainant and any Commissioner subject to a complaint should receive a full written response within 20 working days of lodging the complaint.

5.4 Should it not be possible to investigate the complaint and give a full written response within the above timeframes, the complainant will receive a letter clearly stating the reason for any delay and the date by which they can expect a full written response. This letter will issue within 15 working days of receipt of the initial complaint.

5.5 Should the complainant not be satisfied with the response from the Investigating Officer (IO) and request a review of the investigation we will aim to complete the review within 20 working days of receipt of this review request.

## **6. THE PROCEDURE**

6.1 It is essential that, when an investigation takes place, a full set of documentation is kept, including notes of interviews and statements made by Commissioners. The information collected about complaints will be retained appropriately in line with GDPR requirements. Personal data relating to any complaint will only be shared with other parties to the extent necessary properly to investigate the complaint. Personal data not related to the subject of the complaint will not be shared with other parties. In the interest of best practice and lessons learnt statistics on complaints will be considered for trends and areas in need of attention. Changes in practice or service delivery may occur as a result of a complaint investigation. It is the overall responsibility of the Chief Commissioner to ensure any change in practice or service delivery is implemented following a complaint investigations. Statistics on complaints will be published in the Commissioners' Annual Reports.

6.2 In many instances it may be possible for a complaint to be resolved quickly and informally, either by positive communication between the individuals concerned or through mediation by the IO. If the complaint is resolved in this way a follow up letter will be issued detailing the issues discussed and the agreed outcomes.

## **7. ACTION TO BE TAKEN ON RECEIPT OF A COMPLAINT**

### **Reporting of Complaints and role of Parole Complaints Officer**

7.1 The Deputy Secretary to the Commissioners is a member of staff of the NICTS and will act as the Parole Complaints Officer (PCO) for PCNI and will be the central point for the receipt and processing of complaints, unless the complaint is against the Commissioners' Secretary in which case the role of Complaints Officer will be undertaken by the Head of Division in Northern Ireland Courts and Tribunal Service (NICTS). All formal complaints should be made in writing and either e-mailed to [referrals@parolecomni.org.uk](mailto:referrals@parolecomni.org.uk) (using the attached template) or alternatively the completed template can be printed and posted to: PCNI Complaints Officer, 2<sup>nd</sup> Floor, Royal Courts of Justice, Belfast, BT1

3JF. The PCO will co-ordinate the investigation and remain the point of communication within the Commissioners' office for the complaint. Should the Deputy Secretary to the Commissioners be unavailable the Administrative Manager will progress the complaint in her absence.

### **Formal Complaints Procedure**

7.2 On receipt of a formal complaint the PCO will register the complaint, allocate a reference number (which should be used on all correspondence relating to the complaint) and open a complaint file. The complaint will be acknowledged in writing to the complainant within **five working days** of receipt, together with an identified date by which a response will be given.

7.3 All written communication to the complainant will be dealt with in confidence.

7.4 Where the complaint concerns a Commissioner, the PCO will refer the complaint to the Chief Commissioner who will appoint an IO, unless the complaint is against the Chief Commissioner in which case the complaint will be referred for investigation to the NICTS complaints officer.

7.5 The Chief Commissioner will appoint a legally qualified Commissioner to act as an IO. In the case of a complaint against a Commissioner, the nominated IO will be a Commissioner not having any connection with the circumstances surrounding the complaint or the case connected to it. The IO will liaise directly with the PCO who will coordinate responses.

7.6 Throughout the investigation, the IO and the PCO should maintain regular contact in order to monitor progression of the complaint. If at any time there is the potential for delay, the PCO must be informed immediately. At this stage they will arrange for the complainant to receive a letter explaining that the response is delayed and providing a date when a response can be expected.

7.7 The IO will prepare a report on his/her findings, detailing any additional evidence and he/she will write to the complainant detailing the outcome of the complaint. If appropriate, a follow up letter will issue from the Chief Commissioner detailing any remedial action taken although this will not be done until the expiry of the Right to Review period described below at 7.9.

7.8 If, at any point of the investigation the IO decides that the complaint is of a more **'serious' nature (see below at Annex A)** the IO will refer the complaint to the Chief Commissioner who will consider the complaint and if appropriate the Chief Commissioner will decide if the complaint should be referred to the complaints officer in NICTS for investigation. (Should the Chief Commissioner decide to investigate the serious complaint any review requests will be considered by the Complaints Officer within NICTS).

### **Right to Review**

7.9 Both the complainant and Commissioner/s who is/are the subject of the complaint will have 10 working days from notification of the outcome of the investigation to apply for a review of how the complaint was investigated to ensure all relevant points have been addressed. This is not a second investigation of the complaint. An application for review should be made in writing to the Chief Commissioner setting out full grounds for the review and a full written response will be issued within 20 working days of lodging the review request.

7.10 On completion of the review the Chief Commissioner will make a decision and advise the complainant and any Commissioner subject to a complaint of the outcome which will be final.

7.11 The complaint file, together with all documentation, statements, hand written notes and letters, will be retained by the PCO in line with GDPR and the PCNI retention schedules.

## **8. Outcomes**

8.1 The IO's decision will issue to the complainant and any Commissioner subject to a complaint and will set out whether or how far the complaint has been found to be substantiated. If appropriate, a follow up letter will issue from the Chief Commissioner advising of any remedial action.

8.2 The Chief Commissioner will consider the IO's decision and, if applicable, decide on appropriate action. The Commissioner's previous conduct may be taken into consideration when determining what action to take. A record will be kept of any sanctions imposed. Only those complaints which are upheld will be recorded on the Commissioner's personal complaints file.

8.3 In addition to an explanation and/or apology, one or more of the following may apply:

- No Further Action – this will apply where the complaint is found to be unsubstantiated and the Commissioner's conduct met the required standard.
- Advice/Training/Mentoring – the Commissioner will be given advice as to his/her conduct and how it could be improved in future and/or a recommendation that he or she undertake training aimed at improving the conduct in question. Arrangements may be put in place to facilitate a period of mentoring.
- Informal Warning – The Chief Commissioner will issue the Commissioner with an informal, written warning if his or her conduct is inappropriate but does not merit a formal warning.
- Formal Warning – The Chief Commissioner will issue the Commissioner with a formal written warning if his or her conduct failed to meet the required standard.
- Final Warning – The Chief Commissioner will inform the Commissioner in writing that his or her conduct has fallen so significantly or repeatedly short of the required standard, and that further misconduct could result in referral to a removal by the Department or the Minister.

8.4 As noted above, Commissioners' decisions may only be challenged through the established legal procedures and it may be necessary to delay investigation or determination of the complaint until such proceedings are concluded. A finding that a Commissioners' conduct failed to meet the required standard will not in any circumstances result in the decision in a case being overturned or altered.

## **9. THE INVESTIGATING OFFICER**

9.2 When the IO begins to investigate the complaint, it is recommended that the identified issues be clarified with the complainant and the subject of the complaint. This is best achieved by a telephone call or meeting(s) with the parties and/or their representative.

9.3 When investigating and seeking to resolve a complaint, the IO may need to consult records, talk to staff and or Commissioners and obtain written reports on events. Care will be taken to ensure that the investigation is comprehensive. A copy of the IO's decision will also issue to the Chief Commissioner. Consideration may be given to any previous conduct issues and on the completion of investigations into the complaint the Chief Commissioner will determine whether any sanctions should be applied.

9.4 Before starting an investigation, the IO should always be sure about the scope of the investigation and be aware of any special circumstances relating to the case.

## **10. JOINT RESPONSIBILITIES**

10.1 At times, complaints will be received which may require a response from another organisation who are also subject to the complaint. In these circumstances the IO will respond on matters for which they have responsibility and liaise with the PCO to ensure the complaint is forwarded to the relevant organisation for consideration and response. The IO's decision will also detail the issues which require a response from other organisations and confirm that their complaint has been forwarded to the organisation for their response. To ensure confidentiality the PCNI will comply with the principles of GDPR/LED when sharing personal data.

## **11. PROTECTION OF STAFF/COMMISSIONERS**

11.1 Commissioners and staff have a clear duty to provide assistance in the investigation/resolution of complaints.

11.2 Any Commissioner directly involved will be made aware of the content of the complaint and be given feedback on the progress and outcome. They will be shown any correspondence from a complainant which refers to them specifically. If a letter of complaint refers to more than one person, then they will be shown only that part of the documentation which relates to them.

11.3 All parties involved in the complaints process will be kept informed of the outcome by the PCO. As stated above all parties (complainant and subject of the complaint) will have 10 days from the notification of the IO's decision within which to write to the Chief Commissioner to apply for a review. This is a review of the process of the complaint investigation to ensure all relevant points have been addressed. Should the Chief Commissioner identify issues raised in the complaint that had not been investigated by the IO he may, depending on the complexities of the complaint, appoint two



Commissioners to assist him with the review of the complaint. Once the review is complete the decision of the Chief Commissioner will be final.

## **12. FUTURE AMENDMENTS TO THE PROCEDURE**

12.1 In the light of feedback and experience, this procedure will be updated and amended in line with accepted recommendations. It will be reviewed within three years of the date of introduction.

#### Complaints that need escalated to the Chief Commissioner

- Complaints where the IO has deemed the case to be serious; and
- Complaints which have been through the PCNI complaints process and the complainant remains dissatisfied and has requested a review.

#### Complaints that require escalation to the NICTS Complaints Review Officer

- Complaints against the Chief Commissioner;
- Complaints where the Chief Commissioner decides the seriousness of the complaint requires escalation.

#### **Categorisation of Complaints**

The following provides examples of the type of complaint that might be considered to be 'serious'. It is by no means an exhaustive list, and the decision will depend on the full circumstances of the case. The decision to categorise as serious will be made by the IO in consultation with the Chief Commissioner.

- Making exceptionally inappropriate remarks or questioning, such as comments on a person's religion or racial background, professional ability etc;
- Failure to disclose a serious and fundamental conflict of interest;
- Aggressive or violent behaviour;
- Inappropriate use of public funds.

The following are examples of the type of complaint that may be categorised as 'less serious'.

- Rudeness to Secretariat/Departmental/Prisons or Probation staff;
- Rudeness to parties at oral hearings;
- Insensitive behaviour, for example towards a vulnerable witness or a prisoner from a minority community;
- Rudeness to a member of the public at an official function.

## Complaint Form

Please read the Parole Commissioners *Procedure for Reporting, Investigating and Resolving Complaints* before completing and sending us this Complaint form. Your completed form can be submitted by post to The Complaints Officer, The Parole Commissioners for Northern Ireland, 2<sup>nd</sup> Floor, Royal Courts of Justice, Belfast, BT1 3JF , or by email to [mailbox.referrals@justice-ni.gov.uk](mailto:mailbox.referrals@justice-ni.gov.uk). When we reply to you we will provide you with a unique case reference number.

### Your details

Full name: Click here to enter text.

Organisation (if applicable): Click here to enter text.

Address: Click here to enter text.  
Click here to enter text.  
Click here to enter text.  
Click here to enter text.

Contact telephone number Click here to enter text.

Email address: Click here to enter text.

### Details about your complaint

Name of person(s) you are complaining about (if applicable): Click here to enter text.

Date of incident(s): Click here to enter text.

Where the incident(s) you are complaining about happened (if applicable): Click here to enter text.

***Please note that you should not complete this form if you wish to challenge/complain about a decision or the directions made by a Parole Commissioners panel or single Commissioner. If you wish to make this type of complaint you must do so by way of Judicial Review. Judicial reviews are not covered by the complaints policy. You may wish to seek legal advice on this process and the timelines that apply in legislation.***

If your correspondence is a complaint about the practice or conduct of a Parole Commissioner(s), then please continue to complete this form.

*Complaints under the complaints policy must be submitted within 3 months of the event occurring.*

## Details of your complaint

*Please provide details of your complaint.*

*Click here to enter text.*

(Please continue on a separate sheet if you need to)

**Is the case still ongoing?** Choose an item.

If the matter is ongoing then we would not normally investigate the complaint until conclusion of the case so that evidence is not prejudiced.

**Is there anyone who can provide further relevant evidence relating to your complaint? Please provide their contact details if you have them:**

*Click here to enter text.*

**What outcome are you seeking in response to your complaint? Please note that** *you cannot be awarded compensation, a new oral hearing or any change to Parole Commissioners decisions/directions from the complaints process.*

*Click here to enter text.*

**Date Form Submitted:** *Click here to enter text.*

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_