



Independent Review Service for Customer Complaints

ICRS ANNUAL REPORT

FOR THE PUBLIC SERVICES OMBUDSMAN FOR WALES

2016 - 2017

Fair, Impartial, Independent

Introduction

ICRS is the independent complaints review service for the PSOW. We were appointed to act as the Independent Review Service for Customer Complaints (IRSCC) from 1 December 2015 to provide a fair and impartial, independent service for the review of complaints made about the service provided by PSOW and their response to complaints. This report outlines the activities of the office during the last year and gives examples of complaints referred to us. It also explains how ICRS can make a meaningful contribution to improving customer service and experience.

Our role is to review individual complaints and settle matters by agreement or adjudication. Where appropriate, we can recommend that PSOW takes action to put things right for individuals or to improve the future quality of service. PSOW is committed to implementing our recommendations wherever practicable. This year we received only five referrals but two further referrals received last year were concluded.

When we receive complaints our first task is to assess whether or not they meet the criteria for acceptance. Our published literature makes it clear that we cannot accept complaints unless and until people have tried to settle matters through PSOW's internal complaints procedure. Further our remit is limited to dealing with complaints about process and customer service and we are unable to respond to complaints about decisions taken by PSOW in line with its statutory responsibilities. PSOW has an internal review process which facilitates a reconsideration of decisions, following which they can only be challenged through the courts by way of judicial review.

It is fair to say that people unhappy with decisions taken by PSOW often see this as a service complaint about the way that the Ombudsman has responded to the concerns they have raised about an organisation within PSOW's remit. This year all of our complaint referrals fell into this category and so, having identified this, we were unable to take these complaints forward. Nevertheless, contact with ICRS may still help people to understand what has happened and to move forward, as we can offer a balanced and informed view of whether PSOW has followed procedures and adhered to the standards to be expected.

The introduction of an independent complaint review process demonstrates the Ombudsman's wish to be open and accountable in relation to its process and actions. PSOW is keen to learn from its complaints and feedback, which can act as a catalyst for change and improvement. We hope to support PSOW in this effort in the coming year.

Jodi Berg OBE

The ICRS service

ICRS aims to achieve impartial and fair settlement of complaints, and to make a positive difference for PSOW and the public now and in the future. If people are dissatisfied with the PSOW's final response to their complaint, they can refer it to ICRS at no cost to them. Our remit is to look into complaints about maladministration, or how PSOW has handled things.

There are limitations on our role:

- ICRS can only investigate a complaint after PSOW's internal complaints process has been concluded
- we are only able to investigate complaints about the conduct of PSOW for example about delay, discourtesy or inefficiency
- we cannot investigate complaints about decisions
- we cannot investigate complaints against organisations within PSOW's remit

Complainants can refer their complaint to ICRS via PSOW or directly. If the internal complaints process has been completed, we ask PSOW for the information so that we can consider the issues. Before embarking on a full review we will always explore the possibility of resolution by agreement between the complainant and the PSOW. If resolution is not possible, and the complaint falls within our remit, ICRS will carry out a review unless it appears, in all the circumstances, that this would be unreasonable or disproportionate.

If a complaint is upheld or we identify other concerns, we will make recommendations to PSOW, either for specific redress, such as an apology, or for improvements to its systems and processes to reduce the risk of similar complaints arising in the future. Our aim is to bring matters to a final close for both the complainant and PSOW. We may not be able to give a complainant the result they want, but we always try to understand their perspective and ensure that they end up with a better understanding of what happened in their case and why. ICRS is also able to offer people advice and assistance to help them to resolve matters informally or to explain how they can take forward their complaints in the appropriate way.

ICRS welcomes customer feedback and complaints as an essential part of helping us to improve our own service. All complaints are taken seriously and responded to quickly by an ICRS Reviewer who has not dealt with the complaint previously. We do our utmost to provide a good service and, where reviews are undertaken, to provide a comprehensive and just report.

Facts & Figures

The following statistics show the number of referrals received during the last year, including information on the number of complaints closed in the year.

Statistics - Cases Received

Only 5 cases were referred to ICRS during the reporting year and 2 more received in the previous year were concluded. To date we have been unable to accept any cases for review because they did not fall within our remit. This year our referrals were about decisions taken by PSOW. Nevertheless, our responses to complainants reflect knowledge and expertise within ICRS in relation to the way in which PSOW works and its own internal procedures, and also clarity as to what we can do to help complainants.

Response to recommendations arising from an overview of referrals

Last year we recommended that PSOW should:

- Provide clarity regarding the role and limits of internal complaints and review processes and possible routes forward at the beginning of the process.
- Ensure that the option of referring complainants to ICRS is explained in all final complaint responses with a brief explanation of the limitations of the service

We are pleased to report that it is clear from correspondence reviewed in the current year that PSOW has taken this feedback on board and has been clear about process in all its responses and, as a result, complaints have not been referred prematurely, although people have known how to take matters forward when needed.

Key Themes

Dissatisfaction with PSOW decisions

It is inevitable that not every complainant will be satisfied by the outcome of their referral to PSOW. Where there is a complaint about a public service, most people would naturally wish PSOW to understand their perspective on the matter and agree with them that what has happened to them amounts to maladministration. If this is not possible complaints against PSOW may then arise because people take the view that if their complaint has not been upheld, it is because of some failing on the part of PSOW. This is also true in some cases where PSOW decides not to undertake a comprehensive investigation because a complaint does not reflect maladministration on the part of the organisation concerned. In this situation, providing an explanation of why this is the case to aggrieved complainants can frequently be very difficult and can be assisted by clear information about how PSOW's assessment process works.

This year our referrals included:

- Concerns raised by a member of the public dissatisfied with PSOW's decision not to investigate their complaint about the service received from a GP Practice and with the Practice's decision to remove them from their practice register
- A complaint about PSOW's decision not to take forward a complaint about reported discourtesy on the part of a local council's employees towards the complainant
- Concerns raised about PSOW's decision not to reopen historic complaints about the Welsh Assembly Government, a local council and a local health board

Costs

The cost of the service provided by ICRS in the reporting period was £1687.50 plus VAT. This inclusive figure covered complaint review, the provision of general advice and assistance to complainants and visits to PSOW. We keep administrative costs to an absolute minimum, and focus resources on complaint investigation and overview functions. The service cost reflects our determination to deliver value for money.