

I AM A VICTIM AND I WANT TO MAKE A COMPLAINT



ADVICE FROM THE VICTIMS' COMMISSIONER

I know that making a complaint can often be quite a traumatic experience, and even more so when you are still coming to terms with the crime that has made you a victim in the first place. This is why I thought it would be helpful to put together some advice on how to make a complaint and what happens afterwards.

My 'Review of Complaints and Resolution for Victims of Crime' highlighted that as victims, people can sometimes be put off from making a complaint. I want to change this – if something isn't being explained to you properly, or you feel that you have been treated unfairly or in a rude manner, you have a right to complain. You have a right to be treated with dignity when you do make a complaint, and you have a right to be treated with respect.

CAN I MAKE A COMPLAINT?

Yes, absolutely – you have every right to make a complaint as a victim of crime. The Code of Practice for Victims of Crime (the Victims' Code) sets out your rights, which includes making a complaint. The agencies and service providers who will handle your case are responsible for answering your complaint and making sure that any concerns you have are dealt with in the best way possible.

You can make a complaint formally to that agency or provider or, if you didn't want to make a formal complaint, you should still be able to raise a concern or contact them for answers to any questions you might have.

You shouldn't be put off from making a complaint by an agency or service provider. They have a responsibility to handle any concerns or complaints that they receive and should do this in a professional manner.

WHAT CAN I COMPLAIN ABOUT?

Firstly, it is important to identify if your complaint relates to an outcome in the case relating to you, or if your complaint is about other issues surrounding the case. This separation is important because the ways in which you can complain, and what happens as a result, are very different.

Complaints about decisions or outcomes

If your complaint relates to a decision or outcome that you are not happy with there will unusually be an appeals route. Examples of this type of issue might include:

- whether the police have decided to refer a case to the Crown Prosecution Service (CPS) for a charging decision;
- the CPS' charging decision (whether it is a lesser charge or a decision not to charge);
- the sentence the offender might receive after appearing in court; or,
- the decisions the Parole Board make about a prisoner's release conditions.

These actions are ones that happen by law and mean that if you don't agree with them you will be able to make an application or a request to have that decision or outcome looked at again. This could be by the agency or service provider, or by the court. The agency or service provider should provide you with details of how you can lodge an appeal and what will happen after you request one.

Complaints about the way your case was handled

If your complaint relates to other issues connected to your case – for example, no responses to questions raised, lack of communication or information updates, rudeness by staff, etc, your complaint will be handled outside the appeals process and will be dealt with by the agency or service provider as a 'complaint'. All agencies and service providers under the Victims' Code have complaints procedures in place which you can access, to find out where and how you can make one. The agency or service provider concerned should give you this information to make sure you know what to do if you want to make a complaint.

HOW DO I KNOW WHERE TO MAKE MY COMPLAINT?

When you have been put in touch with a certain agency or service provider following a crime against you, they should also provide you with information on who to contact and how you can contact them if you have any questions, concerns, or want to make a complaint. If you don't receive this information, you are entitled to go back to that agency or service provider and ask for those details.

They should provide you with information on how you can make a complaint and what they will do in order to respond to your complaint. They should also provide you with information about their complaints process, and what you can do if you aren't happy with the response that they have provided.

HOW SHOULD I MAKE MY COMPLAINT?

Agencies and service providers do want to help when you have made a complaint, or raised any concerns with them. Sometimes the way in which a complaint is communicated to them can make all the difference. It can help to try and have the main point of your complaint summarised in the first sentence of a letter or email, and then provide the details. For example, if you wanted to complain about the way in which you were treated by a member of staff from one of the agencies, you could start your complaint by explaining that you felt you were not treated fairly, or properly, by a member of staff. You can then go on to describe what happened to make you feel like that. This type of explanation can help an agency or service provider understand exactly what it is they need to address, and then hopefully provide you with a better answer.

Another example might be if you feel that you haven't received the information that you were expecting from an agency. Again, you could explain what it is that you were told or you were expecting in the first sentence and then go on to explain how the lack of that information has impacted on you. This will again help the agencies understand how they can provide you with an answer, but also help to possibly prevent that same thing happening again.

This approach can also be used if you wanted to raise a concern and not make a formal complaint. Summarising what the issue is and then explaining the way it has impacted on you (if appropriate) can help the agency direct how they can deal with it to find you an appropriate resolution.

However, this approach might not always work and agencies might not fully understand what the issue is. If that does happen, it might sometimes be helpful to speak to someone and explain it to them. You may find it helpful to provide agencies with a full account about the complaint, but in fact this can sometimes have the opposite effect and give them too much information that is not easy to sort through. Anything which helps the agency understand what has happened will most definitely help them to find a resolution for you.

WHAT WILL HAPPEN WHEN I MAKE MY COMPLAINT?

When you make your complaint, or raise a concern, you should receive an acknowledgement that your complaint has been received by the agency or service providers, and you may also be told about when to expect a full response.

Your complaint should be dealt with as quickly as possible by the agency or service provider, and should fully address all your points of concern. You should also be given information about the options open to you for example, if you aren't happy with the response or feel that it hasn't properly addressed your complaint. If you don't receive this, you should ask for this information.

WHAT SUPPORT WILL I HAVE IF I SPEAK A DIFFERENT LANGUAGE OR NEED OTHER SUPPORT TO MAKE COMPLAINT?

All agencies and service providers listed under the Victims' Code should treat all victims of crime in a respectful, sensitive and professional way; whether this relates to reporting a crime or making a complaint. This means that any special support you need must be given to you.

For example, if you speak another language, or are not able to fully understand English, the agency or service provider should do all they can to provide you with information in a language you can understand. The agencies and service providers should make you aware of the other languages or formats you might need information in – if you don't receive this information, you should ask for it. You shouldn't be put off making a complaint because of a language barrier.

The same applies to information in other formats, for example - for text to be made available in Braille, easy-read or large print, or in audio formats. If your preferred format isn't provided to you automatically, you should always ask for it.

If you need help with writing your complaint, or to understand the processes that have taken place, you may find it helpful to talk to the agency or service provider concerned. Sometimes, having a conversation with a member of staff from that agency can help you understand what has happened in your case, and might help you decide if you do want to make a formal complaint or not. Depending on the issue, it can sometimes be quicker to have your concern or complaint resolved over the phone, so that you don't have to wait so long for a resolution. Of course, this will only be the case for certain complaints, not all of them can be resolved in this way.

WHAT CAN I DO IF I AM NOT HAPPY WITH THE RESPONSE TO MY COMPLAINT?

When you received the response to your complaint, the agency or service provider should have also provided you with details on what you can do if you weren't happy with the response. If you didn't receive this, you should go back to the agency and ask for this information. If you don't want to contact the same person again, almost all of the agencies have this information available on their website and can be easily found.

All agencies and service providers have a second stage or level of complaint in place which means that your complaint will be looked at by someone who has not had any involvement so far. This person will provide you with a response after going through all the information that was received about your original complaint.

If you are still not happy with the response that has been provided, or with the way in which your points have been addressed, some agencies and service providers have a third stage or level of complaints handling that you can contact. This person will be again someone who hasn't been involved in the handling of your complaint.

It is worth pointing out that not all agencies and service providers have a third stage or level of complaints handling. So, if you remain unhappy with the way your complaint was handled, after going through all the agency's stages of complaints handling, you have a final option of where to direct your complaint for a response: the Parliamentary and Health Service Ombudsman (PHSO).

The PHSO is an independent body which deals with complaints relating to public organisations across England and Wales. Their job is to investigate complaints where there has been or might have been an administrative fault or failure in service which has led to an injustice. The PHSO will investigate cases to make a decision on the complaint itself – they won't conduct an investigation to make up for an agency's bad investigation of your complaint.

The agency or service provider handling your complaint should tell you about the PHSO and how you can contact them; this will normally happen after you've been through all the stages of their complaints process.

CAN MY COMPLAINT MAKE A DIFFERENCE?

Some complaints can make a real difference to the way that agencies and service providers manage their services to victims. By raising a concern or submitting a complaint, victims are in a way providing feedback to say that they aren't happy with the service that's been delivered. The complaint gives the agency or service provider a good opportunity to change that and improve the way in which they do things.

In some cases, where more than one complaint has been made, it could lead to a much larger change in service provision. Some agencies also have a section on their websites where they accept any comments or feedback on other issues which aren't necessarily complaints, but things they could change for the better.

Some agencies and service providers are also quite keen to draw on victims' experiences on how they can improve their complaints policies – if you do have any suggestions on how they could improve what they do, I'm sure they would welcome your feedback.

