

Service complaint policy:

How to raise a complaint if you are dissatisfied with our service

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Purpose of policy

The ICO aims to provide a high quality and consistent service to all our service users. However, we recognise that there will be occasions when people or organisations are not satisfied with the service we provide.

This policy will:

- set out the principles of our approach to responding to service complaints; and
- support the process for responding to service complaints.

Policy aims

The ICO aims to address issues quickly and informally, without the need to make a formal complaint. If a customer remains dissatisfied with the actions we take and wishes to complain formally, we will aim to:

- make the complaint process easy and accessible where possible;
- deal with all complaints efficiently and courteously;
- provide a simple procedure and keep the customer updated; and
- provide a clear explanation and response within set time-limits.

Policy statement

The ICO is committed to providing a professional, fair and courteous service to the public. A key component of this is to promptly investigate and deal with complaints about its services with the view to resolving and learning from complaints.

Dealing with complaints effectively and efficiently is a core element of the ICO's commitment to service excellence and improvement.

At all stages of the complaint process, the ICO looks to contact the customer by their preferred method of contact to understand the reasons for the complaint and agree a way forward.

What is covered by the policy

This policy applies to complaints submitted regarding the ICO. For the purpose of this policy, we define a service complaint as "an expression of dissatisfaction about the service provided by the ICO or about the professional conduct of ICO personnel, or both."

The types of service complaints that we can consider are:

- poor service by the ICO;
- behaviour of ICO staff; and
- failure to follow an ICO policy or procedure.

What isn't covered by the policy

This policy does not cover complaints about the outcome of an ICO's decision.

If the complaint is about a regulatory decision that the ICO has reached, there are specific legislative or formal resolution channels that you must follow. For example, disagreements with the outcome reached following a data protection complaint referral are not treated as service complaints. These are reviewed by a reviewing officer, and follow the case review process. You should seek independent legal advice in these circumstances as the Parliamentary and Health Service Ombudsman (PHSO) has no legal basis to instruct the ICO on these matters.

Also, if you disagree with a decision notice issued about a Freedom of Information Act complaint, the law does not allow us to review our decision. Instead, you can appeal to the First-tier Tribunal (Information Rights). Their contact details are:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
Leicester,
LE1 8DJ

Tel: 020 3936 8963

Email: grc@justice.gov.uk

If your enquiry or complaint relates to a legal matter, including a civil claim for damages, it will be directed to the ICO legal team.

This policy would not normally cover service complaints we receive beyond three months of an issue being identified. This is because waiting longer than that could affect our ability to look into your complaint about our service.

Equality

The ICO is committed to treating everyone fairly when dealing with complaints. In line with our obligations under the Equality Act 2010 and the Public Sector Equality Duty, we will not discriminate against or treat anyone less favourably on the grounds of:

- race;
- age;
- nationality;
- ethnicity;
- religious belief or non-belief;
- disability;
- gender;
- gender identity;

- sexual orientation; or
- marital status.

In addition to the protected characteristics above, the ICO recognises the additional protected characteristics listed in section 75 of the Northern Ireland Act, which are:

- political opinion;
- those with dependents; and
- those without dependents.

Principles

You can expect us to treat you with courtesy, respect and fairness at all times. We expect that you will treat our staff with the same courtesy, respect and fairness.

You should clearly state what the issues or concerns are that you would like the ICO to address and specify what resolution you are seeking. Where possible, all ICO staff endeavour to resolve complaints to your satisfaction informally at the first point of contact.

We invite anyone who remains dissatisfied with any informal resolution our front-line staff or managers provide to formalise their complaint in writing. ICO staff can help you by recording details of the complaint on your behalf if necessary.

To provide a fair and impartial complaint handling service, this policy provides an internal escalation route. This is to ensure that the earlier handling of the complaint is looked at "with fresh eyes". It also determines if the findings and resolution are fair, proportionate and reasonable.

The ICO endeavours to respond to complaints using your preferred mode of communication. Where this isn't specified, the ICO would usually respond using the same method of communication used to raise the complaint.

Internal service complaint review process

Service review

We will acknowledge a service complaint within 14 calendar days and in most cases we will aim to respond fully within 30 calendar days.

Where the complaint is complex, unclear and/or multiple issues have been raised, we may ask the complainant to agree the scope of the complaint. Upon receipt of an agreed complaint statement, we will respond to the service complaint within 30 calendar days. Complex complaints may take longer to investigate.

If we cannot issue a response within 30 calendar days, we will provide regular updates and a target date by which we aim to issue the response. Unless there

are legitimate reasons to extend the investigation period for complex cases, a response for complex cases should be issued within six weeks.

Assurance review

Upon escalation from the Service review stage, a reviewing officer will clarify with the complainant which aspects of the complaint they remain dissatisfied with.

The reviewing officer will endeavour to resolve any outstanding issues to the complainant's satisfaction. When the final response is issued, the reviewing officer will advise the customer how they can seek to escalate their complaint externally to the Parliamentary and Health Services Ombudsman (PHSO), if the customer remains dissatisfied with the resolution provided.

We will aim to issue a final response within 30 calendar days.

External complaint review stage

If you remain dissatisfied following the ICO's internal complaint resolution policy, you can request an external complaint review.

To request an external review, the complainant can contact their MP and request that they refer the matter to the PHSO to investigate their complaint.

Further information

At all levels of complaint-handling, the ICO ensures that lessons are learned and any recommendations made are followed up on to minimise the risk of similar complaints.