

SERVICE MODEL - SHOULD WE LOOK INTO YOUR CASE

Purpose Statement: Establishing if there is a case to answer and considering whether we should investigate. Resolving cases where possible and making proportionate and fair decisions.

METHOD		
Overview	Actions	Behaviours/Working Practices
<p>Is there another dispute resolution forum?</p>	<ul style="list-style-type: none"> • Consider whether another regulator/complaints handler/investigating organisation is more appropriate to consider the complaint (for example, a complaint about data protection issues may be more appropriately looked at by the Information Commissioners Office). • Signpost the complainant to the other organisation. 	<ul style="list-style-type: none"> ➤ I will make contact either by telephone or in writing within two weeks. ➤ I will gather information efficiently, timely and proportionately. ➤ I will inform and engage the complainant and organisation concerned about what PHSO is doing with the complaint. ➤ I will see if there is an opportunity to resolve the issues quickly and effectively. ➤ I will proactively give updated, realistic timeframes to all the parties. ➤ I will make prompt decisions and be proactive in my approach. ➤ I will clearly explain decisions and how they were reached to both the complainant and organisation complained about. ➤ I will ensure I have a detailed understanding of the complaint to ensure seamless service for complainant ➤ I will look after the information I am entrusted with and be fully compliant with our records management policies. ➤ I will take a planned and proactive approach to managing my workload to the required standards.
<p>Any other reason not to investigate?</p> <p>Note: We are more likely to investigate the following types of case:</p> <ul style="list-style-type: none"> ○ Potentially avoidable death. ○ Cases concerning wider public interest issues. ○ Cases regarding serious failures. 	<ul style="list-style-type: none"> • Consider the following: <ul style="list-style-type: none"> ○ Are there any indications of maladministration or service failure? ○ Are there are indications of injustice flowing from the maladministration or service failure? ○ If so, is the injustice still unremedied? • If the answer to all of those questions is yes, then there is a presumption that we will investigate the complaint, unless there is a good reason not to. Reasons why we might not investigate: <ul style="list-style-type: none"> ○ If there is a quicker, more proportionate way to resolve the complaint; ○ If the outcome sought is not reasonable in relation to the claimed injustice; ○ If the outcome sought is not achievable; ○ That an investigation would not be practical, would not reach a satisfactory conclusion and there would be no value in providing that response through an investigation; and ○ That the nature/theme of the complaint is one that may not be appropriate for PHSO to investigate. 	
<p>Resolution</p> <p><i>Can we deliver an answer or outcome that we consider fully resolves the current customer request.</i></p>	<ul style="list-style-type: none"> • Consider the following: <ul style="list-style-type: none"> ○ Are there compelling reasons for the organisation to carry out further work? ○ Age of the complaint - Generally, the older the complaint and the longer it has already spent at local level, the less reasonable it will be to send the case back. ○ Confidence in the organisation providing resolution/good outcome - Are we confident that the organisation has a good chance of providing the resolution/outcome the complainant is seeking? ○ Complainant's circumstances - is it reasonable to expect the complainant to go back to local level? • When a case is resolved at this stage, we must make the following points clear in our contact with both the organisation and the complainant: <ul style="list-style-type: none"> ○ What the organisation is going to do and who will be responsible. ○ The agreed timescale for the work. ○ We should also tell the complainant that they should return to us promptly if they are unhappy with the outcome of the further work. 	
<p>Proposal to Investigate</p>	<ul style="list-style-type: none"> • Proposal to investigate letters issued to organisation, individual complained about, complainant and any other party in writing (includes email), setting out our proposed investigation, asking for comments on allegations and explaining any part of the complaint we will not be investigating. 	<ul style="list-style-type: none"> ➤ I will accurately record all actions and decisions on the casework management system.
<p>Milestone 1 - Investigation Allocated. Press once actions completed.</p>		

Outcomes produced

- i) Statement of reasons why a case does not pass general discretion tests; or
- ii) Resolution (further work to be done by organisation); or
- iii) Decision to accept in principle for investigation.

Service Standards	Quality Assurance
• TBC	• TBC

What good looks like:

- Ensuring PHSO takes a proportionate approach to each case it receives by identifying case types upfront and sorting cases accordingly.
- Ensuring best use of our resources via sorting cases by type and assigning to experts in that area.
- Making sure cases we are likely to investigate progress with the minimum of delay.
- Ensuring complainants get an answer on their complaint from PHSO sooner.
- Promoting more emphasis on resolving cases without the need for a formal investigation wherever possible.
- If we make enquiries with the organisation, we will keep them informed of progress and let them know when we have made a decision.