

Complaints Panel Procedure - guidance notes

The process of handling and investigating a complaint is as follows:

1. When you get in touch, the Greffier or the Caseworker will contact you to obtain a short summary of your complaint and any supporting evidence. This evidence could include emails, letters or any documents relevant to your case. **Should you need assistance summarising your case our team will be happy to assist you.** At this point we will also inform you of the next steps and advise you that your case may not automatically proceed to a hearing, however support and alternative pathways are always given to ensure that you have further options.
2. After your case summary has been finalised, we will write to the Minister or Department concerned asking for their response and will send the summary and all the papers you have submitted. (They are usually given **3 weeks** to respond with evidence that you have exhausted the internal complaints procedure and their further submission to the Panel).
3. Once both submissions have been received this pack will be sent to the Chair of the Panel and 2 independent members for review. These members will be selected randomly, taking account of any conflicts of interest. Please note that whilst it is not normally at this stage that the response from the Minister is shared with you, it is possible to request access to this, should you wish. Otherwise, you will receive the Minister's response as part of the bundle for any hearing which may be convened.
4. Your documents and the Department/Minister's submission will then be considered by all 3 Panel members to discuss whether the complaint is within the remit of the Panel and requires a further hearing. **Please note that whilst all 3 members will provide their comments, the decision rests with the Chair.** The Panel will also consider if the matter could be resolved informally through intervention or mediation. (This will usually be reviewed within **3 weeks**; however some more complex cases may require further time to consider).
5. As soon as the Chair has responded, we will write back to you with their final determination.
6. If the Chair has determined that the matter does not warrant a hearing, you will have **a month** to request that the case be reviewed by the 2 Deputy Chairs. If you wish for this to happen, they will consider whether they disagree with the Chair and that a hearing should take place, or if there is an opportunity for an alternative resolution. (Again, this usually takes around **3 weeks** depending on the details of the case).
7. If either the Chair or Deputy Chairs, following a review, feel that the case requires a hearing, you will be informed of the date (which will usually be no more than **6 weeks** later) and both yourself and the Department or Minister will have the opportunity to provide any additional supporting evidence. We will work with you to make sure that

you are fully aware of the procedure for the hearing and are comfortable with the process.

8. A public hearing will then be convened by a Board of members of the Complaints Panel who have no conflict of interest in the matter, led by the Chair or one of the Deputy Chairs if it was called following a review. Both parties are welcome to bring representatives to the hearing, but the names of those who wish to participate in the proceedings must be advised in advance if they wish to speak. The bundle of papers relating to the case will be circulated **2 weeks** prior to the hearing and no new matters can be raised after that point, unless agreed by all concerned.
9. At the hearing, the Chair will welcome everyone and remind those present of the Board's remit and processes which will be followed. Every effort is made to ensure that all those participating are put at ease and the general approach is informal. This is not a Court process. The hearings are usually held in a meeting room within the States Building, Royal Square, St. Helier. The Chair will invite you and the Department or Minister to briefly outline your case. Both you and the Department or Minister and the Panel members present will be able to ask questions to ensure that the case is investigated fully. Once this has been done the hearing will close and the Board will retire to consider their findings in private.
10. The Minutes of the hearing will then be produced and circulated, without findings, to both parties to confirm factual accuracy. This is your chance to confirm the content but not an opportunity for either side to add in things they wish they had said, or counter points raised retrospectively. Once both sides have agreed the Minutes, the full report, complete with findings and recommendations, is sent under embargo to you and the Minister or Department as well as to the Privileges and Procedures Committee which endorses its publication as a formal Assembly Report, without comment. (The findings will usually be published within **6 weeks** of the hearing).
11. The Report will then be published, and a press release will also be issued for media circulation.
12. Whether the Board upholds a complaint or not, it is still usual for there to be recommendations made in order to enhance service provision and ensure that the issue or incident does not arise again. There is a timescale attached to any report's recommendations, which is normally set by the Panel at **12 weeks**. A formal response is published by the Minister concerned outlining acceptance or otherwise of the findings and explaining what action, if any, has been taken subsequently.
13. When the Ministerial response is published, there is a requirement for them to make a statement in the States Assembly and answer 15 minutes of questions in the Chamber afterwards. This gives the Minister the opportunity to provide a public apology, if appropriate, or to explain their position if they have chosen not to accept part or all of the findings, as well as explaining what recommendations have been implemented or action taken to resolve the complaint. If the Panel is not content with the action taken a further hearing is able to be convened.