



Home Office

# **Detention Services Order 03/2015**

## **Handling of Complaints**

November 2022



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# Document Details

**Process:** To provide instructions and guidance on the procedure for handling complaints from detained individuals in immigration removal centres (IRCs), contracted short-term holding facilities (STHF) (Home Office supplier operated); including holding rooms and residential short-term holding facilities, pre-departure accommodation (PDA) and during escort.

**Implementation Date:** August 2015 (updated November 2022)

**Review Date:** November 2024

**Version:** 2.0

## Contains Mandatory Instructions

**For Action:** Home Office staff, contracted supplier staff and healthcare staff operating in immigration removal centres, short-term holding facilities, pre-departure accommodation and escorting staff.

### For Information:

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**Processes Affected:** All processes relating to the handling of complaints relating to the detention and escorting estate.

**Assumptions:** Staff handling complaints have sufficient knowledge of the business areas to be able to substantively address the issues raised by complainants (including current and formerly detained individuals and legal representatives). Home Office staff are aware of the [Complaints Management Guidance and procedures](#) (UK Visas and Immigration, Immigration Enforcement and Border Force), the statutory duty under section 55 of the Borders, Citizenship and Immigration Act 2009 and have received appropriate training in safeguarding and promoting children's welfare (Keeping Children Safe Tier 1 and higher). All staff are aware of, and compliant with, UKGDPR and the Data Protection Act (DPA) 2018 in relation to the protection of and handling personal data.

**Notes:** This is a rebranded and updated version of the previous instruction and in addition, replaces the provisions for complaints set out in the published Operating Standards Manual for IRCs.

# Instruction

## Introduction

1. This detention services order (DSO) provides information for all staff and suppliers on the handling procedure for complaints raised by individuals detained within the immigration removal estate, including during escort. The complaints oversight function for Detention and Escorting Services (DES) is managed by the DES Complaints Team, part of Home Office Immigration Enforcement. The policy applies to all staff in Home Office immigration removal centres (IRC), pre-departure accommodation and contracted short-term holding facilities (STHF) (Home Office supplier operated), as well as escorting staff.
2. Two different Home Office teams operate in IRCs:
  - Detention and Escorting Services Compliance team (Compliance team)
  - Immigration Enforcement Detention Engagement team (DET)

The Compliance team are responsible for all on-site commercial and contract monitoring work. The DETs interact with detained individuals face-to-face within the IRCs on behalf of responsible officers. They focus on communicating and engaging with people detained at IRCs, helping them to understand their cases and detention.

There are no DETs at the Gatwick PDA or residential STHFs. The functions which are the responsibility of the DET in IRCs, are instead carried out by the contracted supplier in residential STHFs and overseen by the Immigration Enforcement Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of detention engagement is covered by the local Compliance Team.

3. Separate guidance covers wider Home Office complaints management procedures (UK Visas and Immigration, Immigration Enforcement and Border Force, including Border Force staff in short term holding facilities), including complaints made by children. Home Office staff will need to familiarise themselves with that guidance. Where those processes are mirrored within the immigration removal estate, they are not duplicated here but do apply. The guidance can be found at <https://www.gov.uk/government/publications/complaints-management-guidance-version-7>.

Questions and queries about the Home Office complaints procedure should be directed to:

Detention & Escorting Complaints Team Immigration Enforcement  
3<sup>rd</sup> Floor  
Apollo House  
36 Wellesley Road  
Croydon  
CR9 3RR

email: [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk)

## Purpose

4. This order will ensure that all Home Office, contractor and healthcare staff working within the Home Office removal estate are fully aware of the procedure for handling complaints from individuals who are, (and where appropriate, those who have been) detained in the immigration removal estate. It also clarifies the handling, investigating and escalation processes for complaints relating to different agencies or areas of service.

## Procedures

5. The Detention and Escorting Services complaints procedure is illustrated by flowchart in Annex B and a summary of the process can be found at Annex C.

## Principles for handling a complaint

### Definition of a complaint

6. Rule 38 of Detention Centre Rules 2001 and Rule 34 of Short-Term Holding Facility Rules 2018 provide for detained persons to make requests or complaints to the manager, visiting committee or Secretary of State of an establishment and require those requests or complaints to be responded to in accordance with procedures approved by the Secretary of State. The guidance set out in this DSO explains the procedure approved by the Secretary of State for handling complaints made by detained individuals. See Annex A for definitions of different types of complaint.
7. The definition of a complaint is '**any expression of dissatisfaction about the service we provide, or about the professional conduct of our staff and contractors**'.

8. In many cases, detained individuals would prefer an immediate response to complaints and, where something has gone wrong, putting the matter right and an apology is a good result. In those instances, local resolution may be the most appropriate approach, although escalation via the formal complaints procedure remains an option for the complainant. All formal complaints made using a DCF9 form [Annex D] or those in other formats must be processed in accordance with the complaints procedure set out below.
9. Detained individuals must be treated fairly, openly and with respect at all times and must not be penalised for making a complaint. The fact that a complaint has been made and is under investigation will not interfere with the consideration of the immigration aspects of an individual's case.
10. Complaints about the following issues will not be treated as complaints by Detention and Escorting Services but will be allocated internally to the relevant Home Office directorate for consideration as appropriate:
  - Immigration status and applications to stay in the UK;
  - Legislation;
  - Government policy;
  - Matters relating to disclosure of information under the Freedom of Information Act, Data Protection Act or General Data Protection Regulations (GDPR) 2018;
  - Complaints outside the responsibility of the Home Office or IRC supplier, such as those for other Government Departments;
  - Complaints lodged by an MP which will be treated as Ministerial correspondence (other than serious misconduct allegations which will be referred to Home Office Professional Standards Unit (PSU) for investigation));
  - Requests for transfers to an alternative place of detention are handled by our Detainee, Escorting and Population Management Unit (DEPMU) operational team. Complaints received in relation to the refusal of a transfer request will be investigated by the appropriate DEPMU management team (or a nominated delegate).

## Incidents of a criminal nature

11. If an incident of a criminal nature occurs, or an incident is suspected to be of a criminal nature, staff at the centre (the supplier or Home Office), should, without exception, immediately report this incident to the police, and a crime reference number or CAD reference should be obtained, recorded and passed to the victim. This should happen even if the detained individual neither wants it reported to the police nor to make a complaint. Any reporting to police should clearly identify the victim, perpetrator and any witnesses, if appropriate.



12. All allegations of a criminal nature must be reported to the police as soon as the allegation is made. Any such reports to the police made by staff at the centre following a verbal allegation would constitute a verbal complaint. In these cases staff must assist the detained individual in completing a complaint form which should be placed in a complaint box in the normal manner or passed directly to the Home Office Compliance team for onward transmission to the DES Complaints team who will record and allocate the complaint to the appropriate team to investigate. A complaint must be recorded and communicated through this channel to the DES Complaints team, even if the detained individual does not wish to make a complaint. The detained individual must be offered the opportunity to contact their legal representative in these cases.
13. For incidents of a criminal nature, this guidance must be used in conjunction with [DSO 02/2020 \(Commissioning reviews of serious incidents occurring in the immigration detention estate and during escort\)](#).

## Healthcare complaints (England)

14. Complaints relating to healthcare in IRCs in England will be handled under separate NHS complaints procedures and different timescales for investigation and response will apply. A healthcare complaint is classed as any expression of dissatisfaction about any NHS commissioned service in the IRC estate or about the attitude, behaviour or conduct of healthcare staff working in those establishments. This can include issues such as appointments with doctors (for example; delays, waiting times or cancellations), prescribing and medication issues (for example; changes, errors, delays or refusal to prescribe), delays in obtaining referrals and staff behaviour, attitudes and communication.
15. The definition of a healthcare complaint **does not include** complaints about medical escorts (as healthcare professionals undertaking medical escorts are not providing a service commissioned by NHS England). Nor does it include complaints about the physical healthcare facilities in a place of immigration detention (e.g. insufficient space in the waiting room or lack of privacy). These complaints should be sent to the DES Complaints team to be allocated for investigation by the appropriate supplier.
16. Expressions of dissatisfaction about healthcare in IRCs in England (whether verbal or written – including on a DCF9 form) will, in the first instance, be passed for assessment to the on-site healthcare manager for the NHS commissioned service at the IRC. When emptying the complaints box, the Compliance team will not scan and send healthcare complaints to the DES Complaints Team. The Compliance team will keep a record of the date that the complaint was passed to the healthcare manager and give each a complaint reference number. They will send details of the complainant (but not a copy of the complaint itself) and the date the complaint

was passed to the healthcare manager, to the DES Complaints Team and the local IMB marked “healthcare complaint”.

No other information about the complaint will be recorded and no further action to track the complaint’s progress or outcome will be undertaken by the Compliance team after these actions are complete.

17. When passed a healthcare complaint by the Compliance team, the healthcare manager will determine whether the points raised constitute a matter requiring a formal investigation and response, or are matters of concern (or expressions of dissatisfaction) that can be handled through a process of local resolution.

18. The NHS England complaints procedure is explained here:

<https://www.england.nhs.uk/contact-us/complaint/>

Information is also available about making a complaint to NHS England here:

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/complaints/Pages/NHScomplaints.aspx>

19. Healthcare related concerns which can be handled through local resolution are characterised as matters which;

- Can be resolved quickly (by the next working day)
- Are matters that the patient raising the concern **wants** to be resolved locally
- Do not meet the criteria for a formal complaint
- Do not require a written response

20. If, following local resolution, the patient remains dissatisfied or if local resolution is not appropriate; a formal complaint can be made. The healthcare manager for the NHS commissioned service at the IRC should advise the patient that they can complain formally to either;

- The NHS commissioned provider at the IRC (a complaint investigated formally by this route can be taken forward using the original written complaint or DCF 9 form); or,
- The NHS England Commissioner via the NHS England Customer Contact Centre [england.contactus@nhs.net](mailto:england.contactus@nhs.net), NHS England, PO Box 16738, Redditch, B97 9PT or by phone on 0300 3 11 22 33.

21. Where a patient opts to complain formally to the NHS England Commissioner, the healthcare manager at the IRC should advise the patient that this must be done in accordance with NHS complaint procedures and sent by the patient to the NHS England Customer Contact Centre either by post, email or by telephone.

22. Where a complaint makes a serious allegation of misconduct (professional or otherwise) about a member of healthcare staff this will be handled under NHS procedures and the local healthcare manager, professional body and police (where appropriate) will be notified. The healthcare manager at the IRC should notify the Home Office's Head of Detention Operations of the suspension of any member of healthcare staff as a result of a serious allegation at the following email address [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk). The local NHS commissioning team will receive updates about the investigation and any resulting recommendations which they will share with the DES Complaints Team. A more detailed explanation of the handling of serious allegations is at Annex H.

### Monitoring and reporting of healthcare complaints (England)

23. Healthcare complaints will not be monitored by the Home Office. NHS England will, on a quarterly basis, provide the DES Head of Operations at the following email address [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk), with a report on complaints handled by the NHS England Customer Contact Centre. This will include; numbers of complaints received by IRC, number resolved to the patient's satisfaction and category of complaint made (e.g. medical, dental).

24. Complaints which have been formally investigated by the local IRC healthcare provider will be reported to the Compliance Team via the quarterly Healthcare Partnership Board meetings which take place at each IRC.

25. A blank table (Annex K) will be sent to each healthcare provider by the DES Complaints Team on a quarterly basis. Healthcare providers should complete the table to represent complaints received over the previous quarter and return the report to the following email address [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk)

### Healthcare complaints (Scotland and Northern Ireland)

26. Healthcare complaints relating to detention in Scotland and Northern Ireland will be handled under the arrangements for general complaints set out in this guidance in that they will be investigated and responded to by the supplier contracted to deliver healthcare under the overarching operating contract with the Home Office. Exceptions to the general arrangements in these cases are listed below:

- The timescale for responding to a healthcare complaint will be subject to the contracted healthcare supplier's agreed processes;
- When emptying the complaints box, the Compliance team will not scan and send healthcare complaints to the DES Complaints Team. Instead, they will refer healthcare complaints to the local healthcare manager for investigation or escalation and send details of the complainant (but not a copy of the complaint

itself) and the date passed to the healthcare manager to the DES Complaints Team and the local IMB marked “healthcare complaint”.

- The on-site healthcare provider will investigate the complaint and advise the DES Complaints Team of the date of resolution and outcome. The DES Complaints Team will then record this outcome on the Home Office Complaint Management System (CMS) or Digital External Correspondence System (DECS).
- Once the healthcare complaint has been answered, the DES Complaints Team will advise the IMB of the date of response and whether or not it has been substantiated.

27. Where a healthcare complaint (Scotland or Northern Ireland) makes a serious allegation about the conduct (personal or professional) of a member of healthcare staff, this will be escalated by the healthcare manager to the appropriate investigating body. The healthcare manager should notify the DES Head of Operations of the suspension of any member of healthcare staff as a result of a serious allegation at the following email address [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk). The healthcare manager will also provide updates about the investigation and any resulting recommendations.

28. Individuals who are not satisfied with the response from Healthcare providers can raise a complaint to the Independent Sector Complaints Adjudication Service (ISCAS) (applicable only to Healthcare providers that are subscribed to ISCAS). ISCAS will not consider ‘new’ issues that have not previously been raised with the Healthcare provider, with the exception of concerns raised about the way the Healthcare provider has handled the complaint, which may not surface until after a response has been received to the initial complaint. There is no appeal to complaints made to ISACS’ adjudication and the Independent Adjudicator’s decision is final. Information about the complaints process can be found at <https://iscas.cedr.com/patients/complaints-process/>. Individuals can also raise a complaint with Health Improvement Scotland (HIS) at any stage of the complaints procedure, though complaints to local Healthcare providers are encouraged in the first instance. Information on making a complaint to HIS can be found at [http://www.healthcareimprovementscotland.org/our\\_work/inspecting\\_and\\_regulating\\_care/independent\\_healthcare/ihc\\_complaints\\_procedure.aspx](http://www.healthcareimprovementscotland.org/our_work/inspecting_and_regulating_care/independent_healthcare/ihc_complaints_procedure.aspx)

## Healthcare complaints (other)

29. Complaints made by detained individuals about healthcare received at a healthcare facility external to an IRC (i.e. a local hospital, dental clinic, or while held in a STHF) or by another contracted healthcare professional such as Aeromed and placed in an IRC complaint box will be recorded by Compliance team staff emptying the complaint box (date and complaint reference number) and

the complaint sent to the DES Complaints Team for onward transmission to the appropriate healthcare authority for England, Scotland or Northern Ireland or other relevant party (for example; hospital, dental practice). Complaints about healthcare which are placed in a STHF complaint box will be sent by the person retrieving the complaint from the box to the DES Complaints Team for assessment of the relevant party responsible for its investigation and its onward transmission.

## **Cross-cutting and multi-agency complaints**

30. It is important that complaints which cover more than one area or service are properly acknowledged and handled, with each part of the complaint investigated and responded to. Complaints which cover the responsibility of more than one agency or service will be considered on a case-by-case basis in order to determine which agency or service will respond to the differing elements of the complaint.
31. Cross cutting complaints placed in the complaints boxes which include concerns about healthcare (along with concerns about other conditions or treatment in detention) will be copied by the Compliance team and sent to the on-site healthcare manager and to the DES Complaints Team. Each individual area (DES Complaints Team, healthcare) will be responsible for sending an acknowledgement letter to the complainant setting out how the aspects of the complaint for which they are responsible will be handled and the anticipated target for a response to be provided.
32. The only exceptions to this will be in cross cutting cases involving the conduct of personnel where specialists will investigate the complaint. Specialist investigations may be carried out by the Home Office Professional Standards Unit (PSU), NHS (England) or, where a cross cutting complaint makes a serious allegation about the conduct (personal or professional) of a member of healthcare staff working in a place of immigration detention in Scotland and Northern Ireland, this will be handled in line with the process set out in paras 20-22 of this instruction.

## **Independent Monitoring Board (IMB) complaints**

33. Complaints may be made directly to the Independent Monitoring Board (IMB) using the designated IMB Complaint boxes. If it is clear from the content of a complaint posted in either the Immigration Enforcement complaints box, or the IMB complaints box, that it has been mistakenly posted into that box, the Compliance team member, or IMB member emptying that box should hand that complaint directly to the respective person in the Compliance team or IMB, or post it into the respective complaints box.

## Making a complaint

34. Non-healthcare complaints raised by, or on behalf of detained individuals will normally be made on the DCF9 form which will be made available in a range of languages in detention facilities, including immigration removal centres (IRCs), Immigration Enforcement contracted short-term holding facilities (STHFs), pre-departure accommodation or from staff during escort. The DES Complaints Team will provide suppliers with a sample DCF9 complaint form in various languages. For those individuals who speak languages not covered by translated DCF9 forms, assistance can be provided from staff, who can use telephone translating to assist them in understanding the form. Samples will be provided electronically in PDF format. The supplier is responsible for ensuring complaint forms in each of these languages are clearly displayed in racks on the wall around the centre, including next to complaint boxes, if possible. The supplier should conduct this check daily and ensure racks are adequately stocked with the full range of forms in all available languages.
35. Completed DCF9 forms should normally be placed in the locked yellow complaints box by the complainant (clearly marked “Immigration Enforcement Complaints”). If any forms are handed directly to any member of staff, including members of the IMB, they must be placed in the complaints box and, once the box is opened, handled in accordance with the requirements of this guidance depending on the type of complaint.
36. Complaints will be accepted in formats other than on a DCF9 form, including complaints made in letter form on plain paper. These should also be placed in the locked yellow complaints box in IRCs and STHFs (either by complainants or, exceptionally, by staff who receive them in person, including members of the IMB).
37. Complaints will be accepted in languages other than English, but all responses will be provided in English, except for responses to healthcare complaints in England. In the case of these complaints, NHS England will provide a response translated into the appropriate language.
38. Detained individuals receiving a complaint response in English may request a translated version, or alternatively ask centre staff, the IMB or welfare groups to assist in translating the response.
39. Complaint boxes in IRCs and pre-departure accommodation may only be accessed and emptied by Compliance team members of staff (or exceptionally by DET team staff with prior Compliance team agreement). Complaint boxes in STHFs are opened subject to other arrangements as follows; Manchester Residential STHF – opened by Home Office Escorting Contract Monitors, Larne Residential STHF – opened by the supplier operating the facility; and all other

Immigration Enforcement contracted STHFs - opened by the supplier operating the facility. Complaints at STHFs at ports or holding rooms may be opened by either Border Force, Immigration Enforcement, UKVI or supplier staff and will be managed in line with the corresponding complaints management policy. Complaint boxes in holding rooms at the juxtaposed controls in France are opened by Border Force staff.

40. In all cases of non-healthcare related complaints retrieved from complaint boxes in places of immigration detention, the complaint should be forwarded for registering and allocation to the DES Complaints Team using the email contact details in this instruction. This excludes complaints raised in STHFs and holding rooms operated by Border Force and UKVI which are managed in line with separate procedures. Arrangements for healthcare complaints are set out in paragraphs 16-23 of this instruction.
41. If a detained individual makes an oral allegation of misconduct by a member of staff, in the hearing of another member of staff or a member of the IMB, the detained individual should be encouraged to put the allegation in writing on a DCF9 form, though they cannot be compelled to do so. For alleged misconduct and serious allegations, staff should complete the DCF9 in the event the detained individual declines to do so, ensuring the detained individual is aware of this. For allegations of a non-serious nature, detained individuals should be given time to consider putting these in writing and, where possible, staff should follow this up with the detained individual at a later time.
42. The escort supplier will ensure that DCF9 forms are available on escort vehicles and return flight. Completed forms can be handed to the escort supplier by the complainant for onward transmission to the DES Complaints Team or can be sent by the detained individual directly to the address at paragraph 3 above. Where detained individuals are being taken to an IRC or STHF, they should be advised to post their form in one of the yellow complaints boxes on arrival.
43. Complaints which are sent to another part of the Home Office, but which relate to matters which are the responsibility of Detention and Escorting Services, will be reallocated to the DES Complaints Team and handled under these procedures, where appropriate. Complaints received by the DES Complaints Team but which are the responsibility of another part of the Home Office will similarly be reallocated by the Home Office Complaints Hub. Complaints which are sent directly to the healthcare provider or to NHS England, but which relate solely to matters which are the responsibility of Detention and Escorting Services, should be forwarded by the healthcare provider or NHS England to the DES Complaints Team by email to [DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk).

44. Complaints about matters dealt with by Detention and Escorting Services should be made within three months of the date on which the matter(s) being investigated took place; complaints outside this period will be considered on a case-by-case basis, taking in to account relevant factors such as whether the complainant has provided sufficient information, the amount of time that has passed since the alleged incident, and the availability of records. Complaints may be made by people in detention but may also be made by other people or groups on their behalf (e.g. a legal representative, family member or Member of Parliament).
45. Where a complaint raises a factual error (e.g. an incorrect date of birth or spelling of a name in records about that individual) and requests the error is rectified, the DES Complaints Team will channel the request for rectification to the appropriate supplier, or Home Office team to consider. The DES Complaints team will keep a record to reflect this. UK GDPR (Article 16) requires organisations to correct inaccurate records “without undue delay”, and the Information Commissioner’s Office (ICO) guidance is that organisations have, at the latest, one calendar month from the time of receipt to respond to a request for correction.

## Arrangements for complaints

46. Suppliers must make arrangements to help people who may find it difficult to submit a complaint in the usual way; this might include non-English speakers, children, or people with learning, literacy or visual difficulties. Such arrangements may include: availability of child-friendly complaint forms; the use of ‘welfare buddies’ to assist in the completion of the DCF9 form; assistance from members of the supplier staff in completing the form, or where the complaint is about a member of the supplier staff, the provision for Independent Monitoring Boards to assist in making the complaint; and use of telephone translation services for completing the DCF9 form and for translating the response to their complaint, where required.
47. Anonymous complaints and group complaints will be handled under the procedures outlined in this guidance and investigated with appropriate resulting action taken. Where an individual or group complaint is anonymous, but the relevant residential wing is known, complaint responses should be made available to the persons on the respective wing.
48. Third party complaints will be acknowledged and investigated but will require the written consent of the detained individual concerned, if the outcome is to be shared with the third party. Where this consent is not available, the response to the complaint will be sent to the detained individual on whose behalf the complaint has been made or, in the absence of current contact details, will be placed on file. Allegations of serious misconduct carried out by Home Office of supplier staff will always be referred to the Home Office Professional Standards Unit (PSU), in line with DSO 02/2020 Commissioning of Investigations.



49. As complaint boxes are opened daily, the date of a complaint being made will be considered as the day it was retrieved from the relevant complaint box. This makes allowances for incorrect dates being recorded in error on complaint forms or where a complainant does not, for whatever reason, place their complaint in a complaint box on the day it was completed.
50. Any complaint in a sealed envelope and marked confidential should **not** be opened by IRC supplier staff but should be handed to the Compliance Manager who must check for and escalate, as appropriate, any urgent matters requiring immediate attention (see para 48). The complaint should then be sent to the DES Complaints Team or, where the complaint relates to healthcare in England, to the centre's healthcare provider who will handle the complaint in line with paragraphs 8 - 24 of this instruction. A detained individual may also send a confidential healthcare complaint **by post** to the NHS England Customer Contact Centre, NHS England, PO Box 16738, Redditch, B97 9PT, **by phone** 0300 3 11 22 339 or **by e-mail** [england.contactus@nhs.net](mailto:england.contactus@nhs.net). Although the confidentiality of the complainant will be maintained, the content of the complaint will need to be disclosed to enable investigation.
51. Every effort should be made to respond to a complaint, even if the complainant has moved to a different centre, left the removal estate, or has been removed from the UK. Where no forwarding address or contact details for the complainant are contained in records accessible to the supplier or Detention and Escorting Services, the complaint response should be held on file in case of future contact. Complaint responses held on file should be handled in line with Home Office retention and destruction policies.

## Responding to a complaint

52. The team or contact responding to a complaint will depend on the nature of the complaint, but all complaints from current (and where appropriate, former) detained individuals must be logged and allocated by the responder responsible for its investigation. Every IRC supplier is required to appoint a manager with responsibility for ensuring effective systems and processes are in place for managing and investigating complaints relating to service provision or the minor misconduct of their staff. The escorting supplier will appoint a nominated person to respond to complaints relating to STHFs and escorting. Healthcare providers in England will also be required to appoint a person, referred to as a complaints manager, to be responsible for managing the procedures for handling and considering complaints in accordance with arrangements made under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

53. Once a complaint has been allocated to the relevant responder for investigation, the complainant should receive a response within a set timescale. Complaints received by the DES Complaints Team will be logged within one working day (Monday to Friday) or on the next working day (if received on a weekend or public holiday) on the Complaints Management System (CMS), or DECS system. This process generates the unique reference number and target date for response. As soon as the complaint is logged on CMS (or DECS), the DES Complaints Team will forward the complaint to the supplier responsible for undertaking the investigation and providing the response. The timescales in the chart below then apply.

54. A complaint acknowledgement letter (to include the reference and target date) must be sent to the complainant by the person investigating the allegation, or a deputy in their absence, within two working days of allocation. In relation to complaints which require translation, the date of a complaint being made will be considered as the day it was returned to DES Complaints team by the translation service (target within 48 hours). This makes allowances for the DES Complaints team to be able to review the complaint once it is returned in English and allocate as appropriate.

Type of complaint	Investigated By:	Time Limit
IRC Service delivery	IRC Supplier or Compliance Manager (for HOIE related complaints)	Within 20 working days of allocation of the complaint.
Minor Misconduct	IRC Supplier or Compliance Manager (for HOIE staff related complaints)	Within 20 working days of allocation of the complaint
Service delivery/minor misconduct complaints relating to Short Term Holding Facilities or while under escort	Escorting Supplier	Within 20 working days of allocation of the complaint.
Any complaint for the Home Office about issues outside the responsibility of Detention Operations or its suppliers	As appropriate: Immigration Enforcement, Border Force, or UKVI CSUs	Within 20 working days of allocation of the complaint.
Serious misconduct	Professional Standards Unit	Within 12 weeks of receipt within the Home Office (this includes the investigation).
Healthcare complaint (England) – see paras 10 - 17	NHS England	NHS England processes and timescales apply.
Healthcare complaint (Scotland or Northern Ireland) – see paras 20-23	Healthcare provider	Healthcare provider timescales apply.

## Content of complaint responses

55. As a minimum, all complaint responses should include each element set out in Annex F. This includes the complaint reference number and subject matters of the complaint. All complaint responses must include details about whether or not the complaint has been substantiated, or not, or partially substantiated and the reason for this decision. Information to explain what the complainant can do if unsatisfied with the response should be included. Complaint responses should also include a feedback form.

## Dealing with a complaint escalation

56. The initial response to the complainant must provide information to explain who they can contact if they are not satisfied with the response and wish to escalate the complaint for an independent review. For service delivery or minor misconduct complaint responses this will be to the Independent Examiner of Complaints (IEC). For serious misconduct complaint responses, this will be the Prisons and Probations Ombudsman (PPO). Additionally, if a detained individual remains dissatisfied with the IEC's independent review of a complaint response, then they can escalate this further to the PPO (responses should include a copy of the PPO leaflet "How to complain to the Ombudsman"). This leaflet can be found at [http://www.ppo.gov.uk/wp-content/uploads/2014/06/PPO\\_Complaint\\_leaflet\\_Dec\\_2013.pdf](http://www.ppo.gov.uk/wp-content/uploads/2014/06/PPO_Complaint_leaflet_Dec_2013.pdf).

57. All detained individuals should be made aware of the procedure for escalating a complaint to the IEC and/or PPO during the initial days of their detention. The IEC will provide signposting information to the gov.uk webpage, including both the email and postage address for making complaints. The PPO will provide detention facilities with publicity material that explains how to complain to the Ombudsman, including the address for making complaints by e-mail. IRC and STHF suppliers are required to share this material by providing leaflets to detained individuals and displaying posters in all places of detention. The IEC will not accept a complaint for investigation until it has been thoroughly investigated under the complaints process set out in this guidance. Equally, the PPO will not review a complaint until it has been thoroughly investigated by the Professional Standards Unit (if serious misconduct) or IEC if it concerns service delivery or minor misconduct.

58. For immigration complaints not relating to detention or escorting, escalation will be to the Parliamentary and Health Services Ombudsman (PHSO), via a Member of Parliament (MP). For healthcare complaints in England (including complaints about external medical treatment e.g. at a local hospital) escalation will be direct to PHSO. For complaints about healthcare delivered in detention facilities in Scotland and Northern Ireland, escalation can be made to the Scottish Public Services Ombudsman/ NI Public Services Ombudsman by the DES Complaints Team. The

escalation procedure for complaints about medical treatment external to the detention estate in Scotland and Northern Ireland will be to either the Scottish Public Services Ombudsman or the Northern Ireland Public Services Ombudsman directly.

## Quality assurance of complaint responses

59. IRC, STHF and escorting suppliers investigating and responding to complaints will ensure that the written response is subject to quality assurance by a second, more senior, person before being sent out to the complainant. This assurance should be undertaken with reference to Annex F of this instruction. Complaints responded to by Home Office Compliance Team will be Quality assured by the Area Manager or Delivery Manager'
60. Home Office DES Delivery Managers (or a nominated delegate) will carry out a retrospective monthly dip sample of both minor misconduct (and the related investigation report/ information) and service delivery complaints closed in the previous month (e.g. in February, quality assurance will be carried out on complaints closed in January) . This will allow staff to monitor the quality of responses and work with IRC, STHF and escorting suppliers in cases where they are deemed to be unsatisfactory. Home Office Delivery Managers (or their nominated delegate) will quality assure the documents in relation to a minimum of 5 responses for each IRC or 20% of all complaints closed in the previous month, whichever is the greater. DES Escorting Contract Monitoring Team (ECMT) will complete the dip sample of complaints relating to STHF or on escort. Where this dip sampling is undertaken by a nominated delegate, the DES Delivery Manager must satisfy themselves that the process has been undertaken appropriately in accordance with this guidance and the findings are sound.
61. The DES Complaints Team will receive a monthly quality assurance (QA) report from each Delivery Manager (or delegate) and ECMT with the results of the dip sampling, the matters being raised with the supplier and any other information deemed relevant by the DES Delivery Manager. Any concerns about the quality of responses which cannot be resolved locally by the DES Delivery Manager (or their delegate) will be escalated to the DES Head of Operations who will be responsible for taking action with the IRC, STHF or escorting supplier. The DES Complaints Team should be copied to any matters escalated in this manner
62. On receipt of the Home Office DES Delivery Manager's QA report referred to above at paragraph 61, a member of the DES complaint team will incorporate the results for each area on to a master quality assurance record and carry out second line assurance in relation to a further (and different) dip sample of complaint responses which have been closed during that month. The DES Complaints team will complete a minimum 20% sample, incorporating their findings on to the master record. Any concerns about the quality of responses will be raised

with the relevant DES Delivery Manager to discuss with the appropriate supplier and noted on the master record.

63. On a quarterly basis the DES Complaints Team manager will quality assure 100% of complaint records closed in a week, to ensure that the DSO requirements and time frames have been adhered to (such as translating documents and allocating/closing the complaint) and that all required documents (such as DCF9, acknowledgement letter, interim response, substantive response) have been uploaded correctly onto CMS or DECS by the DES Complaints Team.
64. An annual self-audit of the processes set out in this guidance shall be carried out by suppliers to ensure that the processes are being followed for IRCs, STHFs and on escort. This audit should be made available to the Home Office on request. The DES Compliance Teams must also conduct annual reviews against their respective responsibilities stated within this DSO for the same purpose.

### Repeat or persistent complaints

65. A detained individual's right to make a complaint must in no case be withdrawn. Where an individual whose complaint has been concluded, persists in communicating with the Home Office about the same matter, a decision may be taken to reduce responses with him or her about the issue. The complainant should be notified that further complaints about the same issue, in the absence of new information or evidence, will be acknowledged but not substantively responded to. In such cases the DES Complaints Team will read all new correspondence from the detained individual but unless there is fresh evidence which affects the decision that has been reached regarding the complaint is received, the correspondence will simply be acknowledged with no investigation.
66. The DES Complaints Team will maintain records of all repeat and persistent complaints. New complaints from those who have submitted repeat or persistent complaints previously will be treated, and decisions will be made, based on their individual merits.

### Withdrawn complaints

67. When a complainant indicates they no longer wish to pursue their complaint, they should be asked to sign a withdrawal form (Annex J). The person allocated to investigate the complaint will then approach the relevant IRC Compliance Team Manager (or DES Complaints Team Manager for complaints at STHF/ on escorting) who will review and assess the withdrawals to ensure it has followed the correct procedure.

68. A brief response letter should be sent to the complainant by the team allocated to investigate the complaint including the date the complaint was made and the reference, the date of the complaint withdrawal and confirmation that no further action will be taken in relation to the complaint.
69. A copy of the signed withdrawal form and response letter should be sent to the DES Complaints Team who will update the relevant complaint records, and the IMB chair, if consent has been provided.

## Roles and responsibilities in handling complaints about Detention and Escorting Services (see paras 12-22 for variations to this process for healthcare complaints)

70. Home Office DES Compliance staff will ensure that IRC, STHF and escorting suppliers have processes in place for managing complaints and that detained individuals know about those processes. Home Office DES Compliance staff will:
- Ensure that supplies of DCF9 forms, in English and in translation, are available at or near the place where a complaints box is located;
  - Empty complaints box(es) at least once a day, seven days a week, (if there are no Compliance staff available, appropriate arrangements will be in place to ensure the box is regularly emptied);
  - Update local complaints log (date/time box emptied etc);
  - Refer urgent matters immediately to the relevant IRC or STHF supplier duty manager for action (e.g. where a detained individual is threatening to self-harm and immediate action is needed or there are complaints of bullying);
  - Scan all complaints, including cross cutting complaints and those made in other languages, and email to the DES Complaints Team ([DEScomplaints@homeoffice.gov.uk](mailto:DEScomplaints@homeoffice.gov.uk)) on the day of collection, copying in the local IMB, **only where consent has been given by the complainant in the DCF9 form**, and ensure original copies are filed. Where it is not clear, in the email, the DES Complaints team will confirm the complainant name, date of birth, nationality, Home Office and/or Port reference and the language spoken (where translation is required);
  - Refer any healthcare complaints from IRCs and RSTHF in England (written in English), including those which are cross cutting, to the on-site healthcare manager (see paras 12-17). A record will be kept of the date each complaint was referred and the complaint reference number. Copies or details of the complaint will not be recorded or retained;
  - Refer healthcare complaints (Scotland and Northern Ireland) to the relevant supplier healthcare manager sending details to the DES Complaints Team of the complaint reference number and the date the complaint was passed on to healthcare provider;

- Refer complaints against escorts, including medical escorts, to the DES Complaints Team for allocation to the escorting supplier for investigation;
- Ensure that requests for transfer are moved into the right process and notify the detained individual accordingly;
- Every six months the IRC Compliance Team will undertake a dip sample of suppliers' electronic investigation records / folders to satisfy themselves that a comprehensive record of the steps taken, and evidence used to investigate complaints is being kept.

71. On receipt of a complaint the DES Complaints Team will:

- Monitor complaints which require translation to ensure they are translated into English (within a target of 48 hours). Once translated, complaints will be allocated as per paragraph 51 of this document.
- Any complaints relating to healthcare (England, Scotland and Northern Ireland) will be sent to the on-site healthcare manager. In these cases, the complaint received date for the NHS/healthcare provider will be on receipt of the translated complaint. Only healthcare complaints from detention facilities in Scotland and Northern Ireland will be logged on CMS, an outcome recorded and the IMB notified. For healthcare complaints (England), a local record will be maintained at the detention facility of the date the complaint was passed to the healthcare manager and the complaint reference number. No further details will be recorded and, once passed to the healthcare manager, no further action by the Home Office is required.
- Check that complaints are "in time" (i.e. within three months of the date on which the matters under investigation took place) and whether the circumstances of "out of time" service delivery/minor misconduct complaints warrant acceptance. All serious misconduct complaints, including those that are out of time, will be considered by PSU to determine if investigation is appropriate. Generally, efforts should be made to ensure out of time complaints are investigated, where there is sufficient information provided about the circumstances of the complaint and records held. If it is decided that the out of time complaint will not be investigated, the DES Complaints team will notify the complainant of this. The DES Complaints team will hold a record of all out of time complaints.
- Send allegations of minor misconduct via email to the DES Complaints team manager to confirm that minor misconduct is the correct course of action or if the complaint should be sent to PSU and considered as a serious misconduct complaint.

- Record all allegations of serious misconduct onto CMS or DECS for consideration by PSU. Email a copy of the complaint along with the CMS or DECS reference number to the DES Security Team, the IRC supplier/ escort supplier complaint clerk, DES Head of Operations, Head of Risk and Assurance, Detention Ops Lessons Learned inbox and DES Workforce Planning inbox, as well as the IMB chair or nominated member **only where the complainant has provided opt-in consent for it to be shared.**
- Check that any urgent matters have been escalated for action in accordance with the correct guidance (e.g. where a complaint relates to a detained individual alleging self-harm, see para 62. Urgent matters not relating to an individual in detention should be referred to the appropriate body for action as appropriate.
- Refer complaints alleging an arguable breach of Articles 2 or 3 of the European Convention on Human Rights to the duty Director of Detention and Escorting Services and ensure guidance in DSO 02/2020 commissioning of investigations, is followed.
- Refer correspondence referenced by the detained individual or legal representative as a pre-action protocol letter or which states that litigation proceedings have begun or are about to begin immediately to [the DES Notifications Litigation and Deaths inbox](#), for advice.
- Refer issues outside the scope of the detained complaints process but within the remit of the Home Office Complaints Hub for response as appropriate.
- Refer complaints outside the responsibility of the Home Office (for example property belonging to a detained person left at a prison or police station) back to the supplier at the originating centre for allocation to the most appropriate member of staff to handle the complaint (e.g. local Welfare Team). Notify the complainant that no reply will be provided centrally.
- Send complaints that relate to Home Office Detention Engagement Team (DET) to the Central Correspondence Hub, copying in the NRC Secretariat inbox for early sight. Where the complaint relates to a DET staff member working within an IRC, the DET G7 will be informed and will nominate a DET manager to investigate the complaint and provide a contribution, which will form the response to the complainant. This will be sent by the investigating staff member to NRC Secretariat, who will then forward to the Central Correspondence Hub for reply to the complainant. Any complaints received that relate to serious misconduct allegations will be referred to PSU, in line with paragraph 75 of this instruction.



72. For all complaints accepted by the DES Complaints Team for investigation, including non-healthcare aspects of cross-cutting complaints, the DES Complaints Team will:

- Allocate the complaint on CMS/ DECS by the next working day of receipt.
- Send (by email) the complaint along with the reference number and target response date for acknowledgement, investigation and response to:
  - IRC supplier/escort supplier/Compliance Manager/DEPMU as appropriate for investigation of service delivery/minor misconduct complaints;
  - Chair of IMB or nominated member with the reference number and target date for all complaints (except healthcare complaints), only if the complainant has given consent to do so. In relation to escorting complaints (only if consent given by the complainant) share the complaint with the IMB member at the discharging IRC and the IMB member at the STHF which covers the airport from where the removal (if relevant) took place. In relation to complaints which relate to STHF (only if consent given by the complainant) share the complaint with the IMB member at that STHF.
  
- Reallocate the complaint if it transpires upon initial investigation it is incorrectly allocated. Teams who are incorrectly allocated a complaint must delete evidence of it to ensure compliance with the Data Protection Act 2018.
  
- Reallocate complaints which PSU advise are suitable for local resolution. When allocating for local resolution, copy the allocation email to DES Head of Operations, Head of Risk and Assurance, Detention Ops Lessons Learned and DES Workforce Planning inboxes (as well as to the IMB chair or nominated member **only where the complainant has provided opt-in consent for it to be shared**), to ensure they are aware PSU are not investigating the complaint.
  
- When PSU accept a complaint, the DES Complaints Team will allocate any service and minor aspects to the supplier to be resolved locally. They will respond to the complainant as normal.
  
- Receive and upload complaint acknowledgement and interim response letters onto CMS/ DECS.
  
- Monitor the progress of complaints, chase any nearing target date, and consider requests for extension to target dates. The DES Complaints team will chair a weekly conference call with a representative from the supplier's complaints team to discuss complaints which are open at each site.
  
- Receive and upload complaint response letters onto CMS/ DECS.

73. Once the DES Complaints Team receive the complaint response they will:

- Update the relevant database within two working days of receipt, with date of response and outcome (substantiated, partially substantiated, unsubstantiated or withdrawn).
- Where a request has been made for the complaint response to be translated into another language than English, using form Annex I, the DES Complaints Team will submit the complaint response for translation and return the translated response as soon as it is available
- Check the quality of responses and highlight any which do not meet the required standard, to the relevant Home Office DES Delivery Manager for local action and discussion with the supplier(s), as appropriate.
- Submit a monthly summary of all complaints raised at each IRC, STHF or on escort to the relevant:
  - Home Office Compliance Manager and Delivery Manger, the supplier Centre Manager and complaint clerk and the IMB chair or nominated member.
- Complete a monthly trend analysis of complaints received and responded to, and share with relevant Immigration Enforcement senior management.

74. The person responding to a service delivery or minor misconduct complaint, or an appointed deputy in their absence, will:

- Within two working days of receipt, acknowledge receipt of complaint to complainant and include the target date for response. A copy of the acknowledgement should be emailed to the DES Complaints Team.
- Maintain a log/database of complaints, to include outcome of the complaint (for example; upheld/substantiated/unsubstantiated), the actions that have or will be taken and by whom.
- Investigate complaint by means such as interviewing involved parties and witnesses and securing evidence (e.g. CCTV) where possible.
- Maintain a password protected electronic record / folder of the investigation and any associated documents used or produced e.g. interview records, documents examined, CCTV viewed, processes reviewed.
- Provide a written response to the complainant by the target date (covering all points in the checklist at annex F). Responses must include:
  - detail of investigation and findings;
  - whether the complaint has been found to be substantiated/partially substantiated (where part of the allegation has been upheld) or unsubstantiated.

- action that will be taken as a result of the investigation;
- details of the relevant escalation process (usually the IEC, see paragraph 58 above for more details) using the following wording “If you are unhappy with the response, you can escalate your complaint to the Independent Examiner of Complaints (IEC) within three months of the date of this letter by: e-mailing [iec@homeoffice.gov.uk](mailto:iec@homeoffice.gov.uk) or writing to PO BOX 6147, SHEFFIELD, S2 9JD. If you decide to escalate your complaint to the IEC, you will need to provide them with a copy of this response. The IEC cannot deal with any complaints relating to your immigration status, including any decision to remove you from the United Kingdom, nor does the IEC deal with complaints about healthcare. Complaints from third parties raised on your behalf will be considered, provided that you have given your written consent. Further information about the Independent Examiner of Complaints and the timeframes around their investigation can be found at <https://www.gov.uk/guidance/make-a-complaint-to-the-independent-examiner-of-complaints#what-you-can-expect-from-the-oiec>”
- A copy of the complaints handling feedback form (Annex G) and request for it to be completed and placed in the complaints box.
- Ensure written responses are subject to quality assurance by a second, more senior, person to the investigating officer.
- For service delivery and minor misconduct complaints, copy the response to the DES Complaints Team, DES Compliance Manager and the IMB, where consent has been given. Responses that contain personal details relating to staff members should be redacted prior to being shared with the IMB. Where consent to share with the IMB has not been provided, only the date of response and the outcome may be shared (substantiated, unsubstantiated etc).. In respect of healthcare complaints in Scotland and Northern Ireland, only the date of response (and not the response itself) and the outcome (e.g. substantiated or otherwise) should be sent to the DES Complaints Team.
- If, exceptionally, the deadline cannot be met, seek agreement from the DES Complaints Team to issue an interim response explaining the reason for the delay and indicate the date by which a substantive response will be provided. Send a copy of the interim response to the DES Complaints Team. The issuing of an interim response will not pause or amend the original timescale for responding to a complaint as set out in para 39 of this instruction. If the subsequent substantive response exceeds the original timescale for response it will be considered not to have met the response deadline.

## Professional Standards Unit (PSU)

75. When dealing with allegations of serious misconduct about a member of Home Office or supplier staff, PSU will investigate a complaint by means such as

interviewing involved parties and witnesses and securing evidence (e.g. CCTV) where possible. They will also:

- Provide a substantive response within 12 weeks of allocation.
- Send an acknowledgement letter to the complainant, requesting any further relevant evidence within 7 days, where possible.
- Maintain a log/database of complaints.
- Refer criminal allegations to the police and, if appropriate, obtain a crime number and pass the number to the complainant or legal representative on request.
- Refer allegations concerning serious matters of security or corruption to Central Referral Team (for onward referral to appropriate crime and financial investigation team in Home Office Corporate Security).
- Consider complaints alleging discrimination or racism to determine whether the complaint should be treated as a serious misconduct matter. Where the complainant's treatment can be explained by factors other than race or discrimination, return complaint to the DES Complaints Team for re-categorisation and re-allocation as a service delivery/minor misconduct matter.
- If the 12-week period elapses before investigation is concluded, provide an update to complainant at least once every four weeks.
- Respond to the complainant and copy the response to the DES Complaints Team and Detention and Escorting Services Audit and Assurance Team (DESAAT) - who are responsible for monitoring all recommendations made by PSU - via email to Desthirdpartyrecs@homeoffice.gov.uk. DESAAT will then copy the response more widely as requested by PSU. This will include the IMB, who should be provided with the PSU letter (**only where the complainant has provided opt-in consent for it to be shared**), including any recommendations from report. Personal details relating to staff members, contained within the letter and recommendations, should be redacted prior to being shared with the IMB.
- Submit the full report to the DES Head of Operations on conclusion of the investigation setting out whether the complaint has been found to be substantiated, partially substantiated or unsubstantiated.
- If a complaint sent to PSU is determined to be more appropriate for local investigation, it should be returned to the DES Complaints Team for reallocation.

## Action to be taken in relation to a minor or serious misconduct complaint

76. Home Office DES Compliance Managers (or in the case of escorts, ECMT monitoring staff) will:

- consider, and where appropriate, suspend detainee custody officers' (DCO) certification pending investigation of a serious misconduct complaint;

- liaise with the supplier centre manager in responding to serious misconduct complaints;
- make recommendations to the Home Office certification team on revocation or reinstatement of an individual DCO's certification on conclusion of an investigation;
- determine whether (in the case of a substantiated complaint) an officer's certification should be revoked and, if so, to formally make such a recommendation to the Home Office certification team manager;
- consider – with the certification team – whether the reinstatement letter sent by the team (in the case of a substantiated complaint but where certification is not revoked) should mention the impact of further complaints; for example this might state that while no further action will be taken by Immigration Enforcement, a further substantiated complaint may lead to certification being revoked. Any such letter will make clear that this is without prejudice to any disciplinary action taken by the employer and will be copied to the Home Office certification team;
- consider whether additional training is required, this should be considered in the case of three or more substantiated complaints against an individual officer in a year, but may also be considered after one substantiated complaint against an individual officer, depending on the circumstances.

77. As employers both the Home Office and suppliers will:

- give guidance or training to staff against whom a minor misconduct complaint is substantiated, about how to improve the standard of their personal conduct and in cases of repeated misconduct, consider whether disciplinary action is required;
- in cases of a substantiated serious misconduct complaint, determine whether disciplinary action should be taken and whether a performance points should be imposed.

## Management Reviews

78. In instances where staff feel a serious incident has occurred in the immigration removal estate and/or under escort, involving a potential violation of Articles 2 and/or 3 of the European Convention on Human Rights (ECHR), a management review should be considered.

79. When considering the commission of a management review, the Home Office DES Delivery Manager responsible for the centre concerned must escalate to the Head of Detention Operations, or for escorting, to the Head of Escorting Operations, any incident found to potentially involve gross or serious misconduct of staff, criminal action or a serious breach of security or safeguarding measures. Further information can be found in DSO 02/2020 Commissioning Reviews.

## Lessons learned

80. Complaints are an important source of information for improving customer service and business performance. Lessons can be learned from individual cases and from regional, national and business area trends. Learning lessons may prevent repeated complaints about the same issue. It is particularly important that action is taken in relation to substantiated complaints, that local action plans are produced and monitored and ongoing quality assurance is in place with feedback to staff to support improvement.
81. Action points arising out of serious misconduct investigations by PSU and the PPO are collated in a dedicated action log and progress towards implementation is monitored on behalf of the DES Complaints Team by DESAAT, ECMT and the Compliance teams.
82. Staff and suppliers with responsibility for answering complaints should ensure that detained individuals can give feedback (using the feedback form provided with complaint responses) and that completed questionnaires are reviewed and acted upon, as appropriate. Completed feedback forms should be shared with the DES Complaints team who will record feedback and liaise with the Compliance Team manager to ensure any concerns are resolved, where appropriate. The DES Complaints team will keep a record of feedback topics to enable the identification of trends.
83. Suppliers must ensure they undertake quarterly analysis of complaints and record any trends in data. This information should be checked by the Home Office DES Compliance teams in order to action future preventative measures that are identified as a result of these findings.

## Ex-gratia payments

84. The [Home Office Complaints Management Guidance \(CMG\)](#) sets out the procedures to be followed regarding any ex-gratia payments made from Home Office funds and those procedures must be followed. CMG requires that the DES Complaints Team record financial payments made from HO funds on the CMS/DECS.
85. Where an investigation finds evidence that a detained individual has suffered actual financial or material loss because of the actions or negligence of a member of supplier staff (e.g. lost or damaged property), the supplier should be expected to make an ex-gratia payment on an extra-statutory basis. The rationale behind any decision whether or not to make a payment, and the amount to be offered must be clearly documented to show the information and factors considered when reaching a decision. Records must be kept of any such payments, including obtaining a receipt signed by the individual.

86. The DES Complaints Team must be advised when an offer of ex-gratia payment for **financial loss** has been made, and, once accepted, paid. A copy of the relevant correspondence should be forwarded to the DES Complaints Team at which point the complaint will be considered to be closed. The DES Complaints Team will keep a record of such ex-gratia payments.
87. Consideration should also be given to providing an ex-gratia payment for items which had no monetary value but which held sentimental value for the complainant. Suppliers should not offer any ex-gratia payment for **non-financial loss** without first discussing with the DES Complaints Team.

## Local resolution

88. In some cases, detained individuals would prefer an immediate response to their concerns rather than engaging the more formal complaints procedure. Where something has gone wrong, putting the matter right quickly is important. In those instances, local resolution may be the most appropriate approach.
89. Complaint types which are suitable for local resolution are those classed under the service delivery complaint category (See Annex A for breakdown of complaint categories). These types of complaints are easily resolved and require little or no investigation.
90. Where a staff member considers that a complaint may be suitable for local resolution, the supplier or Home Office staff will approach the Compliance Manager for the centre with the proposed response. They have authority to agree a response in the case of service delivery complaints.
91. The intention of local resolution is not to involve the Compliance Manager in protracted negotiations, but rather to seek agreement on complaints at an earlier stage. For example, where resolution involves reaching financial settlement with the detained individual over property loss the supplier will submit to the Compliance Manager a proposed figure and supporting argument.
92. Complaints concerning misconduct of any type are unsuitable for local resolution and should always be referred in accordance with the procedures set out in this instruction at paragraph 34.
93. All complaints that are resolved using local resolution must be recorded in a log and must, at a minimum include the date of complaint, any steps taken as a result of the complaint and a clear indication of who agreed that local resolution was suitable. Local resolution logs should be reviewed monthly by the Home Office DES Compliance team to assess the types and number of complaints being

resolved in this manner. Local resolution logs should be sent to the DES Complaints team on a quarterly basis.



# Revision History

<b>Review date</b>	<b>Reviewed by</b>	<b>Review outcome</b>	<b>Next review</b>
August 2015	Sal Edmunds	Rebrand of previous DSO 03/2011, new guidance on healthcare complaints.	August 2017
February 2017	Gill Foley	Update to handling procedures for healthcare complaints and terminology updated.	February 2019
June 2022	Emily Jarvis	Updated to include further guidance on local resolution	June 2024
November 2022	Emily Jarvis	Updated to include further guidance on complaint escalation	November 2024

# ANNEX A: Types of complaints

Complaints are categorised as follows:

## Service delivery complaints

Refer to the way in which Immigration Enforcement, the IRC, STHF supplier or Escort supplier delivers the day-to-day service. Such complaints do not include the unprofessional conduct of staff but will include:

- Delays in delivering a service
- Administrative or process errors (failings in the process, administrative error, poor service, or failure to meet service standards)
- Poor communication (failure to keep detained individuals informed; failure to answer correspondence within given timescales, or to return calls etc.)
- Lost or damaged property;
- Customer care – the standard of the physical environment, availability of service (loss of access to services, for example IT or other equipment breakdown) or complaint handling

## Minor misconduct complaints

Relate to the conduct of staff but are not serious enough to warrant a formal investigation by the Professional Standards Unit. Examples include:

- Unfair treatment
- Isolated incidents of incivility and rudeness.
- Isolated incidents of brusqueness.
- Isolated instances of bad language.
- Poor attitude, e.g. being unhelpful, inattentive or obstructive.
- A refusal to identify oneself when asked.

## Serious misconduct complaints

Defined as any unprofessional behaviour which, if substantiated, would demonstrate a fundamental breakdown in trust and could lead to disciplinary proceedings. Such complaints could undermine the reputation of the supplier, Immigration Enforcement or Ministers. Investigations into these types of allegations are conducted by the Home Office Professional Standards Unit (PSU).

Examples include:

- Repeated instances of minor misconduct offences.
- Offensive personal behaviour including verbal abuse.
- False statements and concealment of errors.

- Failure to carry out proper procedures.
- Failure to comply with legitimate processes and procedures.
- Computer misuse, e.g. unauthorised use of data.
- Criminal Assault including excessive use of force.
- Criminal Sexual Assault.
- Criminal Theft.
- Corrupt practices: Abuse of position for personal gain.
- Racism or other discrimination.
- Discrimination or harassment of any kind, e.g. on the grounds of race, sex or sexuality, disability, bullying or victimisation.
- Fighting or physical assault.
- Theft, fraud or other acts of dishonesty.
- Verbal harassment including swearing or using threatening or intimidating behaviour.
- Sexual misconduct.
- Improper disclosure of information or unauthorised breaches of confidentiality.
- Serious negligence or breach of Health and Safety procedures which causes, or could cause, injury or unacceptable loss or damage to a customer's property
- Incapacity when dealing with customers either through the influence of alcohol or substance abuse;
- Other unprofessional conduct (which includes any behaviour likely to bring Immigration Enforcement into disrepute or which casts doubt on a person's honesty, integrity or suitability to work for Immigration Enforcement).