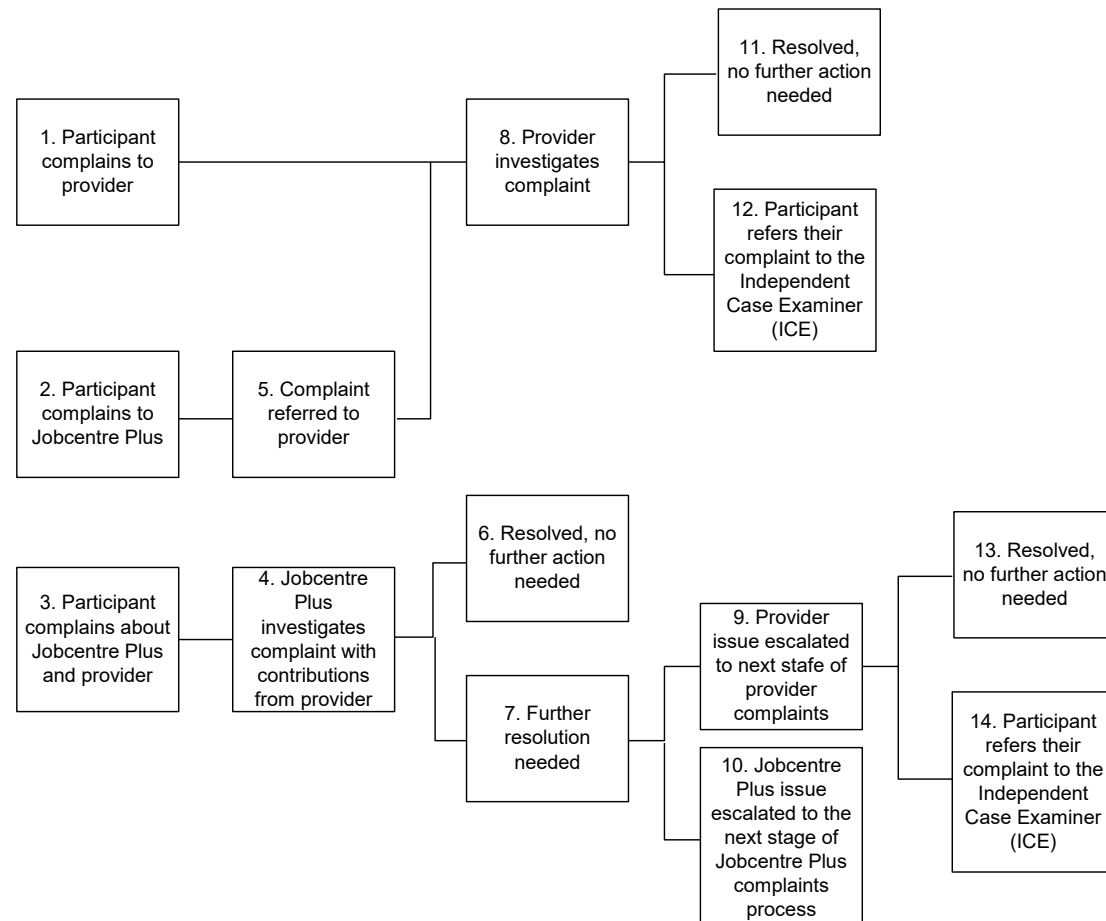


## Chapter 16: Participant Complaints

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## High Level Must Dos



## How to

### Participant makes a complaint against you

Where a participant is unhappy with the service they are receiving from you, they may raise a complaint.

#### Actions

- Ensure that all participants are aware of your internal complaints procedure.
- Take all steps outlined in the procedure to resolve the complaint.
- You must take all action to your stated timescales.

- On reaching end of your process you must include the text at [Annex 1](#) in your final response.

### **Consequences**

If you do not respond to the complaint within eight weeks of receipt the participant may choose to go directly to ICE.  
If you fail to resolve the participant's complaint to their satisfaction they may escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs for each complaint they uphold.

### **Background**

Further detail is provided in the [Detailed background and further information section](#).

### **Participant makes a mixed complaint (against you and Jobcentre Plus)**

If a participant wishes to make a complaint against both you and Jobcentre Plus, Jobcentre Plus will lead on responding to the participant and will ask for a contribution from you.

If the participant raises this type of complaint with you, you should direct them to Jobcentre Plus.

### **Actions**

- If you are contacted by Jobcentre Plus regarding a complaint you should return any paperwork or contribution to a reply within stated timescales and at least within five working days.

### **Consequence**

If the participant is not satisfied with the response to their complaint against you they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer: Compensation for poor service: a guide for DWP staff

### **Background**

Further detail is provided in the [Detailed background and further information section](#).

## **Participant makes a complaint against you to Jobcentre Plus**

In the course of their contact with Jobcentre Plus a participant may raise a complaint with them against you. Jobcentre Plus staff will direct the participant to raise their issue with you so you have a chance to resolve it to their satisfaction.

On receipt of the complaint you should follow your procedure as normal.

### **Actions**

- You must deal with the participant's complaint in the same way as you would had they have raised it with you directly

### **Consequence**

If you fail to resolve the participant's complaint to their satisfaction they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer:

[Redress Compensation for Poor Service: a guide for DWP staff](#)

## **Participant makes a complaint to you about Work Programme Policy**

If a participant raises a complaint with you regarding the requirement for them to attend the Work Programme or any other issue with programme policy you should direct them to contact Jobcentre Plus who will deal with their complaint.

## **An employer makes a complaint about you regarding the Work Programme**

During the life of the contract an employer, with whom you have placed or attempted to place a participant may wish to raise a complaint about you.

On receipt of the complaint you should follow your procedure as normal.

### **Actions**

- You must deal with the employer's complaint in the same way as you would any complaint made against you.

### **Consequence**

If you fail to resolve the employers' complaint to their satisfaction they can escalate the issue to the ICE. This could lead to you being required to contribute £5000 costs if the complaint is upheld after investigation. You will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer:

[RedressCompensation for Poor Service: a guide for DWP staff](#)

### **An elected member of a national or international body makes a complaint to you on behalf of a participant**

There may be occasions when an elected member of a national or international body would write to you on behalf of the participant, for example:

- Member of Parliament (MP)
- Member of the Scottish Parliament (MSP)
- Member of the National Assembly for Wales (AM)
- Member of the Northern Ireland Assembly (MLA)
- Member of the European Parliament (MEP).

Further advice on how to respond in this circumstance can be found in [Generic Provider Guidance Chapter 2 – Delivering DWP provision](#).

### **Detailed background and further information**

#### **Participant makes a complaint against you**

You must have an appropriate complaints process across your whole supply chain to resolve customers' complaints. You must explain your complaints process to the participant in your first contact with them. Please see [Work Programme Provider Guidance Chapter 14 – Communicating Your Minimum Standards](#) for further detail on communicating your minimum standards and complaints.

You may be interested in looking at the [Complaint Resolution Core Briefing Pack for Providers](#) and the [DWP Customer Charter](#) when reviewing your processes.

Where a participant is unhappy about the service they receive from you and raises a complaint you should ensure that you follow each step of your detailed process robustly in order to bring the complaint to a satisfactory conclusion.

After following all steps in your process you must include in your final response to the participant a standard text which signposts the customer to contact ICE should they wish to pursue their complaint. The text can be found in [Annex 1](#).

ICE will mediate between you and the participant to broker a resolution. If a resolution cannot be agreed between either party, ICE will undertake a full investigation of the complaint. To ensure that a thorough investigation can take place, you will need to provide all the papers which relate to the complaint. The ICE office will ask for these when required. If a complaint is upheld against you at this investigation stage, £5,000 will be recovered from you to go towards funding the ICE service for provider complaints in the following year.

DWP will gather Management Information from the complaints that ICE receive. This information will inform contract performance management.

### **Participant makes a mixed complaint (against you and Jobcentre Plus)**

If a participant raises a formal complaint against both you and Jobcentre Plus, Jobcentre Plus will lead on responding to the complaint. They will contact you for a response regarding the element of the complaint which relates to your provision, agree a final response with you, and issue it to the participant.

If the participant remains dissatisfied at this point, they will be advised to approach you directly about any issues which relate to the service you provide. You should treat the first combined response from Jobcentre Plus as the first stage of your complaints process and escalate the participants' issue to the next stage in your complaints procedure.

Jobcentre Plus will deal independently with any remaining issues relating to its services.

### **Referral of a complaint to the Independent Case Examiner (ICE)**

Complainants should be advised that they can escalate their complaint to the ICE within six months from the date of the final response that you issue.

On receipt of a complaint, ICE will contact you to confirm that each step of your internal process has been completed. If they feel that you have not completed your process satisfactorily you may be asked to revisit some steps to seek resolution before ICE are prepared to investigate further. You must deal with any correspondence of any nature from ICE within the stated timescales or at least within five working days.

## **The role of the Independent Case Examiner (ICE)**

The Independent Case Examiner (ICE) is an independent office holder, supported by DWP staff. The ICE does not act on behalf of participants, but as an independent arbiter.

The ICE Office has two primary purposes:

- to provide a free complaint resolution and investigation service to individuals who are unhappy with the final response to their complaint from the relevant DWP Agency, Business or Work Programme Provider
- to support DWP Agencies, Businesses or Work Programme Providers in improving their services, by highlighting where things have gone wrong and making constructive recommendations based on the complaints the ICE Office identify. Recommendations might be systemic in nature or case specific.

ICE has three stages of complaint examination, which will be applied to any complaints made about Providers. At every stage, you, the provider, will have the opportunity to give your version of events and offer any supporting evidence.

### **Stage 1: Resolution**

If a complaint is relatively straightforward, and the participant has reasonable expectations about what the Provider could do to resolve it, ICE will liaise between the parties involved and try to reach an agreement which is satisfactory to all. If a complaint is resolved at this stage then no determination of fault will be made and no recovery will apply.

### **Stage 2: Settlement**

If the complaint cannot be resolved, ICE will request the case papers from the Provider to establish what happened. Equipped with this information ICE will be in a better position to consider what needs to be done to put matters right, and what redress might be appropriate. Following the review of case papers, ICE will propose a way forward. If you agree the actions that ICE propose, and the participant is satisfied that they address their complaint, the case will be closed. Again, no determination of fault will be made and no recovery will apply.

### **Stage 3: Investigation Report**

If ICE is unable to reach an agreement between the participant and the Provider which satisfies the customer that their concerns have been addressed, it will prepare an ICE Report. The report will set out its findings in respect of each element of the complaint. Where appropriate it will identify areas of maladministration and include recommendations which will focus on

what needs to be done to put matters right and provide appropriate redress (including potential financial redress).

ICE will send you a draft, allowing you the opportunity to check factual accuracy and comment on proposed findings and recommendations. You will be expected to provide any comments on the draft within stated timescales (or not more than five working days). Your comments will be considered (though not necessarily accepted) by ICE before the report is finalised.

If a complaint is upheld against you at this investigation stage, £5,000 will be recovered from you to go towards funding the ICE service for provider complaints in the following year. There will be an annual review level of recovery between DWP and Work Programme Providers.

Providers will also be liable to pay any financial redress deemed by ICE to be due to the customer. ICE will apply the following DWP policy when considering if any redress is due to the customer:

[Compensation for poor service: a guide for DWP staff](#)

**How does the ICE make a decision?**

The ICE Office will conduct its investigations by reviewing all the existing evidence, and comparing what happened (or was most likely to have happened based on the evidence) with any agreed processes or published standards for the provider concerned. If the ICE judges the treatment received by the customer to be below or not in accordance with the agreed standards the complaint would be upheld. If there are no agreed standards relevant to the case, ICE will apply a 'reasonableness test' to the circumstances of the case.

**Learning from complaints**

ICE will send the Prime Provider a copy of the final report. This will offer feedback on the complaint that has been considered. Any systemic improvements – for example, the need for clearer wording in a standard letter or leaflet – will be raised with you as soon as a problem is identified. The ICE also produces an annual report which details trends and key findings from the findings of the previous year. Examples of previous reports can be found on the ICE website:

[Independent Case Examiner](#)

**The Parliamentary and Health Service Ombudsman (PHSO)**

The Provider has no right of appeal against ICE's decision. However, if the customer is unhappy with the outcome of the ICE investigation they can ask their MP to take their case to the PHSO. If the PHSO accepts their case, he



may recommend different or additional financial redress for the customer, which the Provider would also be liable to pay.

For more information, please visit PHSO's website at:

**[Parliamentary and Health Service Ombudsman](#)**

## **Annex 1: Standard wording for your final response to the customer**

If you are not happy with this response, you can ask the Independent Case Examiner (ICE) to consider your complaint. You should contact them within six months from the date of this letter. The ICE service is provided by the Department for Work and Pensions (which includes Jobcentre Plus) and offers a free, impartial resolution service but does not consider matters of law or government policy. ICE can be contacted at:

**Independent Case Examiner's Office**  
**Po Box 209**  
**Bootle**  
**L20 7WA**

**Phone: 0800 414 8529**

**Email address:** [ice@dwp.gsi.gov.uk](mailto:ice@dwp.gsi.gov.uk)

**Website:** [Independent Case Examiner](#).

### **Parliamentary and Health Service Ombudsman**

You can also, at any time contact your MP who may be able to send your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman normally (but not always) expects you to have exhausted both the provider complaints process and the ICE services before a complaint is accepted for investigation.

The Ombudsman investigates complaints that government organisations have not acted properly or fairly or have provided a poor service. To find out more, please contact:

**The Parliamentary and Health Service Ombudsman**  
**Millbank Tower**  
**Millbank**  
**London**  
**SW1P 4QP**

**Phone: 0345 015 4033.**

**Website:** [Parliamentary and Health Service Ombudsman](#)