



**OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER**  
**DOCUMENT COVER SHEET**

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**Document Control Sheet**

<b>Change no.</b>	<b>Revision no.</b>	<b>Originator of change</b>	<b>Date of change</b>	<b>Description of change</b>
1	1.1	L. Rush	16-3-10	Role of Parliamentary Commissioner described more fully and other small changes
2	2.1	L. Rush	8-10-12	Parliamentary Commissioner replaced by Parliamentary Health Service Ombudsman
3	2.2	L. Rush	26-3-13	Incorporation of SMT comments
4	3.0	L. Rush	16-4-13	New version approved at SMM
5	3.1	L. Rush	Jan. 2014	Reviewed following input from OISC Independent Reviewer
6	3.2	L. Rush	Sep. 2015	Reviewed following input from SMT
7	4.0	L. Rush	Jan. 2016	SMT final comments incorporated and BEC consulted
8	4.1	L. Rush	Jan. 2018	Revise timescales for dealing with complaint
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10	4.3	L. Rush	28/2/18	Incorporate further SMT comments from Feb coffee briefing
11	5.0 (Final Draft)	L. Rush	8/3/18	No further comments from BEC – Agreed the amendments. Final draft for consideration at March SMM
12	5.0 (Approve)	L. Rush	19/3/18	SMT approved final draft at Mar. SMM. Signed off by Dep. Com. 26-3-18
13	6.0	J Avberhota	26/03/2019	This policy has been revised in line with the action from 2017 Internal Audit Recommendation.

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**1. Introduction**

- 1.1 This policy explains the procedures relating to formal complaints about the OISC and/or its staff.
- 1.2 The OISC and its staff are often made aware of concerns, many of which can be informally resolved. This policy relates to formal complaints about the OISC and/or its staff which require formal investigation. It can involve both conduct issues and/or standards of service.
  - 1.2.1 This policy applies to members of the public including witnesses involved in criminal investigations who may not be happy with the service they have received from the OISC. However, this policy is not to be confused with the OISC's Complaints Scheme, which is about the service provided by immigration advisers. This policy also does not deal with grievance issues raised by staff as such matters are dealt with under the OISC's Grievance Resolution Policy and Procedure. This policy is also not applicable to appeals against decisions relating to registration.

**2. Scope of this policy**

- 2.1 According to this guidance, a complaint against the OISC and/or its staff is defined as an alleged failure by the OISC and/or its staff to provide a satisfactory standard of service whether due to mistakes, delays or discourtesy.
- 2.2 Any matter that is not under the OISC's jurisdiction e.g. a Tribunal will not be appropriate for OISC investigation. The complainant should direct it to the appropriate body.

**3. Dealing with formal complaints under this policy**

- 3.1 Formal complaints may be received in various ways, for example, in writing by letter, email or by telephone. They may be sent to a particular member of staff, the Commissioners, the Head of HR and Corporate Support (HR/CS), or via our [info@oisc.gov.uk](mailto:info@oisc.gov.uk) mailbox. Formal complaints must be received within 3 months of the incident being complained about; otherwise the OISC reserves the right not to investigate them. Where serious complaints of wrongdoing over 3 months ago come to light, the OISC will consider what action is necessary to address the issue, which may include investigation of the complaint under this policy.
- 3.2 When a complaint against the OISC and/or its staff is received by whichever method whoever receives it should, in discussion with their Line Manager, determine if it should be treated as a formal complaint. Some correspondence or phone calls may simply be a request for information or an expression of concern about not being able to get through to someone in the OISC. Where possible, such concerns should be dealt and resolved informally.
- 3.3 All formal complaints should go to the Head of HR/CS in the first instance. Where the complaint is unclear or further information needs to be supplied, the Head of HR/CS will allocate the complaint a temporary number and write out to the complainant requesting further information. The timescales for investigating formal complaints set out in Para. 5 will not commence until the complainant has supplied clear information what the complaint is about. By way of example, if a complainant simply states 'I wish to complain about my Caseworker' with no specific allegation as to why, where or when, it will be treated as an informal complaint in the first instance and the complainant asked to supply further corroborative information/evidence.

- 3.4 Any allegations within a complaint about an individual member or members of OISC staff must be supported with some form of evidence.

**4. Taking the complaint forward**

- 4.1 If an investigation is deemed appropriate by the Head of HR/CS, he will identify, in discussion with the appropriate SMT colleague, a suitable member of OISC staff who will be asked to undertake the investigation. If the complaint concerns the Head of HR/CS, it will be considered by the Deputy Commissioner. If the complaint concerns the Immigration Services Commissioner or Deputy Commissioner, it will be referred to the Sponsor Unit in the Home Office (Para.8 refers).

- 4.2 The responsibility of the Head of HR/CS is to then manage the overseeing of the complaint investigation having regard to compliance with the OISC's stated timescales for resolving these types of complaint. As necessary, they can require updates from the investigating officer to be given to them on the progression of an investigation and action taken.

**5. Timescales**

- 5.1 As stated at Para. 3.3 above, a complaint will only be treated as a formal complaint when sufficient information/evidence has been received. If this is not the case, a temporary complaint number will be allocated until such time it is clear there is a formal complaint.

- 5.2 The Head of HR/CS aims to acknowledge formal complaints within five working days of receipt, in writing. If a written acknowledgement cannot be sent, then the complaint will be acknowledged by telephone and a written record will be made of that conversation

- 5.2 A full written response to the complaint should be sent to the complainant and all other parties including OISC staff involved within eight weeks from date of receipt of the complaint.

- 5.3 Where the complaint is complex and requires an extended investigation, a written response will be sent to the complainant explaining the reason for the delay and where possible, an estimated resolution date.

- 5.4 The Head of HR/CS will keep a watching brief on the progress of each investigation

**6. The complaint investigation**

- 6.1 The Head of HR/CS will create a complaint file. Having considered the complaint they will decide how the investigation should be conducted and appoint an investigator.

- 6.2 The complaint investigator should take notes of any meetings they may have as part of their investigation. Such meetings can be held as one-on-one. If at any stage of the investigation however, it becomes clear that disciplinary action may result against the person/persons complained about, the Head of HR/CS should be consulted. If it appears that disciplinary action may be warranted, the Head of HR/CS will from that point take over responsibility for the complaint.

- 6.3 The complaint investigator may show a draft of his/her investigation report to interested parties, such as the person complained about and their Line Manager, to ensure there are no factual errors. They should not seek their endorsement of their findings or judgement.

6.4 Upon conclusion of their investigation, the complaint investigator will prepare and submit their full report to the Head of HR/CS presenting their findings/conclusions. In order to ensure consistency, the Head of HR/CS will if necessary moderate the report findings/conclusions before then writing to the complainant advising them of the outcome. A copy of the findings/conclusion sent to the complainant will also be sent to the person complained about and their Line Manager and Senior Line Manager.

**7. Complainant not satisfied with complaint determination**

7.1 If a complainant is not satisfied with the determination, they can ask the OISC's Head of HR/CS to refer the case to the Commissioners for a review of the determination. If this is the case, the complainant must write to the OISC's Head of HR/CS within five working days of receipt of the determination letter. The Commissioners will consider all the evidence/information relating to the complaint that was available to the complaint investigator. The Commissioners will advise the complainant of their conclusions and, if appropriate, recommendations, within four weeks of receipt of the request for review of the original complaint determination.

**8. Complaint against the Commissioners – referral to the Home Office**

8.1 If a complaint is made specifically against the Immigration Services Commissioner or the Deputy Commissioner (The Commissioners), it will be passed to the OISC's Sponsor Unit in the Home Office for consideration.

**9. Vexatious complainants**

9.1 The OISC has adopted the definition of vexatious as defined by the Information Commissioner. This is as follows: The Commissioner will consider the context and history of the request as well as the strengths and weaknesses of both parties' arguments in relation to some or all of the following five factors to reach a reasoned conclusion as to whether a reasonable public authority could refuse to comply with the request on the grounds that it is vexatious:

- 1) Whether compliance would create a significant burden in terms of expense **and** distraction;
- 2) Whether the request is designed to cause disruption or annoyance;
- 3) Whether the request has the effect of harassing the public authority or its staff;
- 4) Whether the request can otherwise fairly be characterised as obsessive or manifestly unreasonable;
- 5) Whether the request has any serious purpose or value.

9.2 The OISC's Head of HR/CS will advise the Commissioners if he considers that a complainant should be considered as a vexatious complainant giving his reasons for this conclusion based on the definition given at paragraph 9.1 above.

9.3 If the Commissioners are satisfied that a complainant is vexatious, they will write to the complainant explaining that the OISC will treat them as such and will not respond to any further correspondence/contact from the individual unless it is in pursuance of a statutory right i.e. FOI/DP request. A copy of this letter will be given to the OISC's Head of HR/CS who will place it on the complaint file.

9.4 If the complainant continues to submit FOI/DP requests which, in turn, are perceived to be vexatious, the OISC's Information Officer will advise the Commissioners giving their reasons for this conclusion. If the Commissioners agree with this conclusion the

Information Officer will be instructed to write to the individual notifying them of the decision to classify them as vexatious. A copy of this letter will be given to the OISC's Head of HR/CS who will place it on the Complaint file.

**10. Parliamentary and Health Service Ombudsman**

10.1 The Ombudsman has the power to investigate a complaint made by a member of the public where the person has potentially suffered injustice because of maladministration by a Government department or other public body, including a non-departmental public body such as the OISC. Complaints to the Ombudsman must be referred to their office by a Member of Parliament.

10.2 The Ombudsman is independent of Government and is not a civil servant. They report to the House of Commons. All complaints are dealt with confidentially and there is no charge for their service. Information about the Parliamentary and Health Service Ombudsman can be obtained from the Ombudsman's website, [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

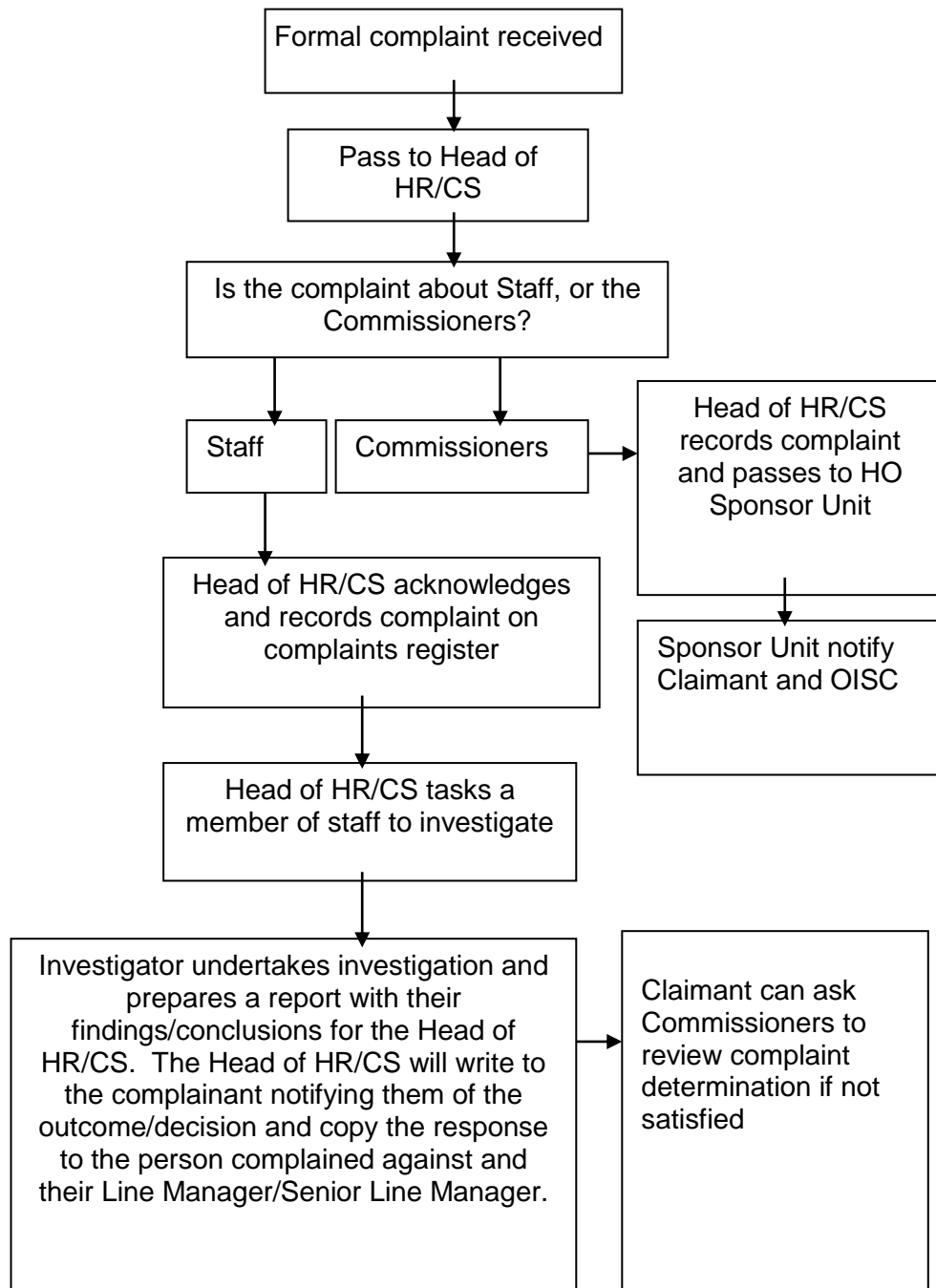
**11. Complaints about consultants or agency staff**

11.1 Complaints made against consultants or agency staff will be dealt with according to the terms of their contract.

**12. Recording and reporting of complaints received**

12.1 The OISC's Head of HR/CS will record, manage and report to SMT on the number of complaints received at six monthly intervals, unless SMT otherwise requires. Data will also be provided in the format requested to the Operations team to inform Outcome Measures.

## Annex A Complaints about the OISC and/or Staff – Flow chart





**Annex B**

**Complaint Number:**

**OISC RECORD OF A FORMAL COMPLAINT**

**1. *Details of complainant***

**Name:**

**Organisation's name:**

**Contact Address and Email Address:**

**2. *Time and date of complaint***

**3. *Is the complaint against the OISC and/or its staff? – If an individual or individuals, please state who?***

**4. *Nature of complaint (please continue on separate sheet if necessary)***

## **Annex C**

### **Complaints Leaflet and OISC Complaints Form**

#### **Complaints against the OISC and/or Staff procedures**

##### **Introduction**

This leaflet explains how to complain about the service provided by the Office of the Immigration Services Commissioner (OISC). It also explains how you can make comments and suggestions, which will help us continually to improve our service to our customers. This leaflet is only a guide, but it answers the most frequently asked questions.

##### **What can you complain about?**

If you think we have failed to provide a satisfactory standard of service, please let us know. Your complaint might be about delays, discourtesy or mistakes.

Inevitably, some organisations are disappointed because we have rejected their applications for registration or exemption. Please do not use this process to complain about such refusals, which are subject to specific statutory procedures.

##### **When should I complain?**

You should first try to sort out any problem by speaking to the person who initially dealt with you, possibly your Caseworker. If they cannot help or you wish to talk to someone else, you can ask to speak to the person in charge of their team. If this is not possible, or if you remain unhappy after discussing the matter with them, you should consider making a formal complaint.

##### **How to make a formal complaint**

You can complain in writing, either by letter or by completing the form at the back of this leaflet. You can also complain by telephoning, faxing or e-mailing the OISC's Head of Human Resources and Corporate Support (see details at the end of this leaflet). If you prefer, you can make a tape and send it to us. If you complain by e-mail, please include your full name and address. We take every complaint seriously, and aim to treat everyone who complains with courtesy and respect.

##### **What will happen to my complaint?**

Your complaint will be acknowledged within five working days. In most cases you will receive a full written reply to your complaint within eight weeks of us receiving it. If your complaint is complex and we cannot give you a full reply within this time limit, we will write to you explaining the reason(s) and where possible, a likely resolution date.

If your complaint is specifically against the Immigration Services Commissioner or Deputy Commissioner, your complaint will be referred to the Home Office to consider. If it is against the OISC's Head of Human Resources and Corporate Support, the Deputy Commissioner will consider it.

##### **What happens if my complaint is upheld?**

If any part of your complaint is upheld, the OISC will apologise and try to improve its service - for example, by reviewing procedures or arranging for staff training.

##### **What if I am not happy with the reply?**

If you are not satisfied with our reply, you can ask the Commissioners to review it. In doing so they will consider all the evidence/information relating to the complaint that was available to the original decision maker, usually the OISC's Head of Human Resources and Corporate Support. The Commissioners' review will not be a fresh investigation. The Commissioners

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will provide you with a full written reply within four weeks of you advising the OISC that you were not satisfied with our reply.

**Parliamentary and Health Service Ombudsman**

The Ombudsman has the power to investigate a complaint made by a member of the public, where the person has potentially suffered injustice because of maladministration by a Government department or other public body, including a non-departmental public body such as the OISC. Complaints to the Ombudsman must be referred to their office by a Member of Parliament; Maladministration generally means poor administration or the wrong application of procedures.

The Ombudsman is independent of the Government and is not a civil servant. They report to the House of Commons. All complaints are dealt with confidentially and there is no charge for the service. Information about the Parliamentary and Health Service Ombudsman can be obtained from the Ombudsman's website, [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

A. *Can I comment on the OISC's service even if I do not have a complaint?*

We welcome constructive comments and suggestions regarding our service. They help us to monitor and improve it. Please write to the Head of Human Resources and Corporate Support or email: [info@oisc.gov.uk](mailto:info@oisc.gov.uk)

B. *How to contact us*

Your complaint or suggestion about our service should be sent in writing to:

Head of Human Resources and Corporate Support  
Office of the Immigration Services Commissioner  
5<sup>th</sup> Floor, 21 Bloomsbury Street  
London WC1B 3HF  
Or email: [info@oisc.gov.uk](mailto:info@oisc.gov.uk)  
Or telephone: 0345 000 0046

**Annex C (Contd)**  
**OISC Complaints Form**

You can use this form to make your complaint – but, if you prefer, you can write a letter, email or phone us.

Date

Name (including your organisation where appropriate)

Address (including postcode)

Contact telephone number

Email address

Reference number of application (if appropriate)

Has your organisation applied for an application for registration/ exemption from us? (Please tick box)

Yes

No

Use this space to tell us about your complaint, clearly outlining why you are not satisfied.

Have you tried to resolve your complaint by contacting us before? (Please tick box)

Yes

No

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If "yes", when?

How?

Can you suggest improvements in our methods, which would overcome the problem(s) you have identified?

Any other comments?

If you need more space, use another piece of paper but please make sure you attach it to this form.

Please return this form to the:  
Head of Human Resources and Corporate Support  
The Office of the Immigration Services Commissioner  
21 Bloomsbury Street  
London WC1B 3HF