



Gangmasters &  
Labour Abuse Authority

# GLAA Complaints Procedure

**November 2016**

1. The GLAA is committed to being open and responsive to complaints from the public regarding its policies, procedures, and potentially the conduct of its staff. The GLAA will aim to respond to complaints within set timescales, and also monitor its response times, as well as the nature of complaints, in order to identify opportunities for performance improvement, or training issues.
2. This procedure will be published on the GLAA website complaints page: <http://www.gla.gov.uk/Who-We-Are/Complaints/>. It is the aim of the GLAA to respond to all formal complaints within the following timescales (working days):

	Informal/formal complaint – maximum period to reply from the date of receipt
Full response (no initial response required)	5
Initial response (acknowledgement where further investigations are required)	5
Full response	15

3. If an investigation (for example into a complex matter involving officer conduct) is needed it is possible that the enquiry may take longer than 15 days to complete. This may arise where interviews with a range of staff and individuals of other organisations, and the complainant are required. In such circumstances an interim letter should be sent. It will confirm that the original deadline of 15 working days will not be met and provide an indication of when a reply or further communication may be issued. Where this is required it should be sent as soon as the situation is identified, and before 15 working days have elapsed.
4. Complaints may be about individuals or the GLAA. They may be received at any level within the GLAA and in any format. They may be verbal, written, formal or informal. All written complaints will be regarded initially as formal complaints. Trivial complaints can often be dealt with on the spot, but even where complaints are defused by an apology or an explanation, there is often a lesson to be learned for the organisation. All complaints should therefore be logged and reviewed regularly (quarterly) by the GLAA's Senior Leadership team (SLT).
5. If staff receive a telephone call that indicates a serious complaint is being made, the caller should be asked if they wish to make a formal complaint. If so he/she should be advised to put their complaint in writing preferably by email to [complaints@gla.gsi.gov.uk](mailto:complaints@gla.gsi.gov.uk).
6. If a complainant does not wish to put their complaint in writing, but insist nevertheless that they wish to make a formal complaint, they should be asked to supply details of the complaint over the telephone and the details should be noted. Additionally, the complainant must be asked to supply his/her address and telephone details, and be advised that complaints will not normally be pursued

without this information. The information should then be passed to the Director of Strategy to determine the course of action required.

## **What Constitutes a Complaint?**

7. Any expression of dissatisfaction or suggestion for improvement should be regarded as a complaint. It is important that the GLAA has visibility of all complaints. Whilst many complaints may be resolved during the initial telephone call they must nevertheless be formally recorded on the database.

## **Exclusions**

8. This policy does not cover:
  - appeals against licence decisions. (These are dealt with under a different set of policies and procedures);
  - other policy decisions that we are empowered to make as part of our regulatory activities, such as setting licence fee levels;
  - complaints about how we have handled requests for information under the Freedom of Information Act 2000 or the Data Protection Act 1998;
  - complaints matters which are the responsibility of other bodies such as the Home Office;
  - complaints against licensed organisations (such information should be submitted as potential intelligence and we will deal with it accordingly as set out in our intelligence procedures);
  - our relationship with our employees and between employees;
  - contractual or commercial disputes involving us;
  - matters that have become the subject of legal proceedings or are under police investigation, or where sanctions have been imposed and to which an alternative appeal mechanism applies;
  - dissatisfaction with a policy the GLAA has adopted, including the complaints policy;
  - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where the GLAA has already given a final decision.

## **Recording of Complaints**

9. Brief details of all complaints (even when they have been resolved) should be logged on the Complaints database.
10. The complaints form should be completed for all calls that indicate a complaint may be made. This ensures that all complaints are logged. The form should be used to consistently record brief details of the complaint. The form should then be emailed to the Complaints inbox within 24 hours of the call and logged by the Strategy team. Even if the complainant asks to be anonymous the complaint should be reviewed and a decision reached on whether the complaint has grounds that require a remedy in terms of procedures or officer conduct. In simple cases, and particularly where misconduct is not alleged, complaints will normally be forwarded to Heads of Departments, and officers referred to in the complaint to seek initial comments. The

respective Head of Department and officer should forward any initial comments to the Complaints inbox within 48 hours of the complaint being received in order that an initial or full response can be co-ordinated and sent to the complainant within 5 working days. Complaints received by the Chief Executive should also be forwarded to the Complaints inbox for initial investigation by the Director of Strategy.

11. The Director of Strategy will carry out an assessment of each formal complaint, to determine whether a detailed investigation is warranted. He, or his deputy will:
  - Liaise closely with line managers as necessary
  - In the case of complaints against individuals, ensure that procedures outlined at paragraphs 11 to 16 are followed
  - In the event of a reply not being possible within the timescales set, advise the complainant in writing that their complaint is under investigation, and that the GLAA aims to respond within a specified number of days.
  - Keep a full record of all correspondence relating to formal complaints

### **Complaints against GLAA Officers**

12. All complaints are treated equally seriously. However, complaints concerning the conduct of GLAA staff receive careful consideration as proven misconduct can lead to disciplinary action, and because allegations of misconduct have been made in certain circumstances in order to undermine GLAA decisions in licensing and criminal procedures.
13. All complaints against GLAA employees must be fully recorded, investigated and responded to. The Director of Strategy will either undertake the investigation personally or in consultation with the appropriate Head of Department (or Director) will appoint an individual to conduct an investigation of all complaints against GLAA employees.
14. Those appointed to investigate complaints must be a higher-grade employee than the person who is the subject of the complaint. Wherever practical they should not be the direct line manager of the individual concerned. The investigation must be restricted to the matters covered by the complaint.
15. The person complained about should be provided with details – or a copy of – the complaint and be invited, initially, to respond in writing – normally within 5 working days - to the manager conducting the investigation. It may be necessary to follow up with an informal interview if further clarification is required. The person complained about may be accompanied/assisted by a colleague or Trade Union representative, whenever appropriate, should they desire.
16. The manager appointed to investigate the complaint will report their findings and make recommendations to the Director of Strategy for appropriate action. They

should say whether, in their view, the complaint was justified and, if so, what action they recommend should be taken against the person complained about.

17. Before a response is issued to the complainant any officer that is the subject of a complaint will:
- Be told the outcome and whether any disciplinary action is to be initiated against them, in accordance with the GLAA's disciplinary procedures
  - Be provided with a copy of the reply to be sent to the complainant
  - Be advised that if they are not satisfied with the outcome of a complaint investigation against them will have recourse to the GLAA grievance procedure.

### **At the conclusion of the complaint investigation**

18. The Director of Strategy will review the complaint investigation in order to provide a full response, setting out whether the GLAA considers the complaint to be upheld, or not, and reply to the complainant. The letter to the complainant will explain the decision reached and advise the complainant that if they are not satisfied with the outcome they may write to the Chief Executive within 10 working days of the date on the letter.

### **Time Limits**

19. Complaints must be submitted within six months of the date of the incident(s) in question, or the conclusion of a legal process, to be investigated by the GLAA.
20. In instances where more than six months have passed since the incident prompting the complaint, a detailed explanation for the delay must be submitted in writing. However, the GLAA reserves the right to determine if an 'out of time' complaint will be considered.

### **Complaints to the Parliamentary and Health Service Ombudsman (The Ombudsman)**

21. After the GLAA's complaints procedure has been exhausted, complaints relating to enquiries made by officers of the GLAA may be made to 'the Ombudsman'. The Ombudsman deals with complaints about maladministration by public bodies. Any complaint must be made via your Member of Parliament.
22. The Ombudsman seeks to establish whether a public body has acted correctly and fairly in carrying out its interpretation of the law. Cases for investigation may include those where a public authority:
- is alleged to have done something in the wrong way
  - has done something they should not have done or
  - has failed to do something which they should have done.

23. The Ombudsman can recommend a variety of remedies, including the payment of compensation to complainants and the revision, adherence to, or clarification of administrative procedures. Further information is available from:

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

Tel: **0345 015 4033**

Fax: **0300 061 4000**

Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)