



COMPLAINTS PROCEDURE

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Contents

Scope	2
1. Introduction.....	2
2. Confidentiality.....	2
3. Submitting a complaint	2
4.Overview of resolution procedure.....	2
Stage 1: early resolution	2
Stage 2: formal resolution	3
Stage 3: Internal Review	4
5.Managing unacceptable behaviour	4

Scope

These procedures outline the process for considering complaints from users of the UK Data Service (Service) specifically relating to those dealt with by the team at the UK Data Archive.

1. Introduction

The UK Data Archive and UK Data Service provide data access and other services to a large number of geographically disparate users. Occasionally a user may feel dissatisfied with some aspect of their dealing with the UK Data Service or UK Data Archive and when that happens we aim to deal with their issue as constructively and as quickly as possible.

2. Confidentiality

Complainants may expect concerns to be dealt with confidentially and that their privacy will be respected. It may be necessary to disclose information to others in order to deal with the complaint. This should only be done in accordance with Data Protection legislation.

3. Submitting a complaint

All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them. The UK Data Archive will not normally consider concerns or complaints which are made more than three months after the event/s complained about unless there is good reason for the delay.

Users should make their complaint in the first instance in writing giving as many details as possible. They can do so by email to the relevant team manager, or by following the details on the UK Data Archive or UK Data Service websites. If email is an inconvenient manner of communicating, then by telephone or through a face to face conversation.

Some situations can involve a combination of issues, some of which are complaints and others not and each case will be assessed on a case by case basis. Where this happens, users will be informed which specific issues will be considered under this complaints procedure.

Users should note that any comments made on the 'pop-up' user survey are looked at in aggregate to consider developments and enhancements to our systems. Users should not expect an individual response.

4.Overview of resolution procedure

Stage 1: early resolution

The focus is on early resolution. Staff investigating complaints at this stage will be at team manager level and will focus on understanding the nature of the complaint and remedies available. This may include face-to-face meetings which are designed to clearly establish facts,

not to apportion blame, and are not disciplinary investigations.

Wherever possible, if responsibility for the issue raised lies in the staff member's area of work, attempts should be made to resolve the concern at this local level, without the need to resort to formal proceedings. If responsibility lies elsewhere, the staff member receiving the concern will liaise with the appropriate team to facilitate a swift resolution.

Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to prevent this from happening in the future.

The outcome of an early resolution, including the reasons for the outcome, should be communicated to the complainant. Where proportionate to do so this will be in writing.

If the user remains unsatisfied they may escalate to stage 2 within one month of notification of the outcome of the early resolution phase.

Stage 2: formal resolution

Where it has not been possible to resolve the matter at stage 1, the complainant may initiate a formal complaint by email to the UK Data Archive Associate Director for Business, Operations and Strategy through the email address dainfo@essex.ac.uk. This email must include clear details of the incident and why the early resolution is not deemed appropriate.

What the UK Data Service will do upon receiving a formal complaint:

1. The Associate Director will acknowledge receipt within five working days.
2. All emails will be reviewed initially to ensure they meet the criteria of a complaint.
3. The Associate Director or their nominee will clarify how the complaint is to be investigated. Information will be sought from anyone else likely to be helpful in resolving the matter. This may include meetings (whether face-to-face, telephone or video conference) which are to establish facts not to apportion blame and are not disciplinary interviews. In any meeting involving the complainant or a member of staff, they have the right to be accompanied by an employee of the University or a trade union representative.
4. The complainant will be given an estimate of timescales for resolution.
5. A note of the main points of discussion will be taken and shared with interviewees after each meeting. Any factual inaccuracies should be highlighted immediately.
6. If at any time the complainant's expectations appear to be beyond what the UK Data Archive can reasonably provide or are not within the UK Data Archive's power to provide, they will be advised of this as soon as possible in writing.
7. A report will be completed at the end of the investigation, setting out clearly the process followed, the information gathered, the conclusions drawn and any recommendations. This will be shared with the complainant and the subject of the complaint. Any factual inaccuracies should be highlighted immediately.
8. Where a complaint is upheld, the outcome letter will also detail how and when the UK Data Archive will implement any remedy.
9. If a complaint about a member of staff is upheld it might be recommended that the UK Data Archive Senior Management Team considers whether any disciplinary action needs to be taken against the staff member. In these cases, the staff member's line manager and Human Resources will also receive a copy of the report for their joint consideration. Details affecting individual staff members will not be shared with complainants, particularly where they relate to any subsequent disciplinary action that is taken.
10. Should the user remain dissatisfied with the outcome of their complaint, they should escalate the matter to the internal review stage within one month of communication of

the outcome of the formal stage.

11. If the user is satisfied with the outcome of the formal stage or does not take the complaint to the Internal Review Stage within four weeks, the UK Data Archive will close the matter.

Stage 3: Internal Review

1. If the user is dissatisfied with the outcome of the formal complaint stage and believes their complaint has not been handled properly or fairly according to these procedures, they may request an internal review of the complaint within one month of the date of the letter containing the outcome of the formal stage.
2. A request for an internal review may be made on limited grounds, including but not confined to:
 - A review of the procedures followed at the formal stage
 - Consideration of whether the outcome was reasonable in all the circumstances
 - New material evidence which the user was unable, for valid reasons, to provide earlier in the process
3. The purpose of conducting an internal review is to consider whether any procedural irregularities occurred during the formal complaint stage and whether the outcome was reasonable. The internal review stage will not usually consider the issues afresh or involve a further investigation.
4. The complaint must have been considered at the formal complaint stage before it can be escalated to the internal review stage.
5. In order to request an internal review of the complaint, users must set out their complaint clearly and succinctly and provide evidence to substantiate the issues raised where possible.
6. Users can expect to receive written acknowledgement of the request for an internal review within five working days. The UK Data Service will then pass the request for review to the Faculty Dean and/or ESRC representative as appropriate for consideration.
7. If, at any time, the user's expectations appear to exceed the scope of the review stage, they will be advised of this as soon as possible in writing.
8. The decision of the Faculty Dean or his/her nominee will be final. If the Dean or their nominee determines that the request for an internal review is not well-founded, then they will dismiss the case and will formally issue the user with a Completion of Procedures letter, explaining the reasons for their findings.
9. If the Dean or their nominee determines that the request for an internal review is well-founded, then they will initiate a review of the case and then issue the user with an outcome letter, containing details of their findings and what the outcome will be. Where a complaint is upheld, the letter will also detail how and when the UK Data Service will implement any remedy.

5.Managing unacceptable behaviour

All individuals involved in a complaint need to act reasonably and fairly towards each other and treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, the UK Data Archive also recognises its duty to ensure the safety and welfare of its staff.

The UK Data Archive endorses the University of Essex's zero tolerance towards complainants whose behaviour is deemed to be unacceptable and action will be taken to protect staff.

The definition of 'unacceptable behaviour' might include, but is not necessarily restricted to cases in which there is clear evidence that the complainant has behaved in one or more of the

following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice:

- Complaints which are harassing or repetitive without good reason
- Communicating with the UK Data Archive's staff in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
- Submitting a complaint containing materially inaccurate or false information or evidence
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- Insistence on pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, the UK Data Archive will normally tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, the UK Data Archive will take action to restrict contact with the UK Data Archive and its staff. This could include requesting contact in a particular form, requiring all contact to be with a named person, restricting contact to specified times, asking the complainant to enter into an agreement about their conduct.

In the case of a complainant who does not desist, the UK Data Archive may report them to request their assistance in modifying their behaviour. This reporting will be to the most appropriate identifiable responsible person.