

HM Inspectorate of Court Administration

Feedback and Complaints

*A review of how HM Courts Service deals with
feedback and complaints in England and Wales*

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Chief Inspector's foreword

Her Majesty's Inspectorate of Court Administration reports to the Lord Chancellor on the "system that supports the carrying on of the business of Crown, county and magistrates' courts and the services provided for those courts." (Courts Act 2003). As part of its remit, the Inspectorate carries out thematic reviews, such as this study, which focus on particular aspects of work of Her Majesty's Court Service. This review examines the feedback and complaints process within HMCS. We have made a number of recommendations that should help to improve on the good work already taking place within HMCS in this area and have also identified good practice which we have highlighted throughout the report.

HMCS was created in April 2005 and at that time did not have a single organisational approach to feedback and complaints. Since then, HMCS has developed and implemented detailed corporate guidance, performance targets and an electronic recording and measurement system. While Inspectors applaud this work, and the progress it represents, Inspectors found that, at an operational level HMCS is not applying the feedback and complaints process consistently throughout its business units.

The Inspectorate is encouraged that locally, leadership and management of feedback and complaints are visible and driven proactively through the management structure. We found that HMCS staff are very helpful in assisting users with enquiries about feedback and complaints and that in most instances, service users can access the procedure. However, for those users in custody or in witness waiting areas and those who do not speak English, access is more limited.

The recording of feedback and complaints is inconsistent across HMCS and it was clear that much more should be recorded, particularly oral complaints. However, feedback and complaints that are recorded are dealt with appropriately and Inspectors found lots of excellent examples where processes have been changed as a result of feedback. It is clear that lessons are learnt, although the sharing of the outcomes is not always consistently communicated to staff.

In summary, Inspectors found that the Customer Service Unit has developed and introduced detailed national guidance and a good recording and measurement system for feedback and complaints within HMCS. However, the guidance is not yet being followed consistently at local level, nor is there a robust approach to ensuring feedback and complaints are recorded systematically.

I would like to thank all those, including busy HMCS staff and partner agencies, who took time during the review to meet with Inspectors.

A handwritten signature in black ink that reads "Eddie Bloomfield". The signature is written in a cursive style with a long horizontal stroke at the end.

HM Chief Inspector of Court Administration

Executive summary

Overall assessment

All service users are able to provide feedback or make a complaint

Her Majesty's Courts Service (HMCS) provides standard leaflets and posters to local business sites about services available to users and how they operate. For feedback and complaints there is a standard-issue, national leaflet and poster for display in public areas, custody suites, witness and jury waiting areas. Inspectors found that the feedback and complaints process is advertised in the majority of business sites, but is not always clear or accessible to all users. In particular, information relating to feedback and complaints is displayed in only a few witness waiting and custody areas. The official HMCS '*I want to complain*' leaflet (EX343) is not always readily available, and the feedback and complaints forms provided by business sites vary. This is particularly prevalent within the magistrates' courts where leaflets reflected the 'old' Magistrates' Courts Committee complaints procedure. However, HMCS staff in the majority of instances offer appropriate help and guidance to service users.

HMCS' written information is available in English and Welsh, although provision is limited for those users with special needs or whose first language is not English or Welsh. HMCS staff who are able to speak different languages volunteer to assist service users. However, this approach, while appreciated by managers, is not consistent and relies on individual staff goodwill, their availability and the accuracy of their language skills.

Responses to feedback and complaints are dealt with promptly and appropriately

HMCS cannot assure itself that feedback and complaints are dealt with promptly. Application of the recording procedure is inconsistent, with some feedback and complaints not being recorded; in particular oral feedback and complaints. While staff are fully aware of the timeliness targets, the national guidance is interpreted in different ways across HMCS, resulting in the possibility that data could be inaccurate. Some HMCS business units have good mechanisms for identifying the reasons for timescales not being met.

Inspectors reviewed a sample of feedback and complaints files and found that the majority of these are dealt with in an appropriate manner, with customers being provided with full and appropriate responses. Quality assurance mechanisms are not always in place and, occasionally, strict adherence to timescales adversely affects the quality of the response. Where quality assurance mechanisms are in place they are not always robust and rigorous, as evidenced by spelling and grammatical errors, and incomplete or even inappropriate replies in some of the files reviewed. Measures of customer satisfaction in relation to feedback and complaints are not consistently sought or evaluated within HMCS. Some good practice exists where feedback is sought through direct communication with complainants. Feedback to service users through public displays at HMCS business units is sporadic but, when information is displayed, it is of a good quality.

Compensation claims are managed in a variety of ways within HMCS, and this may result in inconsistency in the treatment of claims for compensation. The outcomes for claims sent to the Customer Service Unit are fed back to Area Directors, although local managers said they rarely received feedback on claims for compensation that originated in their business unit. Payment timescales are variable, mainly because the complainants' agreement is required.

Systems exist to ensure that improvements to processes and practices are triggered by analysis of Customer Analysis and Feedback (CAFe) performance or as a result of feedback or complaints, and that good practice is identified and shared

HMCS does respond well to feedback and complaints, with procedures and processes being changed as a result. However, there are various approaches to, and a level of inconsistency between, the way outcomes and good practice are shared within local business units and at a regional and national level. CAFe analysis is not always used effectively to trigger improvements or to inform future policy, and HMCS staff have a mixed view of its usefulness.

Leadership and the management of feedback and complaints is visible and ensures a proactive approach to customer service

Good leadership and good management of feedback and complaints are visible within most HMCS business units. There are examples of good practice where senior managers, through regular briefs and training events, drive a positive approach to feedback and complaints. There is an ongoing cultural shift within HMCS to see feedback and complaints as a positive way to improve performance. Most staff are knowledgeable about the feedback and complaints procedure, but are unclear about what to record. However, this knowledge does not always extend to HMCS partners such as the Witness Service and Custody Contractors. Those business units that utilise the expertise of the Customer Service Unit find it to be helpful and supportive. CAFe is a useful tool for recording and tracking complaints, but does not provide useful trend and pattern analyses if the feedback and complaints recorded are minimal.

Summary of recommendations

Recommendation 1

That HMCS improve access to the feedback and complaints process for all users by ensuring that:

- the feedback and complaints procedure is consistently and appropriately advertised throughout HMCS
- information is available in a wider range of languages
- alternative formats, such as Braille, sign language, and video and audio recordings are well advertised across the business units.

Recommendation 2

That HMCS review its processes for learning from feedback and complaints by:

- ensuring that oral feedback and complaints are appropriately recorded
- establishing mechanisms for capturing and sharing good practice
- using analysis of all feedback more effectively.

Recommendation 3

That HMCS ensure that all staff understand and implement the feedback and complaints procedure by:

- providing clarity of roles and guidance at both a national and a local level
- developing a standard training package to be delivered to all HMCS business units.

Areas for improvement

That:

- HMCS review the national Feedback and Complaint poster for public display and amends appropriately
- HMCS increase the number of compliments and praise that are recorded on CAFe
- HMCS review CAFe guidance, to ensure that recording instructions are clear in relation to complaints that cannot be resolved within the five-day target, and reissue guidance
- HMCS centrally collate local customer feedback questionnaires to establish best practice and to produce a generic template that enables analysis at a local, regional and national level
- Where delegated financial authority of up to £500 is given to local managers, assurance mechanisms should be employed to ensure consistency and probity
- Area Directors to provide feedback to local managers about complaints files that have been escalated to the Customer Service Unit for consideration of a claim for compensation or an ex-gratia payment
- HMCS ensure the timescales and payment details are clearly stated when corresponding with customers following authorisation of a compensation payment.

Good practice

Leicestershire and Rutland

- produced an excellent staff guide about service users with dyslexia
- one Customer Service Officer has designed a good single-page A4 sheet for front-line staff that shows how to identify a complaint.

South Wales

- Cardiff Crown Court provides excellent displays of feedback and complaints information in public areas, jury rooms, witness waiting rooms and custody areas
- the Area Director's Office looks at a random 20% sample of feedback and complaint files each month to check the quality of responses.

Humber

- displays a poster in all public areas that advertises a document translation service covering twelve languages. The poster explains the service in the twelve languages available for translation.

Central London Civil Justice Centre

- engagement with local community groups is used to encourage group members to provide feedback to the court
- improved performance considerably through a targeted approach to monitoring and measurement. Managers who consistently missed their five-day target were offered additional guidance and support. A weekly report of missed targets shared between managers has fostered a 'competitive' approach to meeting CAFe timescales
- set a more challenging three-day target to deal with most complaints in order to balance them with those complaints that take longer to deal with.

Lancashire

- feedback/complaint recording log sheets are photocopied on brightly coloured paper and placed on staff desks. This has helped to increase the quantity of recorded feedback and complaints
- the Customer Service Manager checks a random selection of feedback and complaints files for quality on a regular basis
- the Customer Service Manager reviews all claims for compensation to provide consistency and assurance.

Court Funds Office

- introduced a Correspondence and Complaints Co-ordinator who is responsible for recording all complaints and feedback. The Co-ordinator also tracks the complaints and ensures managers respond within target
- the Courts Funds Office has set a more challenging internal target of 95% for complaints to be responded to within five days
- two weeks after a complaint has been successfully resolved, a short questionnaire and an accompanying letter are sent to the complainant asking for feedback on how well they felt their complaint had been dealt with.

Merseyside and Lancashire

- 'Mystery Shopper' exercises are undertaken to check if staff are recording oral complaints consistently.

County Court Bulk Centre

- every member of staff is part of a 'lessons learnt' process that provides a regular forum for discussing the feedback and complaints received, and to identify what can be done to improve ways of working
- as a direct result of customer feedback, a newsletter was introduced and sent to key customers to raise awareness of the County Court Bulk Centre's role and responsibilities, and also to highlight relevant legislative changes.

County Court Bulk Centre and Customer Service Unit

- good checklists are provided to managers to enable consistent quality assurance checks and the tracking of target timescales.

Dyfed Powys

- Court User Group meetings and other professional fora are used to discuss cross-agency feedback and complaints, and to identify action that can be taken as a result.

Section 1

Introduction

Background

- 1.1 Prior to the inception of Her Majesty's Court Service (HMCS) in April 2005 there were 42 Magistrates' Courts Committees (MCCs), each with their own bespoke feedback and complaints procedure. Operating separately, the Court Service (the Crown Court and county courts) had its own procedures for dealing with feedback and complaints. Additionally, there were a number of units that did not fit neatly within the court structure¹ and were commonly known as stand-alone offices. Following the merger of the Crown Court and the county and magistrates' courts, senior HMCS managers decided to create a standard feedback and complaints system that would operate throughout HMCS, comprising the 42 court areas, the stand-alone offices and the Supreme Court.
- 1.2 The task of developing a new feedback and complaints process for HMCS was the responsibility of the Customer Service Unit. The Customer Service Unit falls within the Customer Services Division, which is led by the HMCS Head of Customer Services. He reports to the Director of Civil and Family and Customer Services. The Customer Service Unit has no direct management responsibility for staff working in the courts, Area Director offices or stand-alone offices. However, the Customer Service Unit reports to the Customer Service Board on a regular basis, and it is through this forum that they target areas of non-compliance and have access to the operational side of HMCS. This is discussed in more detail at paragraph 2.72.
- 1.3 The development of the feedback and complaint process involved the benchmarking of other feedback and complaint processes in other Civil Service organisations, as well as in private companies. A working group, representative of the new organisation, was set up to work on creating a bespoke procedure for HMCS.
- 1.4 Building on this work, the Customer Service Unit issued a *Complaints Handling Guide* in 2005 to all HMCS business units, accompanied by a *Quick Reference Guide* for all staff. In conjunction with this guidance, a recording system (Excel database) was developed that would enable managers to record, track and analyse the feedback and complaints received. This system replaced the Complaints Analysis System used prior to HMCS by the Court Service and is now known as the CAFe (Customer Analysis and Feedback) system. It incorporates the recording of praise as well as complaints.

¹ Court Funds Office, Jury Central Summoning Bureau and County Court Bulk Centre

- 1.5 This new HMCS recording process was compulsory for the Crown Court and county courts during the 2005/06 business year, as it was not dissimilar to the previous Court Service approach. This was not so for the magistrates' courts. It was felt that because there had previously been 42 different procedures for feedback and complaints, particularly in relation to targets, it would take time for the magistrates' courts to implement the new system and achieve the national targets. From April 2006, the CAFe system became compulsory for all HMCS operational business units.
- 1.6 Each month, the Customer Service Unit collates feedback and complaint information, such as timeliness against targets and categories of complaints, from all business units within HMCS, sending the data back to Areas and stand-alone offices as well as to the HMCS Customer Service Board.
- 1.7 The Customer Service Unit reviews and updates the guidance and the CAFe system annually through a process of consultation with HMCS staff. A new CAFe spreadsheet was introduced in April 2006. The *Complaints Handling Guide* was re-issued in September 2006 and an updated *I want to complain* leaflet with a tear-off form for users to complete was introduced in June 2006.
- 1.8 Although the inspection methodology is discussed below, it may be useful to provide a brief summary of the work of the two stand-alone offices that were visited as part of this inspection.
- 1.9 The County Court Bulk Centre is a central processing unit that is designed to relieve the courts of the routine repetitive tasks associated with processing large volumes of cases. The Centre has five main working areas: Claim Production Centre; County Court Bulk Centre; Centralised Attachment of Earnings Payment System, Money Claim Online and the Traffic Enforcement Centre. The Centre is under the leadership of the Centre Manager who reports to the Northamptonshire Area Director. The reporting line for the complaints process does not include the Area Director, but is the responsibility of the County Court Bulk Centre Manager.
- 1.10 The Court Funds Office, which comes under the umbrella of HMCS, provides a banking and investment service for county courts in England and Wales, and deals solely with claims in civil litigation matters. It is under the leadership of the Director of Operations – Official Solicitor and Public Trustee (OSPT). The Court Funds Office is managed by the Head of Business.
- 1.11 For the purposes of this report we will use the term 'business unit' to cover HMCS court sites, Area Directors' Offices, the County Court Bulk Centre, and the Court Funds Office. The term 'service user' will be used to describe any person who utilises the services of HMCS, whether a professional, business or lay user.
- 1.12 Finally, included in this report are a number of good practice examples that were identified during the fieldwork. HMICA acknowledge that this good practice may exist in other business units that were not included as part of this thematic inspection.

Methodology

- 1.13 In September 2006 Her Majesty's Inspectorate of Court Administration (HMICA) undertook a thematic inspection of feedback and complaints within HMCS.
- 1.14 The aims of the inspection were to establish if feedback and complaints about the administration of courts are:
- encouraged from all court users
 - dealt with promptly and appropriately
 - used to inform improvements in practices and performance through visible leadership and management.
- 1.15 Thirteen HMCS court areas were visited: Lancashire; Merseyside; Humber; Northumbria; Leicestershire and Rutland; Warwickshire; Kent; Hertfordshire; Gloucestershire; Avon & Somerset; Dyfed Powys; South Wales; and the Central London Civil Justice Centre. Inspectors went to two stand-alone offices; the Court Funds Office in London and the County Court Bulk Centre in Northampton. To gain an understanding of the national perspective on feedback and complaints, Inspectors also visited the HMCS Customer Service Unit. During the visits, Inspectors interviewed staff and reviewed relevant documentation, such as feedback and complaint files, and held focus groups.
- 1.16 In addition to the fieldwork undertaken for this thematic, evidence from recent inspections of the quality of service provided for victims and witnesses, defendants and jurors has also been used to form judgements about how well and consistently HMCS are implementing and delivering the feedback and complaints process, and improving outcomes for users.
- 1.17 Each business unit that Inspectors visited was asked to complete a self-assessment document against the inspection framework and provide a limited number of briefing materials. Included in these materials was a selection of feedback and complaints files dealt with during April and May 2006. Inspectors looked at these files to establish if timescales had been achieved and also to assess the quality of the responses. For example, were the responses easy to understand, was there an apology if HMCS had made a mistake and, if they had, did the correspondence explain what had been done to ensure that mistakes would not be repeated?
- 1.18 Finally, Inspectors sent 200 short questionnaires to a random selection of service users who had had their complaints dealt with by the Customer Service Unit in the months of April and May 2006. There were 39 responses and these are summarised at Annex D.

Acknowledgements

- 1.19 We are grateful to staff within HMCS for their support and co-operation throughout this thematic inspection programme. In particular, we would like to thank the liaison officers who provided inspectors with briefing materials and a timetable for our focus groups and interviews.

Section 2

Detailed findings

2.1 The detailed findings are divided into four sections:

- the feedback and complaints process is accessible for all court users
- feedback and complaints are dealt with promptly and appropriately
- improvements are made as a result of feedback or complaints
- leadership and management of feedback and complaints is visible and proactive.

The feedback and complaints process is accessible for all court users.

Accessibility

2.2 HMCS provides standard leaflets and posters for local business sites about the services available to users and how they operate. For feedback and complaints there is a standard national leaflet and poster for display in public, custody, and witness and jury waiting areas.

2.3 The HMCS feedback and complaints process is advertised in the majority of business sites, but it is not always clear or accessible for all users. In particular, information relating to feedback and complaints is displayed in very few witness waiting rooms or custody areas. However, Inspectors were pleased to find that a small number of areas do make specific arrangements to ensure that defendants in custody have the same access to forms and information as other service users. As part of Recommendation 1, HMCS should ensure that information about feedback and complaints is accessible in custody areas.

2.4 The recent HMICA inspections of the quality of service for defendants and witnesses reported as follows:

'Feedback and complaints received from defendants are taken seriously, dealt with appropriately and lead to improvements. However feedback is not always actively encouraged and defendants in custody may face additional obstacles when trying to complain'.²

'Inspectors found that there was invariably little or no information available to witnesses enabling them to comment on their experience. Witness waiting rooms rarely have leaflets or posters providing information about how to comment favourably or otherwise on the service they receive. No information was seen in witness waiting rooms visited about how previous complaints made by witnesses had been resolved'.³

² *Meeting Defendants' Needs* (HMICA, December 2006). Paragraph 1.5.

³ *Valuing Victims and Witnesses – an overview of inspections undertaken during 2005* (HMCA, March 2006). Paragraph 4.39.

2.5 A national feedback and complaints poster was produced for display in all business units, explaining how to provide feedback or make a complaint. The poster was designed centrally and put out for consultation with disability groups for their input; however, staff in many local units are of the opinion that improvements could be made.

2.6 In some business units, additional locally-designed posters supplement the national standard poster advertising the feedback and complaints process. There were some good examples identified across England and Wales where a lot of consideration had been taken of those users with special needs. One area had specifically produced posters that are easier to read by users with dyslexia, being produced on off-white or cream paper rather than brilliant white. Other examples include the use of pictograms that make it easy for those who have difficulty reading English to understand the different ways in which to provide feedback or make a complaint.



Area for improvement

That HMCS review the national feedback and complaints poster for public display and amends the poster appropriately.



Leicestershire and Rutland

Produced an excellent staff guide about service users with dyslexia.

Note: This work originated in Nottinghamshire, an Area not inspected as part of this thematic.



Cardiff Crown Court

Provides excellent displays of feedback and complaints information in public areas, jury rooms, witness waiting rooms and custody areas.

2.7 The national HMCS leaflet *I want to complain* (EX343) is not always accessible in public areas, and a number of different versions of feedback and complaints forms are provided by business sites. This was particularly prevalent within some magistrates' courts where the leaflets displayed reflected the 'old' MCC feedback and complaints procedure. Where written information is not available, or service users are not clear about how to provide feedback or make a complaint, HMCS staff in the majority of instances offer appropriate help and guidance.

2.8 Where staff assist users in completing the *I want to complain* leaflet, staff ensure that all the details are correct and ask the user to confirm that they agree with what has been written on their behalf. In one business unit a stamp is used to indicate that the leaflet has been completed by a member of staff on behalf of the user.

Different formats

2.9 Where written information is provided nationally, it is available in English and in Welsh. However, for those users with special needs or whose first language is not English or Welsh, provision is limited. HMCS staff that are able to speak languages other than English volunteer to assist service users, but this approach, while appreciated by managers, is not consistent throughout HMCS and relies on individual staff goodwill, their availability and the accuracy of their language skills.

- 2.10 At one business unit, a list of the languages spoken by staff is clearly displayed at the public counter, but unfortunately this is only written in English. While it is good to display a statement that spoken information is available in different languages, it would be helpful if the statement appeared in each of the different languages available.
- 2.11 Some business units have access to translation services such as Language Line⁴, but there is a cost for using this service, resulting in reluctance by some managers to advertise and utilise this option.
- 2.12 HMCS staff told Inspectors that they had not experienced any difficulties in dealing with users whose first language was not English or Welsh, as few complained in the first instance. However, Inspectors challenged this view by asking if this was because those individuals who could not speak or read English particularly well did not know how to access the feedback and complaints procedure. There is no assurance that all service users have access to the feedback and complaints process. While Inspectors appreciate that official court documentation has to be submitted in English, and that there are occasions when interpreters are employed for court hearings, they are not normally available for assisting users with a complaints form, for example.



Humber

Displays a poster in all public areas that advertises a document translation service covering twelve different languages. The poster explains the service in the twelve languages available for translation.

- 2.13 The Customer Service Unit can supply local business units with feedback and complaints information in a variety of formats, such as audiotapes, large print, Braille and a sign-language video. Unfortunately, few local HMCS areas are aware that these options are available.
- 2.14 Humber has produced a face-to-face customer satisfaction survey that includes questions about feedback and complaints. It particularly focuses on methods and formats. An extract from the survey follows:
- HMCS has feedback forms available which customers can use to make a complaint or give compliments. There are also notices displayed in the courts describing how to make a complaint or make comments.*
- 1 *do you consider this a satisfactory method for the public to give feedback – yes, no or don't know.*
 - 2 *if no, what other methods do you feel should be available?*
- 2.15 Those users who have taken the time to answer the survey questions and offer suggestions are sent a response detailing the actions that have been taken as a result of the feedback or, if none has been taken, why not.
- 2.16 The information gleaned from this survey will assist the Area in ensuring all options for formats are considered and in identifying which ones are seen as the most appropriate for service users within Humber.

⁴ www.languageline.co.uk



Central London Civil Justice Centre

Engagement with local community groups is used to encourage group members to provide feedback to the court.

2.17 There have been many discussions both locally and nationally about the provision of written information in other languages and about whether producing leaflets in many different languages is cost-effective. Inspectors were told that a general review of written communication within HMCS is underway, and included in this review is the provision of HMCS information in languages other than English or Welsh. The project is due to report early in 2007. While this is a step in the right direction for HMCS, currently the language needs of some service users are not being met.

2.18 The recent HMICA inspections of the quality of service for defendants and jurors reported:

*'There is little provision of written information in other languages. With the exception of Welsh and Braille, only locally devised leaflets are available in other languages.'*⁵

*'Inspectors noted that the Guide to Jury Service is only available in English and Welsh. While there is a requirement in the Juries Act 1974 that jurors have a sufficient understanding of English (although there is no requirement that they shall be able to read English), Inspectors consider that, potentially, persons whose first language is not English may be deterred from responding to a jury summons by the documentation received'*⁶.

2.19 While it is up to HMCS centrally to resolve this issue, Inspectors spoke to many staff who had alternative options to producing a multitude of leaflets. For example, it was suggested that the *I want to complain leaflet* could be translated into different languages and stored electronically. This would mean that there would be no bulk printing costs for leaflets, just the cost of laser-printing the leaflets when they are requested at local offices. This approach could be supplemented by a poster in a number of languages for each area, explaining that written information is available on request. Alternatively, an explanation of the feedback and complaints process could be recorded in a number of languages on CD or audiotape, to be made available at each business unit. HMCS staff have a wealth of good alternative ideas and these need to be captured centrally and explored to establish whether they are credible options for HMCS to take forward.

Recommendation 1

That HMCS improve access to the feedback and complaints process for all users by ensuring that:

- the feedback and complaints procedure is consistently and appropriately advertised throughout HMCS
- information is available in a wider range of languages
- alternative formats, such as Braille, sign-language, video and audio recordings are well advertised across the business units.

⁵ *Meeting Defendants' Needs* (HMICA, December 2006). Paragraph 6.11.

⁶ *A Thematic Review of Quality of Service provided by HMCS for Jurors in the Criminal Courts* (HMICA, December 2006). Paragraph 4.14.

Feedback and complaints are dealt with promptly and appropriately

Recording

- 2.20 The recording of feedback and complaints is inconsistent across HMCS. This is for a variety of reasons.
- 2.21 Firstly, staff – and particularly frontline staff – have difficulty in identifying exactly what they should be recording. While there is an explanation within the *Complaints Handling Guide*⁷ about what a complaint is, some staff still find this ambiguous. For example, staff asked ‘*when does a general moan become a complaint?*’. There is clearly a training requirement in some areas to resolve issues such as these. Training and guidance is discussed later in the report at paragraphs 2.79 - 2.83.
- 2.22 Secondly, frontline staff generally said that because they are busy, it is impossible to record everything. One magistrates’ court manager had advised the ushers to only record a complaint if they received the same complaint three times in one day. Some courts recorded only what they deemed to be ‘formal’ complaints – those submitted in writing or those to be dealt with by a manager. One customer service officer said her biggest challenge is to convince staff at all levels that all comments are important, even those received orally.
- 2.23 Disappointingly, a Deputy Justices’ Clerk told Inspectors he would not record complaints about court clerks and would try to deal with them ‘in house’ rather than go through the formal channels. A group of office managers said they would not always record complaints if they had been resolved on the day and the customer had gone away happy. Some front-line staff said that if they received a complaint about the facilities at the court, they would pass this on to the facilities manager and it would not always be recorded.
- 2.24 Some staff still see complaints as negative and demoralising, although complaints were perceived more positively where strong management and leadership was driving customer service. In one Area that embraces customer service, a complaint is seen as ‘*an opportunity to improve services*’. This quote has been included at the top of the customer feedback sheet as a constant reminder to staff that complaints are a useful tool for changing and improving processes and procedures.



Leicestershire and Rutland

One Customer Service Officer has designed a good single-page A4 sheet for front-line staff that shows how to identify a complaint.

- 2.25 The recording of oral feedback or complaints is also inconsistent, with some staff stating that they do not record these as they are often dealt with and resolved immediately and staff see little point in completing a record sheet. However, staff may receive the same oral complaint five or six times in a day and this is not always being captured. If these comments were being logged onto CAFE then the data analysis would clearly highlight trends and patterns to which managers could respond. For example, if court users are complaining repeatedly about the

⁷ The *Complaints Handling Guide* describes a complaint as ‘*an expression of dissatisfaction with service or facilities that needs a response.*’ Independent Charter Mark assessors have also approved this statement

same issue and this is not recorded, how will managers know about this and be able to identify improvement actions?

- 2.26 One Area Director told inspectors *'it was unrealistic to expect busy staff to record feedback and complaints when they are being bombarded every day with all sorts of comments and minor niggles from customers. Customers are a disaffected group anyway and it's in their nature that they gripe'*.
- 2.27 Recording oral feedback and complaints as much as possible is important as this will provide richer and more comprehensive data from which managers can look for trends, patterns and areas for improvement.



Lancashire

Feedback/complaint recording log sheets are photocopied on brightly coloured paper and placed on staff desks. This has helped to increase the quantity of recorded feedback and complaints.

- 2.28 The CAFe analysis of different business areas shows great differences in the recording of telephone feedback and oral complaints. One Area recorded only one telephone complaint from April to June 2006, whereas another Area recorded 115 in the same three-month period. The Customer Service Unit provides good analysis of the data, highlighting patterns and differences such as this, for the Customer Service Board. It would be beneficial for the analysis to be shared with a wider audience within the operational business units. For example, with the Regional and Area Directors.



Merseyside and Lancashire

'Mystery Shopper' exercises are undertaken to check if staff are recording oral complaints consistently.

- 2.29 Most noticeable from Inspectors' findings was the lack of praise or compliments recorded on CAFe. Inspectors heard mixed views about why praise should be recorded. Some staff said it was purely a Charter Mark exercise, while others said it was a good way to help motivate and encourage staff. Most people that Inspectors spoke to are of the opinion that praise is not regularly received owing to the nature of business within the criminal justice system. Some staff who had received praise through a 'thank you' card or personal letter did not share it with others and therefore it was not captured on CAFe. Conversely, others said it was displayed on notice boards for everyone to see, as it was a rare occasion when a compliment was received.



Area for improvement

That HMCS increase the number of compliments and praise that are recorded on CAFe.

- 2.30 Analysis carried out by the Customer Service Unit in June 2006 showed that praise accounts for a third of all feedback and complaints recorded in England and Wales. However, this figure varied across the Regions. For example, in one Region the CAFe data showed feedback to be divided between 57% complaints and 43% praise, whereas another Region recorded a split of 77% complaints and 23% praise.

2.31 Inspectors concluded that because the CAFe recording and tracking process was introduced alongside the *Complaints Handling Guide*, most staff associate CAFe with complaints rather than positive feedback and praise.



Court Funds Office – London

The Court Funds Office has introduced a Correspondence and Complaints Co-ordinator who is responsible for recording all complaints and feedback. The Co-ordinator also tracks the complaints and ensures managers respond within target.

Targets and timescales

2.32 HMCS performance targets in relation to feedback and complaints are set out as follows:

- Local business units – 85% of feedback and complaints to be substantively replied to within five working days
- Area Director (or equivalent in stand-alone offices) – 85% of feedback and complaints to be dealt with within ten working days from receipt of initial correspondence
- Customer Service Unit – 94% of all feedback and complaints to be dealt with within 15 working days.

2.33 All the HMCS staff spoken to during the fieldwork are clear about the target to respond to complaints at a local level within five working days. Managers are also aware that complaints referred to the Area Director's Office (for the County Court Bulk Centre this would be the Centre Manager and for the Court Funds Office this would be the Head of Business) should be responded to within ten working days. Although most staff are aware that the ten-working-days target is measured from the time that the complaint is received at the court (or County Court Bulk Centre or Court Funds Office), some thought the target meant an additional ten working days to deal with the complaint, which could lead to target performance not being met.

2.34 The majority of staff felt that the target of five working days was long enough to allow a quality response to be investigated and written, although some did say that occasionally the need to achieve the five-working-days target compromised the quality of their response. Those staff who deal with more complex cases, such as those that require an element of legal investigation, suggest the timeliness targets are wholly unrealistic. It is recognised by some staff that the 85% target allows for those cases that cannot be investigated and responded to within the five-working-days target. Inspectors consider the targets set out above are reasonable and allow for the majority of cases to be dealt with fully within the target period.

Figure 1 Timelines Performance

CAFe analysis for the period April to August 2006 for the business sites visited	ADO		County		Crown		Magistrates		All	
	Number of complaints dealt with	% within target	Number of complaints dealt with	% within target	Number of complaints dealt with	% within target	Number of complaints dealt with	% within target	Number of complaints dealt with	% within target
Avon & Somerset	24	87.5	247	95.5	27	100	89	87.6	387	93.5
Gloucestershire	6	100	19	84.2	2	50.0	51	76.5	78	79.5
South West Region	148	91.2	590	93.7	97	97.9	318	82.7	1,153	90.7
Hertfordshire	20	70.0	44	65.9	38	97.4	11	45.5	113	75.2
Kent	62	100	103	89.3	22	86.4	14	92.9	201	92.5
South East Region	281	92.9	719	90.4	125	92.0	258	80.6	1,383	89.2
Lancashire	36	91.7	136	100	29	96.6	130	90.0	331	94.9
Merseyside	34	94.1	132	97.0	14	100	105	90.5	285	94.4
North West Region	132	90.9	379	96.6	46	97.8	283	89.4	840	93.3
Humber	11	100	52	92.3	7	85.7	36	77.8	106	87.7
Northumbria	20	85.0	122	75.4	9	44.4	46	84.8	197	77.2
North East Region	87	79.3	570	90.2	56	82.1	245	87.3	958	88.0
Leicestershire	10	70.0	53	83.0	17	88.2	16	62.5	96	79.2
Warwickshire	1	100	3	66.7	0	n/a	15	93.3	19	89.5
Midlands Region	196	88.8	398	88.9	72	94.4	338	86.4	1,004	88.4
London County	359	93.9	736	91.7	NA	NA	NA	NA	1,095	92.4
London Region	369	92.7	736	91.7	NA	NA	NA	NA	1,363	89.2
Dyfed Powys	10	90.0	32	93.8	2	100	12	75.0	56	89.3
South Wales	63	92.1	248	97.6	26	100	40	92.5	377	96.3
Wales and Cheshire	114	88.6	421	94.3	42	95.2	130	78.5	707	90.5
Court Funds Office	0	n/a	75	90.7	NA	NA	NA	NA	75	90.7
County Court Bulk Centre	0	n/a	138	96.4	NA	NA	NA	NA	138	96.4

2.35 Figure 1 shows the CAFe data for the business sites visited during this thematic inspection. Approximately 90% achieved the 85% timeliness target. However, Inspectors have previously highlighted that there is a considerable quantity of oral feedback and complaints that are not being recorded. The CAFe data can assist managers in gauging whether feedback and complaints are being recorded. While not wholly scientific, by comparing areas of similar demographics and workload it is possible to identify whether more work needs to be done to encourage staff to record more feedback and complaints. For example, one area may have recorded only 14 complaints in their magistrates' courts, yet another of similar size may have recorded 114.



Central London Civil Justice Centre

Set a more challenging three-day target to deal with most complaints in order to balance them with those complaints that take longer to deal with.



Court Funds Office

The Courts Funds Office has set a more challenging internal target of 95% for complaints to be responded to within five days.

2.36 While staff are fully aware of the timeliness targets, their measurement is open to interpretation across HMCS, resulting in the possibility of inaccurate data. Some courts recorded on CAFe that a complaint had been responded to and the file completed when only a holding letter⁸ had been forwarded to the complainant. This can lead to a complaint not being fully resolved in a timely manner, as tracking the complaint on CAFe is no longer possible. The outcome of this impacts on the data analysis produced by CAFe; misleading managers into thinking that targets have been achieved. This practice is not widespread, but it has happened in some areas.



Area for improvement

HMCS review CAFe guidance, to ensure that recording instructions are clear in relation to complaints that cannot be resolved within the five-day target, and reissue the guidance.

2.37 Some HMCS business units have good mechanisms for identifying the reasons for timescales not being met. For example, in one Area the Performance Manager monitors targets within CAFe. The Performance Manager then chases managers to provide a response within target. If a full response is not possible within the five-working-days target, an explanation is sought as to why this is the case.



Central London Civil Justice Centre

Central London Civil Justice Centre has improved performance considerably through a targeted approach to monitoring and measurement. Managers who consistently missed their five-day target were offered additional guidance and support. A weekly report of missed targets shared between managers has fostered a 'competitive' approach to meeting CAFe timescales.

⁸ A holding letter is sent to a service user when their complaint cannot be fully resolved within five days. This letter should provide details of what is being done and a date when it will be completed and a final response sent

CAFe analysis

2.38 CAFe analysis is useful for identifying the ways in which service users provide feedback or make a complaint. For example, the data in Figure 2 shows that only 4% of users utilise the *I want to complain* leaflet, yet over 30% of service users provide feedback or make a complaint orally. Some staff told Inspectors that they estimate up to 80% of oral feedback and complaints are not recorded on CAFe. While this is anecdotal evidence, it clearly highlights the issue of oral complaints not being consistently recorded.

Figure 2 England and Wales 2005/06: Number of complaints received by format used

Format used	Justified		Not justified		Total	
	Dealt with	% in target*	Dealt with	% in target*	Dealt with	% in target*
Letter	7,346	77.9	3,335	79.1	10,681	78.3
E-mail	390	86.4	168	85.1	558	86.0
In person	988	93.3	355	90.4	1,343	92.6
Telephone	3,218	96.4	1,318	96.0	4,536	96.3
Form	575	77.2	276	82.2	851	78.8
Fax	578	81.7	335	82.1	913	81.8
Other	405	93.8	106	78.3	511	90.6

Source: CAFe

Figure 2 England and Wales 2005/06: Number of complaints received by customer type

Format used	Justified		Not justified		Total	
	Dealt with	% in target*	Dealt with	% in target*	Dealt with	% in target*
Public	5,854	85.2	3,458	85.9	9,312	85.5
Other users	304	85.9	85	83.5	389	85.3
Judiciary	120	91.7	18	88.9	138	91.3
Parties	5,003	83.2	1,465	82.2	6,468	82.9
Jurors	474	91.1	107	86.0	581	90.2
Witnesses	123	75.6	40	65.0	163	73.0
Defendant	1,454	82.8	645	79.4	2,099	81.8
MP	93	79.6	62	77.4	155	78.7
Other	75	78.7	13	92.3	88	80.7

Source: CAFe

*Target is 85% of all feedback and complaints to be dealt with locally within five working days or, at Area level, within ten working days.

2.39 Identifying the source of customer complaints will also help business units in establishing where to focus specific attention. HMCS can use this data to find out how many of the complaints were similar and whether there are any common themes, which may require the development of additional guidance or changes to processes. CAFe can provide this data for business units, although some staff told Inspectors that it was not useful, or was not utilised at all. It would be helpful, as part of a review of feedback and complaints training (see Recommendation 3) or through the performance manager network, if the benefits of CAFe and its associated analytical tools could be demonstrated to staff.

Quality

2.40 As previously mentioned in paragraph 1.17, Inspectors looked at a small sample of feedback and complaints files dealt with during April and May 2006. These files were from local courts, Area Directors' offices, the County Court Bulk Centre and the Customer Service Unit. Inspectors looked at the files to establish if timeliness targets were being achieved and also to assess the quality of responses. For example: was the response easy to understand; was there an apology if HMCS had made a mistake; and if they had, did the correspondence explain what had been done to ensure that mistake would not be repeated?

2.41 In the majority of sample files, feedback and complaints were dealt with in an appropriate manner, with customers provided with a full and appropriate response. To assist staff, some business units have created a checklist that is attached to the front of a complaints file to ensure that the key aspects of any response have been included. While these checklists are welcomed, in the majority of instances, quality assurance mechanisms are either not in place or, where they are in place, they are not always robust and rigorous enough, as was evident by spelling and grammatical errors, and incomplete and inappropriate replies in some files reviewed. Quality assurance checks of feedback and complaints are predominantly only undertaken on those complaint files that have been escalated to the Area Director level (Area Director level for the County Court Bulk Centre is the Centre Manager and for the Court Funds Office it is the Head of Business). Complaints escalated to the Customer Service Unit are not checked for their quality.



County Court Bulk Centre – Northampton Customer Service Unit – London

Good checklists are provided to managers to enable consistent quality assurance checks and the tracking of target timescales.

2.42 The Court Funds Office Correspondence and Complaint Co-ordinator is responsible for checking the quality of draft responses from section managers. This role provides an impartial view and ensures the quality of the response is the best it can be. The County Court Bulk Centre Customer Service Team provided a good level of quality assurance for complaints dealt with by this unit. Unfortunately, due to budget restrictions, this team was disbanded at the end of June 2006. However, the quality assurance role continues and is now carried out by managers, who ensure that responses are of a good quality. The Customer Service Team members, although now allocated to other areas of work, are readily available to assist and guide managers when required. The quality assurance checklist that was produced by the team is still in use by managers.

2.43 In Lancashire, the Customer Service Manager quality assures a random selection of feedback and complaint files across the area and, where a problem is identified, this is raised and dealt with appropriately through line management channels.



South Wales

The Area Director's office looks at a random 20% sample of feedback and complaint files each month to check the quality of responses.



Lancashire

The Customer Service Manager checks a random selection of feedback and complaints files for quality on a regular basis.

2.44 While inspectors generally found that the quality of responses was appropriate, there was one aspect of quality that was not consistent in the files Inspectors sampled. This was the use of written correspondence guidelines found in the *Standards of Customer Service* document, which is Annex A of the *Complaints Handling Guide*. In particular, the corporate font was not used and, in some cases, technical terms were not explained.

Customer feedback

2.45 Measures of customer satisfaction and evaluation of responses to feedback and complaints are not consistently sought within HMCS, although some good practice does exist through the use of direct communication with complainants.

2.46 Lancashire, Humber, South Wales, Kent, and the Central London Civil Justice Centre are some of the areas that seek further customer feedback in relation to feedback and complaints. Some of this is part of an overall customer satisfaction survey, whereas other feedback mechanisms are specifically targeted at those users who have made a complaint.



Area for improvement

HMCS centrally collate local customer feedback questionnaires to establish best practice and to produce a generic template that enables analysis at a local, regional and national level.

Inspectors acknowledge that local variations may be required – however, the bulk of the questions could be generic.

2.47 In addition to the recording of complaints and praise on CAFe, some business units also use a 'Customer Comment' card. These are placed in public areas and are used to gain feedback from users. Some witness waiting rooms also have comment books available. Unfortunately, the information captured on these is not always transferred to CAFe when appropriate. Therefore, feedback that might be recorded on a comment card is being missed from any future analysis or discussion. Analysis of this information is done in isolation from CAFe whereas, if utilised together, they would assist in providing more comprehensive data. Inspectors acknowledge that a name is required on the CAFe log, which is not always available from the comment cards. However, 'anonymous' could be entered into this column.

2.48 The recent HMICA inspection of the quality of service provided for jurors reported as follows:

‘Jurors are encouraged to provide feedback on their experiences. Inspectors observed that legacy feedback systems – for example suggestion boxes – are still in place at courts and are sometimes used locally to drive change. However, the feedback from those legacy systems is not always fed into the newly implemented CAFé system (which is HMCS’ new complaints and feedback collection system). HMCS is therefore missing the opportunity to utilise information provided to them by one of their key customers, which might then inform the planning of improvements to the service provided.’⁹

2.49 A good example of where different methods of customer feedback are sought and analysed is in the HMCS North West Region, which has a comprehensive consultation strategy document. This includes how the business units within the Region will obtain and process customer feedback. Quarterly ‘complaint follow-up’ surveys are carried out with customers who have complained in writing. To support this, a synopsis of all feedback and complaints is produced at each business unit, bi-annually. This synopsis is displayed in public areas and is discussed at Court User Group meetings. There is also a commitment, within the strategy, that all results from surveys must be promptly analysed and published. Key to this strategy is an evaluation of the processes used to glean customer feedback and this is formalised through the Regional Customer Service Improvement Group. The strategy includes a number of options for collating customer feedback and included in these is the CAFé system, comment cards, ‘complaint follow-up’ questionnaires and face-to-face surveys. Overall, the strategy provides a comprehensive approach to assessing customer satisfaction.

2.50 As a direct result of customer feedback, the County Court Bulk Centre introduced a newsletter in August 2006 that is sent to all county court managers. The newsletter provides information about the County Court Bulk Centre to raise awareness of their role and responsibilities and also to highlight relevant legislative changes. This was identified through the large number of calls to the Centre from county courts that were continually seeking clarification about new rules or changes. It was, therefore, decided that any changes in civil legislation and procedures would be cascaded to all local county courts through the newsletter. The County Court Bulk Centre will monitor the success of the newsletter in the months following its introduction. The newsletter contains a section entitled ‘Praise and Criticisms’ that gives details of any positive feedback received, or details of any complaints received and the action taken as a result. The County Court Bulk Centre also displays performance information in relation to feedback and complaints on their website.



County Court Bulk Centre

As a direct result of customer feedback, a newsletter was introduced and sent to key customers to raise awareness of the County Court Bulk Centre's role and responsibilities, and also to highlight relevant legislative changes.

⁹ A Thematic Review of Quality of Service provided by HMCS for Jurors in the Criminal Courts (HMICA, December 2006). Paragraph 5.16.

2.51 The Customer Service Unit provides the Ministerial Correspondence Unit, the Chief Executive's Office and Ministers' Private Offices with draft replies to feedback and complaints received at these offices. The Customer Service Unit has held meetings with representatives of these offices to discuss how improvements can be made. These meetings are minuted with actions agreed and timescales set. This approach has helped to improve the quality of the work provided to these offices and has resulted in a number of positive comments about the good standard of work produced by the Customer Service Unit.



Court Funds Office

Two weeks after a complaint has been successfully resolved, a short questionnaire and an accompanying letter are sent to the complainant asking for feedback on how well they felt their complaint had been dealt with.

2.52 Some business units display useful information about feedback and complaints to customers through public displays, but this is not widespread within HMCS. Those that did display information to customers used a variety of formats; for example, 'you said..., we did...' posters. These are good, simple documents with two columns. One column states what the customer's comment or complaint was and the second column explains what has been done to rectify it, or explains why improvements could not be made. Alternative approaches included: a detailed synopsis of the feedback and complaints received and what was done as a result; timeliness performance data in graph format showing how long it had taken to respond to feedback and complaints; and an analysis of the type of complaints received and from whom. CAFE has a report-generating facility that produces graphs and charts for public display, but not all business units are utilising, or are aware of, this useful function.

2.53 Inspectors found evidence during previous quality of service inspections that, while some public displays were of a high quality, in relation to presentation and useful information these were not regularly kept up to date. Inspectors suggest HMCS ensure that public information related to feedback and complaints is appropriate and kept up to date.

Management of claims for compensation

2.54 It is necessary for HMCS, in certain situations, to offer financial compensation as an appropriate form of redress to a customer. Generally the customer will make it clear that they feel some form of financial address should be offered to compensate them for the damage they feel has been done. It is not necessary for HMCS to offer compensation automatically if the customer does not request it. However, HMCS is obliged to make customers aware that it is possible for compensation to be claimed, in situations where HMCS are at fault and it is deemed appropriate.¹⁰

2.55 Compensation claims are managed in a variety of ways within HMCS, which may result in inconsistency in the treatment of claims for compensation payments. Area Directors have the financial authority to pay out up to £10,000 in compensation per claim, usually in consultation with the Customer Service Unit. In addition, Area Directors and equivalent managers in stand-alone offices can delegate authority to local managers to pay up to £500. The latter option is preferred by the Customer Service Unit, because it means complaints are

¹⁰ Explanation taken from the *Complaints Handling Guide*, Section 4, claims for compensation

resolved and processed more quickly than by referring them up to the next level. However, Inspectors found that there were few local checks to assess the consistency and validity of claims and payments.



Lancashire

The Customer Service Manager reviews all claims for compensation to provide consistency and assurance.

- 2.56 Internal Audit Division has recently carried out a number of audits across England and Wales that reported on the feedback and complaints process, including the management of claims for compensation. They concluded that in a number of areas there was *'inconsistency in the treatment of claims for compensation'*. As a result, one area has revoked local managers' delegated authority in respect of the authorisation of payments up to £500 for compensation claims.



Area for improvement

Where delegated authority of up to £500 is given to local managers, assurance mechanisms should be employed to ensure consistency and probity.

- 2.57 Outcomes of claims for compensation sent to the Customer Service Unit are fed back to Area Directors, or their equivalent in stand-alone offices, detailing the history of the complaint and the reasoning behind any decision that is overturned. However, local managers told Inspectors that they would welcome feedback on these cases because, in most instances, they do not know the outcome of complaints once they have been escalated to either the Area Director, or the Area Director's equivalent in the stand-alone offices, and the Customer Service Unit.



Area for improvement

Area Directors to provide feedback to local managers about complaints files that have been escalated to the Customer Service Unit for consideration of a claim for compensation or an ex-gratia payment.

- 2.58 Some managers expressed concern regarding the length of time it takes for customers who have made a claim for compensation to receive their compensation or ex-gratia¹¹ payments. Managers said that as soon as they had received agreement from the customer, payments were instigated with the financial services provider, Liberata. The manager would then write to the customer to explain that the payment had been authorised. Unfortunately, some customers have had to wait some time for their payment to arrive, resulting in a subsequent complaint from the customer. While there is a contract with Liberata stating the number of days it takes to process payments, this is not always explained to customers when the managers write to confirm payment has been authorised.



Area for improvement

That HMCS ensures the timescales and payment details are clearly stated when corresponding with customers following authorisation of a compensation payment.

¹¹ The definition of ex-gratia is 'as a favour rather than an obligation'. A payment which is ex-gratia does not admit legal liability

Improvements are made as a result of feedback or complaints.

Improvements and lessons learnt

- 2.59 Centrally, the Customer Service Unit analyses the data it receives from local business sites as well as from their own recording database RESPOND.¹² By doing this analysis the Customer Service Unit has identified a number of key issues that have required further research. An example of this is the work carried out in relation to unlawful detentions and wrongful arrests. The Customer Service Unit has seen an increase in the number of compensation payments owing to unlawful detentions and arrests. One of the reasons for this is that prior to HMCS, each Magistrates' Court Committee had its own insurance that covered the cost of any compensation payment. Since the inception of HMCS, all compensation payments are paid from Area budgets, which has caused some concern because of the budget restrictions imposed in the financial year 2006-07. The Customer Service Unit has created a separate database to keep track of these cases, and has discussed the issue with the Criminal Justice Delivery Unit to try to raise the profile of such claims for compensation with a view to reducing the number that arise. It is anticipated that a Business Information article will be produced to communicate the concerns raised by the Customer Service Unit.
- 2.60 Inspectors found that there was no particular pattern or commonality in the reasons given for wrongful arrest or detention that could usefully inform any guidance to be issued or action to be taken nationally. Each case is dealt with as it arises and Area Directors told Inspectors that procedures are put in place to prevent a re-occurrence. Despite the number of wrongful arrests and detentions being particularly small compared to the number of warrants issued, the Customer Service Unit was still very concerned about the number of cases that was being assessed and was keen to highlight the importance of good warrant management and the careful house-keeping of court files. With tight budget restrictions, it is imperative that these types of cases are kept to a minimum, with compensation costs from April 2005 to the time of the inspection spiralling to £200k. The Customer Service Unit will continue to monitor unlawful arrests and detention cases, and to provide a synopsis of each case for the relevant Area Director to use to identify and apply preventative measures.
- 2.61 Every business unit visited during this thematic inspection provided excellent examples of processes changed as a result of a complaint or feedback. It is clear that lessons are learnt, although the sharing of the outcomes is not always consistently communicated to staff.
- 2.62 As previously mentioned in paragraph 1.12, we acknowledge that the good practice examples and the strengths highlighted in this report may well exist in other business units that were not visited during the fieldwork for this inspection. It would be impossible to list all the improvements that were shared with Inspectors without making this report extremely lengthy. It is also difficult to pick a small number without offending business units that have clearly made improvements and are not mentioned in the report. However, the following two examples demonstrate that HMCS is making improvements as a result of feedback and complaints:

¹² RESPOND is the database used by the Customer Service Unit to record all correspondence and enquiries from service users

An usher in a magistrates' court received a number of queries from users who did not have a full and clear understanding of what happens when a driving disqualification is imposed and the implications of breaching such an order. As a result, the usher developed and designed an explanatory leaflet about what to do and what not to do while disqualified from driving.

2.63 The usher has been rewarded through the Good Ideas Scheme.

A court received many complaints about lengthy waiting times and reviewed the local listing policy to try and resolve the long delays before cases were heard. In addition to this a poster was produced and displayed in public waiting areas, which was entitled 'How long will I have to wait?' The poster explained, in plain language, the reasons why cases might take a while to be heard and also encouraged court users to ask the ushers for updates if the reasons for the delay had not been explained.



County Court Bulk Centre

Every member of staff is part of a 'lessons learnt' process that provides a regular forum for discussing the feedback and complaints received, and to identify what can be done to improve ways of working.

2.64 Some areas capture good practice from feedback and complaints through a variety of channels – for example weekly team meetings, 'lessons learnt' meetings, Customer Service Officer meetings, or through Court User Group meetings to name a few. However, this approach is reliant on the commitment and enthusiasm of staff rather than a systematic approach embedded in management structures.

2.65 In one business unit, staff said they did not know the system for sharing good practice across the Area, saying '*we tend to be in our silos and only share within our teams*'.

2.66 Of particular note is the lack of shared good practice between the stand-alone offices, such as the Court Funds Office and the County Court Bulk Centre, with the court business sites. For example, the Court Funds Office has a Customer Service Team that is able to dedicate time and resources to developing new and better ways of engaging with customers through the feedback and complaints process. The stand-alone offices Inspectors visited during this inspection have some good practice in a number of areas, and it is a shame that neither they nor the courts acknowledge the value of sharing their good ideas with a wider audience.

2.67 The Customer Service Division recognise the need to capture and share good practice, and is planning to create a good-practice website from which business units can share information and glean ideas for implementation. However, development of this at the time of the inspection was still embryonic. There is a desire by the Customer Service Division for the website to go 'live' during the first quarter of the next financial year.

Recommendation 2

That HMCS review its processes for learning from feedback and complaints by:

- ensuring that oral feedback and complaints are appropriately recorded
- establishing mechanisms for capturing and sharing good practice
- using analysis of all feedback more effectively.

Leadership and management of feedback and complaints is visible and proactive

Leadership from the 'centre'

- 2.68 The HMCS feedback and complaints process was introduced less than two years ago. Since then the Customer Service Unit has worked hard to develop and introduce detailed national guidance and to provide support to local business units. While great strides have been made, it is clear that the guidance is not yet being followed consistently at a local level, nor is there a robust approach to recording feedback and complaints.
- 2.69 The Customer Service Unit reports to the Customer Service Board on a regular basis, and it is through this forum that the Customer Service Unit is able to drive and target its work and access the operational side of HMCS. There are four Area Directors on the Board and they represent the views of all Area Directors. They act as a conduit for the Customer Service Unit to implement and drive policy at a local level.
- 2.70 However, this approach has its difficulties. Because the Customer Service Unit does not have direct management responsibility for staff working at a Regional or Area level, it cannot assure itself that once the feedback and complaints guidance has been issued it will be adhered to on a consistent basis. To overcome this, the Head of the Customer Service Unit has presented, to the Customer Service Board, a proposal for a number of assurance visits by his team to local business units. These visits will identify whether feedback and complaints are being recorded correctly and whether the national guidance is being followed.
- 2.71 Prior to this proposal for assurance visits, when the national guidance was first introduced in 2005, the Chief Executive of HMCS made the pragmatic decision to allow a bedding-in period for business units to become accustomed to the new guidance and the recording mechanisms. Once this 'honeymoon' period was over, the next stage was to ensure performance monitoring, and management of feedback and complaints was an integral part of the performance management framework. Now business units have had 18 months to familiarise themselves with the feedback and complaints guidance and processes, the next step for the Customer Service Unit is the process of assurance, as mentioned in paragraph 2.70 above. The Customer Service Board has agreed this assurance process and each Area Director has been sent a letter from the HMCS Chief Executive, explaining the purpose of the assurance visits and reinforcing his commitment to improving customer service. The Customer Service Unit has applied a sensible approach to the implementation of the guidance and targets, taking into consideration other pressures and commitments, such as budget and resource restrictions, which will be seen locally as a 'higher' priority. However, the Customer Service Unit sees customer service as a high priority, of which feedback and complaints is a key strand, and it is developing a fair and realistic approach to ensuring locally that the systems and guidance are in place and are being applied consistently.
- 2.72 There is a clear disconnection between what local business units expect from the Customer Service Unit and the Customer Service Unit's remit. There is reluctance on behalf of the centre to 'impose' guidance, as it does not have operational accountability, nor does it want to appear to be taking on aspects of the Area Director role by instructing managers and staff in how to implement the guidance and measurement system. However, the evidence gleaned from local units during the inspection suggested that they would welcome further input from the Customer Service Unit, in the form of more guidance and direction.

- 2.73 An example of this is the Customer Feedback Form¹³ that many front-line staff said took too long to complete. Staff also provided many useful improvement suggestions to enable easier and quicker capturing of feedback. The issue here was that, at a local level, it was assumed that this national form could not be changed to suit local needs; at a national level there was an assumption that the national forms were ‘guidance’ and that they could be adapted to suit local requirements. Centrally, there was a desire for a consistent approach, but this did not mean a desire for rigidity that prevented staff recording as many compliments and complaints as possible.
- 2.74 Those business units that utilise the expertise of the Customer Service Unit find them helpful and supportive. Unfortunately, some areas have not thought to utilise the expertise of the Customer Service Unit when they are either investigating complicated complaints or assessing the amount of compensation appropriate to the complaint. The *Complaint Handling Guide* clearly states that one of the Customer Service Unit’s major responsibilities is to provide support, advice, and any other general assistance to those business units that might need it in order to effectively deal with feedback and complaints.
- 2.75 Although the Customer Service Unit does provide support and advice, some Areas said they would welcome more feedback from them. For example, if a complaint file has been sent to the Customer Service Unit as the final stage of the process, managers would welcome the Customer Service Unit’s thoughts about how the complaint had been dealt with locally – was there a better way of responding initially that would have prevented the complaint being escalated through the stages of the process?
- 2.76 Overall, the Customer Service Unit has achieved a great deal since the inception of HMCS, with the development and introduction of a new feedback and complaints process, good comprehensive guidance and a measurement system. However, the Unit is aware that more work needs to be done to continue the cultural shift within HMCS that will encourage all staff to accept that feedback and complaints make a positive contribution to improving performance and overall customer satisfaction.

Local leadership and management

- 2.77 There are some Areas/units that have an overall customer service ethos and see feedback and complaints as an integral part of this. In these business units, leadership and the management of feedback and complaints are visible and driven proactively through the management structure. Additionally, their business plans refer to an overall customer satisfaction commitment, of which part is the feedback and complaint process, and in particular the achievement of the 85% target for responding to complaints. Staff in these areas are positive about complaints and see them as a vehicle for driving change and improving ways of working. Contrary to this, in a small number of business units, staff told Inspectors that the recording of complaints is negative and demoralising for staff.

¹³ The customer feedback form is Annex W of the *Complaints Handling Guide*.

2.78 While most HMCS staff are knowledgeable about the feedback and complaints process, this knowledge does not always extend to HMCS partners such as the Witness Service, Custody Contractors and Enforcement Officers. Some business units have clearly enlisted the help of other agencies that work with HMCS service users to explain the process of how users can complain or provide feedback. However, as previously mentioned, in paragraph 2.3, other business units had neglected areas, such as the witness waiting rooms, with the result that Witness Service staff, for example, might not be aware of how to advise a witness or victim who wishes to complain.



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Court User Group meetings and other professional fora are used to discuss cross-agency feedback and complaints, and to identify action that can be taken as a result.

Guidance

2.79 The stand-alone business sites that Inspectors visited, the County Court Bulk Centre and the Court Funds Office, had produced their own bespoke internal guidance in addition to that provided nationally. Inspectors suggest that the Customer Service Unit look at ways of incorporating stand-alone structures into the national guidance, to alleviate the additional work required of the stand-alone offices when creating local, bespoke feedback and complaints guidance.

Training

2.80 A national training programme was not developed to support the introduction of the HMCS feedback and complaints process. However, to support the feedback and complaints guidance the Customer Service Unit developed 'road shows' which were delivered by their own staff to introduce the key aspects of the new process. This was further supplemented by an awareness seminar targeted at individuals who dealt with written responses to feedback and complaints, particularly if a claim for compensation was included. These road shows and seminars were voluntary, with business units needing to be proactive in approaching the Customer Service Unit to deliver the training sessions. There have been approximately 50 events, held and feedback from business units visited during the inspection suggested, in the majority of cases, that these events have been valuable.

2.81 As a result of this approach, Inspectors found that some business units had already begun, or were just beginning, to develop and deliver their own bespoke training sessions. Some areas were a lot more structured than others in their approach to the provision of training for staff. One area enlisted the expertise of their Learning and Development Manager to develop, in conjunction with the Customer Service Manager, a structured training brief for all staff. The training brief is tailored to suit the audience and a thorough evaluation is conducted after each training session.

2.82 Other business units are developing and delivering their own training in the absence of an Area approach. This unfortunately has a number of disadvantages. Firstly, the message about the importance of recording and responding to feedback and complaints, and making changes as a result is not consistent and, secondly, the time and resource needed for each unit manager to create their own training package is considerable.

2.83 The lack of a national structured approach to training in relation to feedback and complaints has resulted in front-line staff getting mixed messages about the importance of recording oral feedback and complaints. Some managers said it was just impossible to record everything so, unless a particular type of complaint was received on a regular basis by their staff, they would not expect them to record it. Others were really proactive and followed the guidance by encouraging staff to record all oral feedback and complaints.

Recommendation 3

That HMCS ensure that all staff understand and implement the feedback and complaints procedure by:

- providing clarity of roles and guidance at both a national and a local level
- developing a standard training package to be delivered to all HMCS business units.

Annex A

HMCS Action Plan

HMICA Recommendation 1

That HMCS improve access to the feedback and complaints process for all users by ensuring that:

- the feedback and complaints procedure is consistently and appropriately advertised throughout HMCS
- information is available in a wider range of languages
- alternative formats, such as Braille, sign language, and video and audio recording are well advertised across the business units.

HMCS response

HMCS will review the notices it uses to advertise its complaint and feedback procedures

Overall improvement target: To provide customers with clear notices setting out the complaint and feedback procedure by April 2007 and issue a protocol on where and how they should be displayed.

HMICA Recommendation 2

That HMCS review its processes for learning from feedback and complaints by:

- ensuring that oral feedback and complaints are appropriately recorded
- establishing mechanisms for capturing and sharing good practice
- using analysis of all feedback more effectively.

HMCS response

HMCS will consider what more needs to be done to ensure that staff consistently record oral and written feedback, including clarification as to what form should be used to record feedback received.

Overall improvement target: To improve the consistency and accuracy of complaint and feedback recording by September 2007 and conduct further assurance testing.

HMICA Recommendation 3

That HMCS ensure that all staff understand and implement the feedback and complaints procedure by:

- providing clarity of roles and guidance at both a national and a local level
- developing a standard training package to be delivered to all HMCS business units.

HMCS response

- HMCS centre will consider what further action is needed to ensure staff are aware of their role when handling complaints and feedback
- HMCS will aim to introduce a new training package, to improve the consistency of complaint handling, within the next 12 months.

Overall improvement target: To raise the profile of complaint handling and feedback and ensure more accurate recording by September 2007.

Annex B

Inspection framework

Feedback and complaints

Feedback and complaints about the administration of courts are encouraged from all service users, and are dealt with promptly and appropriately, and used to inform improvements in practices and performance within HMCS

1 All HMCS service users are able to provide feedback or make a complaint

- 1.1 All service users (including those in custody) have access to the HMCS feedback and complaints system
- 1.2 HMCS feedback and complaints documentation is accessible in different languages and formats

2 Responses to feedback and complaints are dealt with promptly and appropriately

- 2.1 Feedback and complaints are dealt with promptly
- 2.2 HMCS responds to customer feedback and complaints in an appropriate and quality manner
- 2.3 Payments made as a result of a complaint are handled appropriately

3 Systems exist to ensure that improvements in processes and practices are triggered by analysis of CAFE performance or as a result of feedback or a complaint, and good practice is identified and shared

- 3.1 Improvements in processes and procedures are made as a result of feedback or a complaint, and good practice is systematically identified and shared
- 3.2 Analysis of feedback and complaints is used to inform improvements in service delivery and provide a steer for future policy

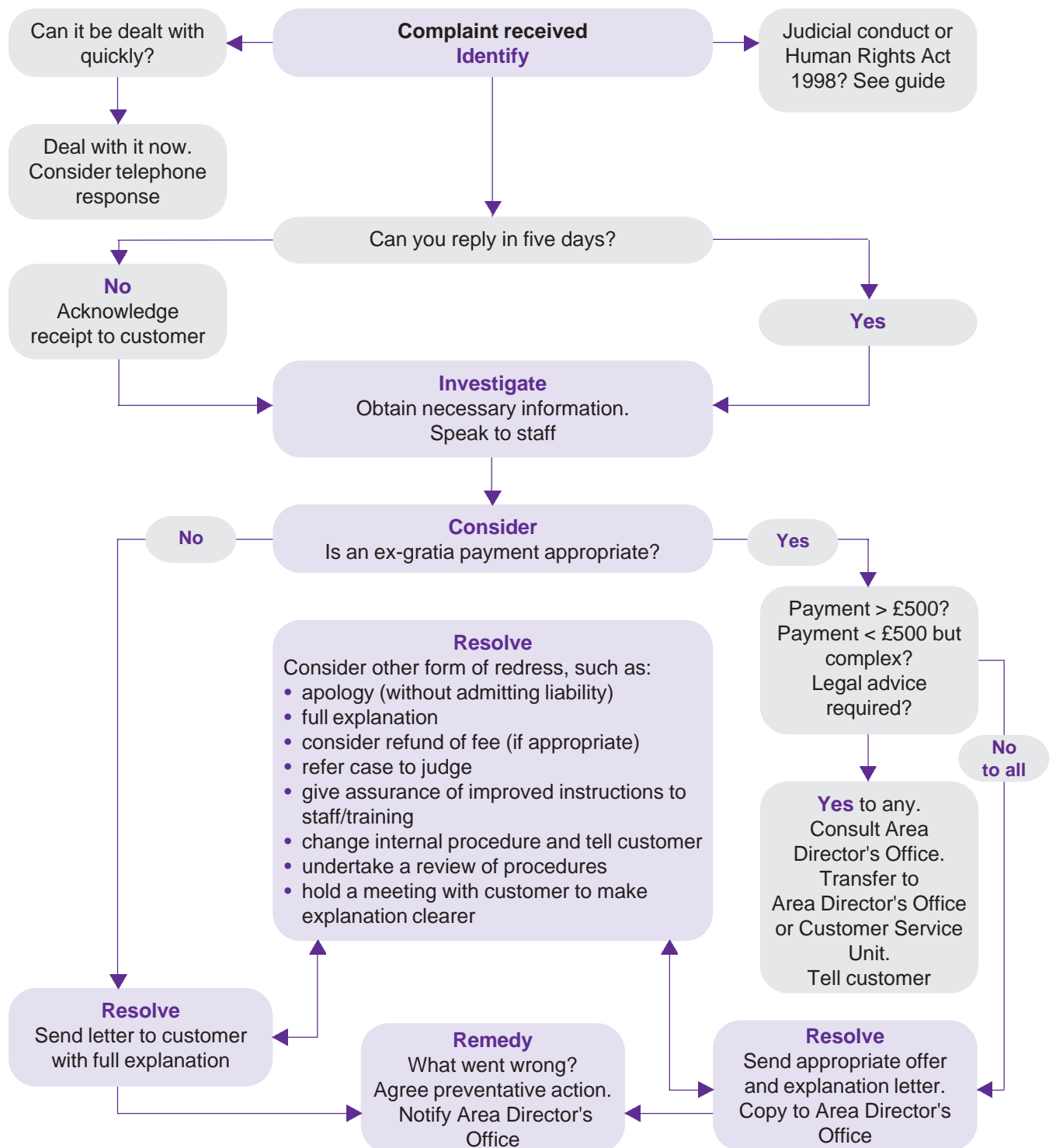
4 Leadership and management of feedback and complaints is visible and ensures a proactive approach to customer service

- 4.1 Leadership and management of feedback and complaints provides a visible and proactive approach, which is communicated effectively both internally and externally
- 4.2 HMCS staff are sufficiently trained to encourage, deal with and manage feedback and complaints

Annex C

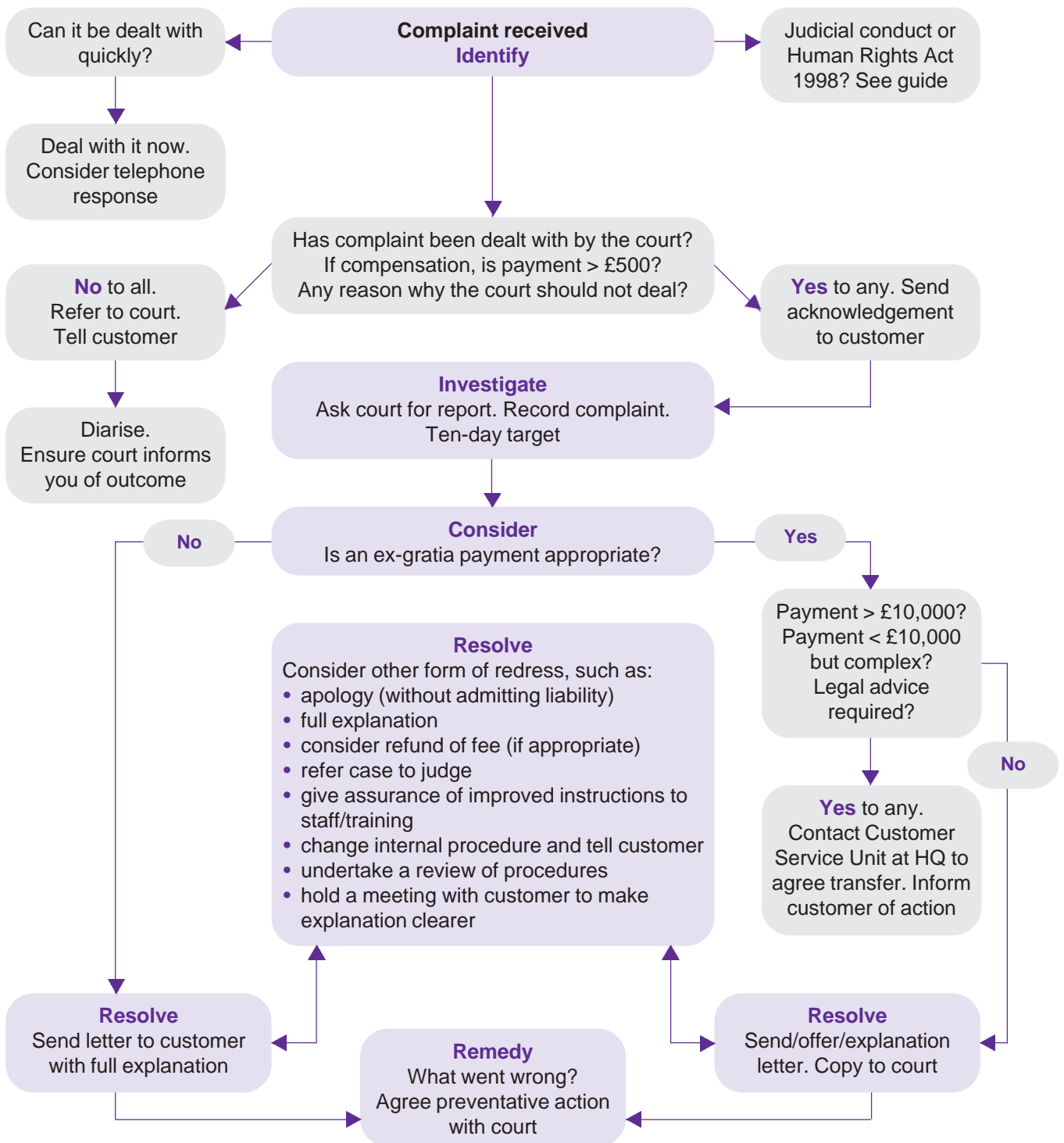
Feedback and complaint process flowchart¹⁴

Court/office manager flow chart



¹⁴ HMCS *Complaints Handling Guide*. Annexes G and H.

Area Directors flow chart



Annex D

Customer feedback survey results

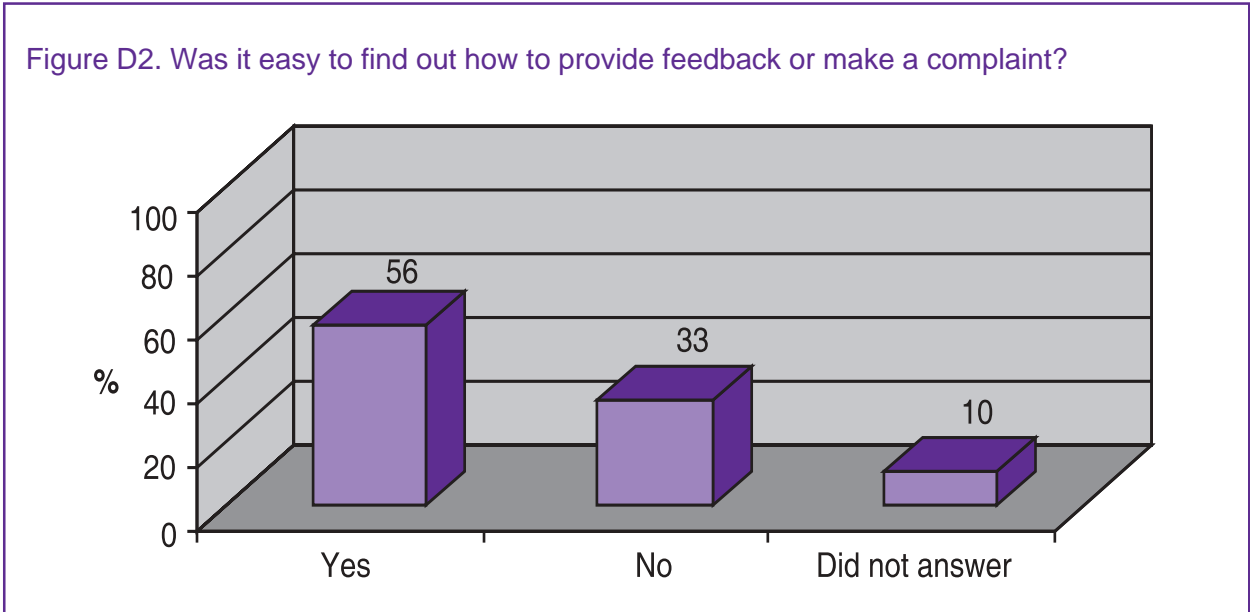
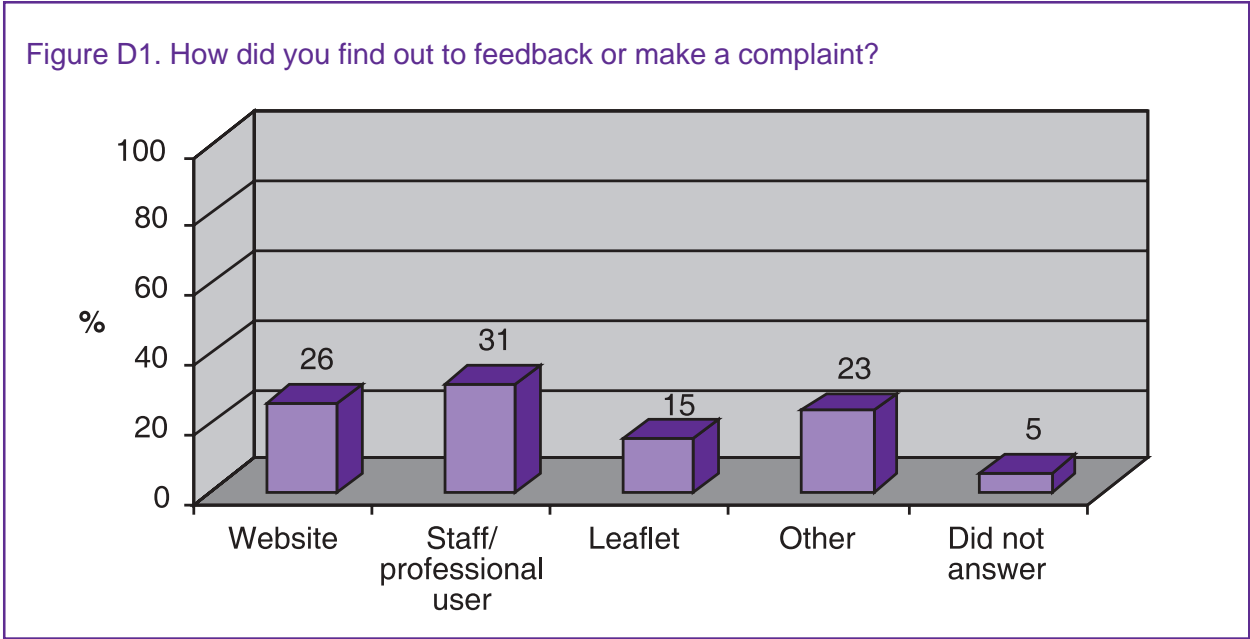


Figure D3. In what format did you provide your feedback or make a complaint?

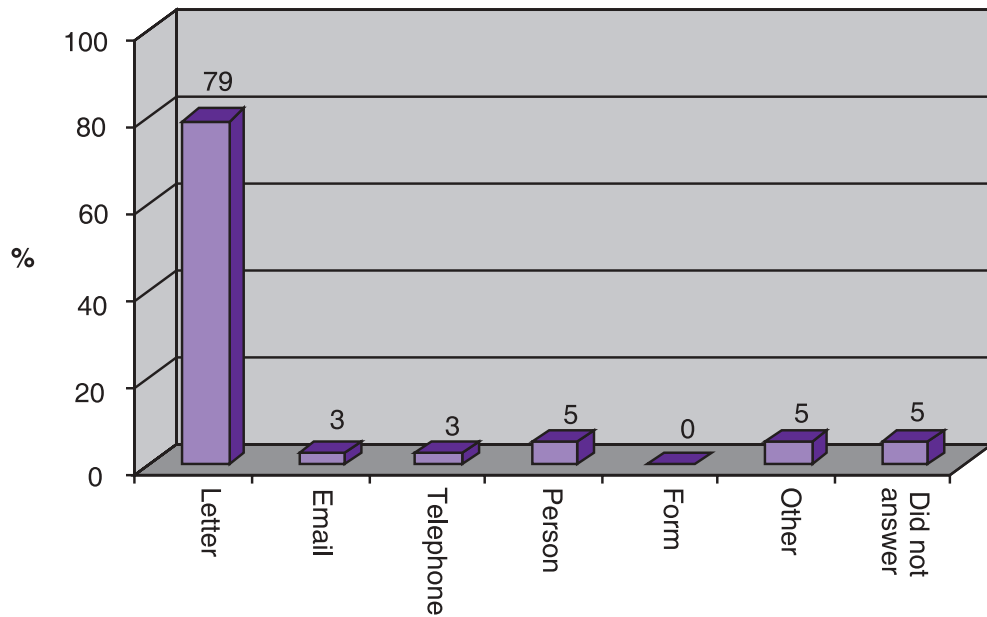


Figure D4. If you used a feedback or complaint form, was it easy to complete?

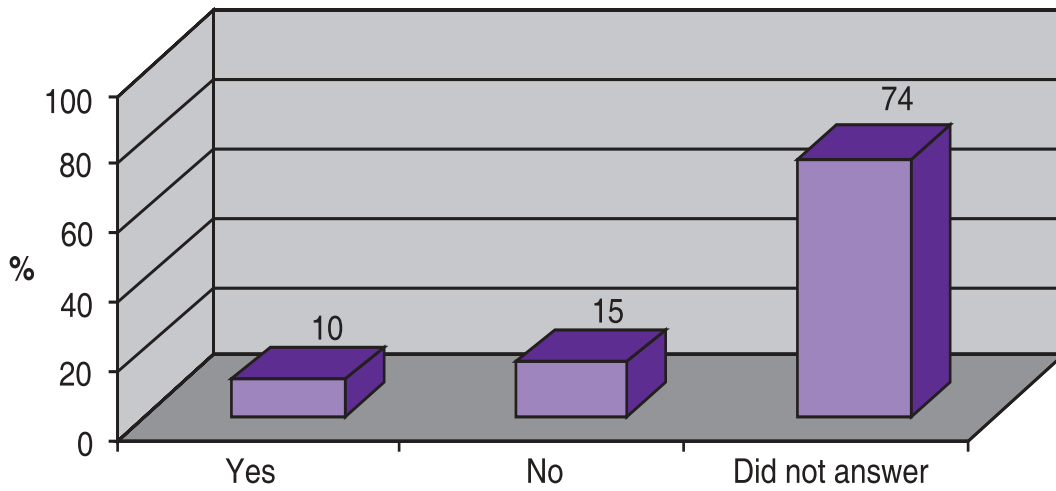


Figure D5. Were you aware of different formats available to you?

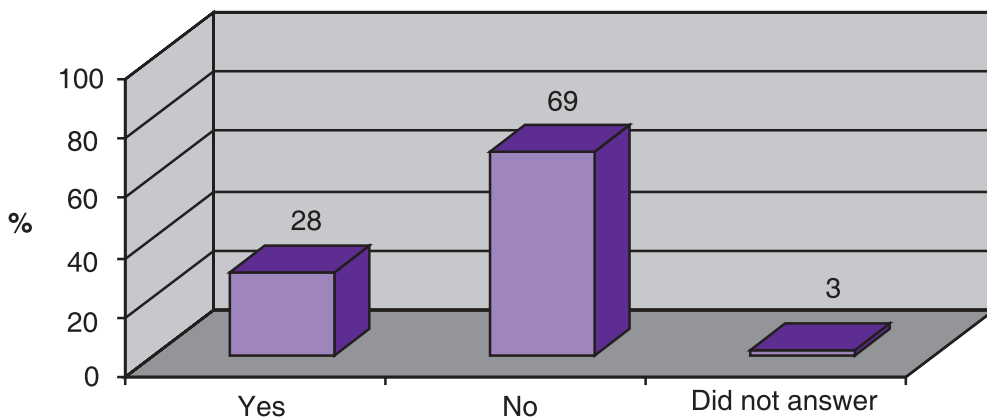


Figure D6. If yes, what was available?

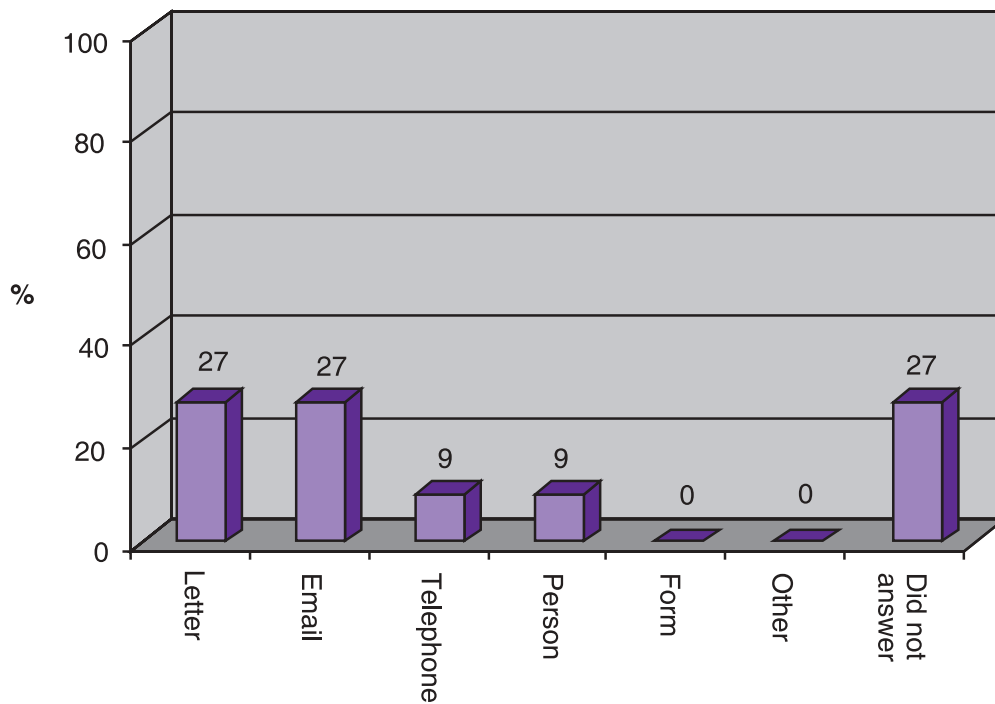


Figure D7. Did you receive an acknowledgement of receipt from HMCS for your feedback or complaint?

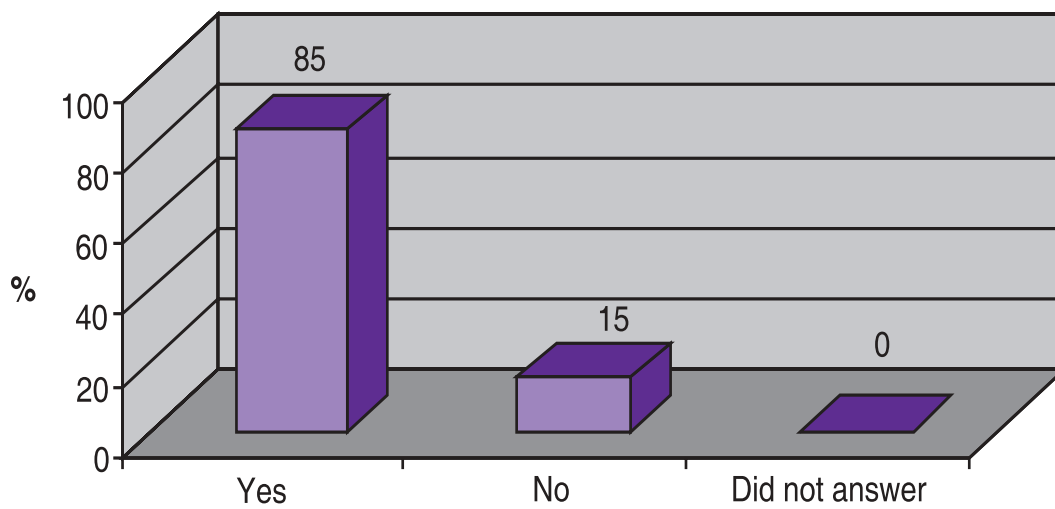


Figure D8. How long did you have to wait before you had a FULL response from HMCS regarding your feedback or complaint?

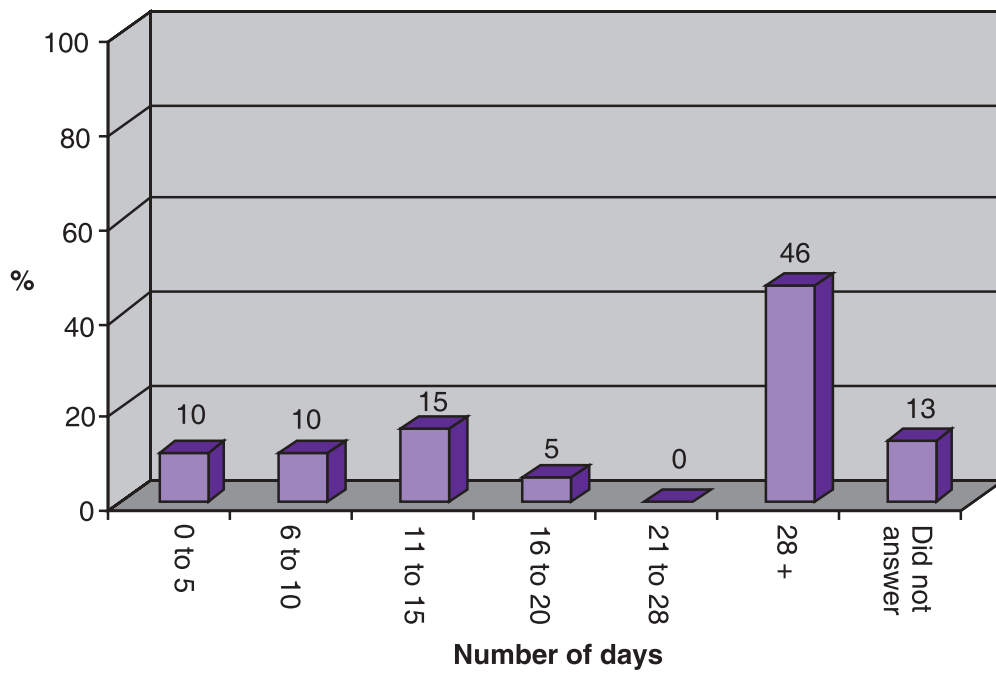


Figure D9. Was the response you received from HMCS easy to understand?

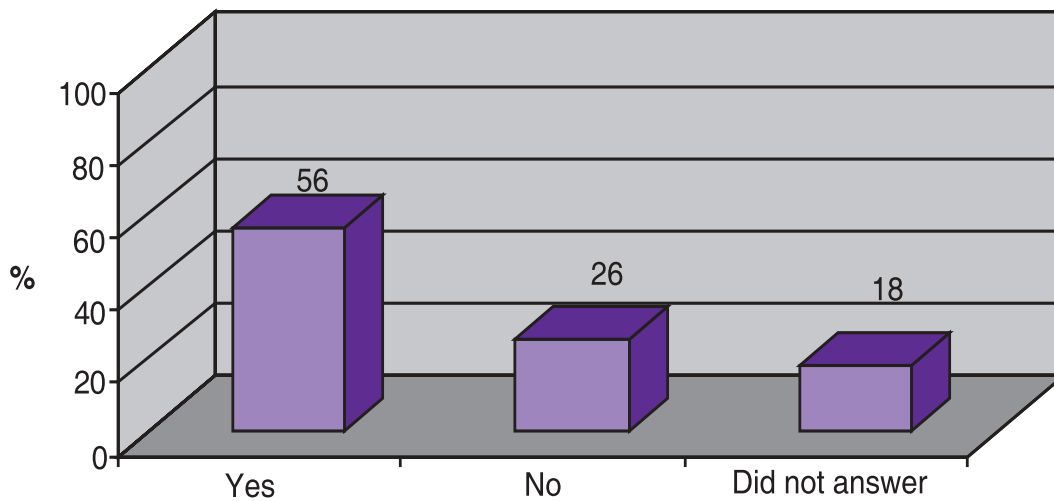


Figure D10. If this response was not easy to understand, was it easy to seek further information or clarification from HMCS?

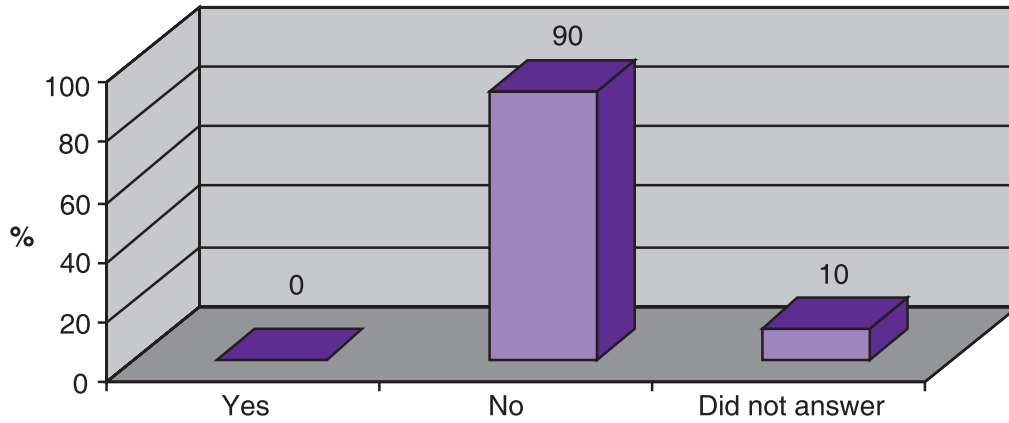


Figure D11. Did you seek compensation in relation to your feedback or complaint?

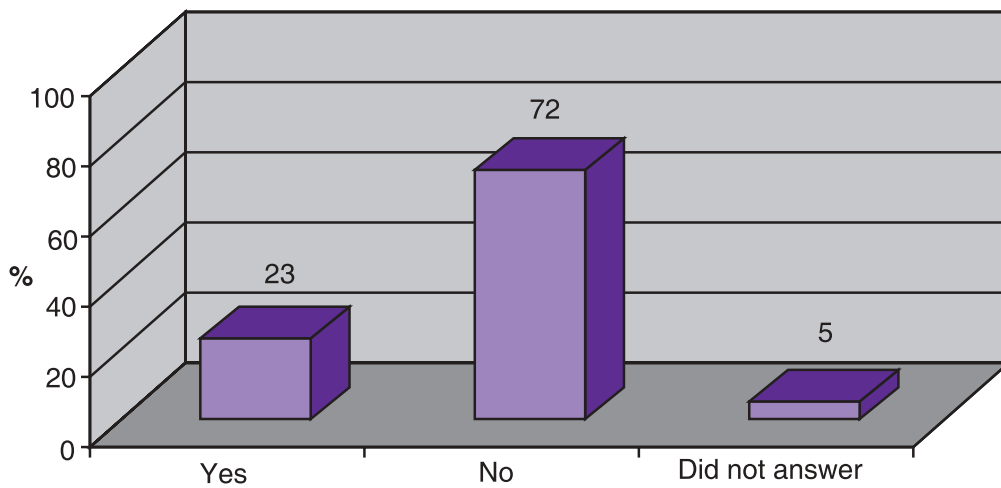


Figure D12. If YES to D11, did you receive compensation?

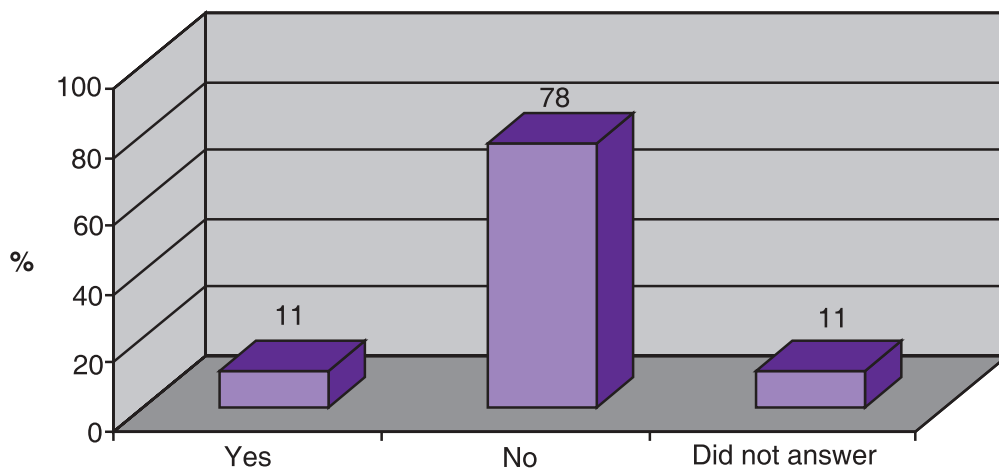


Figure D13. If you did receive compensation, was it sent to you within an appropriate time?

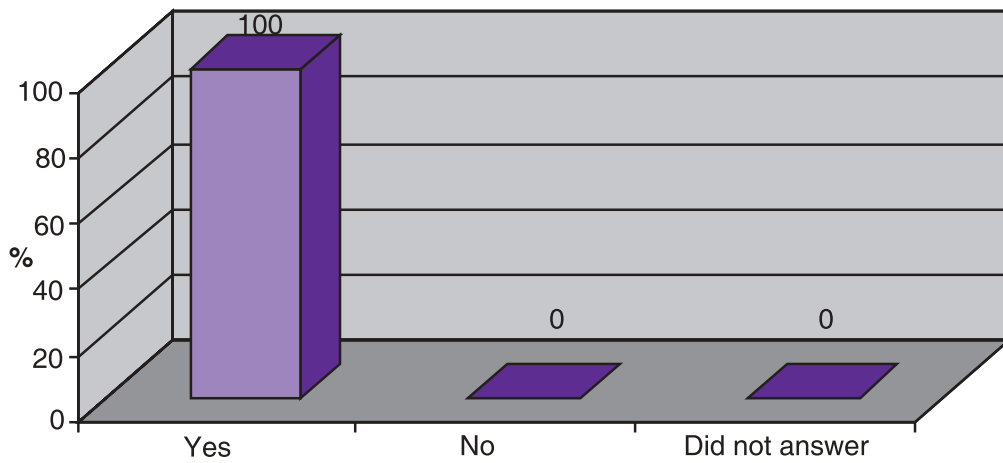


Figure D14. How long do you think is reasonable to wait for a compensation payment?

