

**Independent Complaints Reviewer
to the National Archives**

Annual Report

2002-2003

Seeking a fair resolution

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Jodi Berg

Jodi Berg was appointed as the Independent Complaints Reviewer (the ICR) for the Public Record Office (now National Archives) in 2000. She investigates complaints made about the work of the National Archives by users of its service. The ICR is not part of the management of the National Archives and the service is free to its customers.

Mrs Berg is the Independent Complaints Reviewer for the Land Registry, the Charity Commission and the Housing Corporation and Independent Case Examiner for the Child Support Agency. She is a solicitor with extensive management experience in both the private and public sectors and is a Fellow of the Chartered Institute of Arbitrators.

Foreword

I am pleased to present my third Annual Report as the Independent Complaints Reviewer for the National Archives.

As people become more assertive of their rights to prompt, efficient and courteous public services, public bodies face increasing scrutiny over the quality of service they provide. People who turn to my office do so because they want an unbiased but informed view of problems they have encountered. We are robust in our approach to this task and people can have confidence that we will deal with their complaints in a professional, open-minded and impartial manner.

My role is to consider specific complaints and, where appropriate, to make recommendations aimed both at putting matters right for the customer and at improving the quality of service given to others in the future. The National Archives is committed to accepting and acting upon my recommendations. It has done so consistently since the establishment of the service, whether I have recommended redress for individual customers or more fundamental changes to procedures.

As Independent Complaints Reviewer, I have focused my attention on the way in which the National Archives responds to complaints and the lessons that can be learned from them. People rely on the Agency to acknowledge their dissatisfaction, try to resolve matters and facilitate access to this office should the need arise. I welcome the fact that the Agency continued to do this last year.

With rare exceptions, I find that the National Archives offers a very good quality of service to its customers. Complaints are handled efficiently and very few people indeed have need of our service. Nevertheless, I have no doubt that independent review continues to make a valuable contribution to customer service.

The hard work and dedication of my office team is key to our success in resolving complaints. My thanks go to them for their continuing enthusiasm.

This report describes our service and comments on complaint handling by the National Archives. It also provides brief anonymised summaries of some complaints that were referred to me. I hope that you will find it interesting and informative.

1. The ICR Service

1.1 Independence

We provide a free, impartial complaints review service, which aims to resolve complaints for individual Agency customers and to make a positive difference to the service people receive. Our office is entirely independent from the Agency. It is located in central London.

The service is available to customers who have exhausted the National Archives' own internal complaints procedure but remain dissatisfied with the response and/or redress provided. Our role is to consider complaints about maladministration. We are unable to investigate complaints:

- which have not been referred within six months of National Archives' final response;
- that have not received that final response;
- that have become the subject of legal proceedings;
- concerning matters of law or Government policy;
- which have or are being investigated by the Parliamentary Ombudsman.

It is helpful if initial contact is in writing to help us identify and record details of the complaint. However, we will try to accommodate the needs of complainants who prefer to contact and deal with us in other ways. The final report is also in writing, although all other communications can, if people prefer, be conducted by telephone. People using the service can

appoint a named representative to act on their behalf, should they wish to do so.

Once we accept a complaint, we establish whether it is possible to resolve matters without the need for investigation, since this generally represents a speedier outcome for the customer. To do so, we contact the National Archives, either to establish whether an agreed course of action can be reached or simply to refer the complaint for consideration within the internal procedure.

In the event that a complaint is not resolved internally, an investigation will be undertaken and a report of our findings will be prepared for the information of the client and the Agency. This report may take the form of a letter or it may be a more formal report, if appropriate. Where necessary, the report will include recommendations about putting matters right. These can include:

- an explanation;
- an apology;
- specific action to put matters right; and,
- limited compensation.

The ICR can also make a difference to the Agency's service through systemic recommendations. Such recommendations highlight areas where improvement in processes and procedures will have a positive impact on the experience of users.

1.2 Accountability

Customer Satisfaction: We try to provide people with a first class service, both in terms of quality and response times. We encourage feedback on the quality of service we provide, both informally and through customer satisfaction surveys. This information is analysed and, wherever possible, acted upon.

Service Standards: We set challenging targets for responding to our customers and dealing with their complaints. We aim to respond to correspondence within 48

hours and to complete the review of complaints within 36 weeks.

Between 1 January 2003 and 31 March 2003, we responded to all customer contact within our target. Only 1 complaint was subjected to review. This took only 6 weeks to complete from agreement of the summary of the complaint to report, and was therefore well within our service standards.

Complaints about our service: We recognise that complaints about our own service provide valuable information about people's experience of us, and our success in meeting their expectations. We analyse any complaints received, in order to identify and learn from our mistakes or failings, and to rectify any shortcomings in procedures.

Last year, we received no complaints about our service from National Archives customers. Further, no cases were reported to us as having been referred on to the Parliamentary Ombudsman.

Comebacks: Where we do not uphold part or all of a client's complaint, it is not uncommon for people to challenge this decision. This is entirely understandable and we respond to every contact of this kind, to try and set minds at rest about the reasons for the Independent Complaint Reviewer's decisions.

1.3 Making a difference to the service clients receive

In addition to making a difference to individual customers, we also seek to provide information to National Archives which supports its endeavour to improve its service. This is achieved through:

- systemic recommendations arising from issues highlighted during investigation of individual cases;
- visits to National Archives offices and presentations to staff;
- annual attendance at Agency Board meetings;
- meetings with the Keeper and senior managers.

In this way, the experiences of individual clients can be used to inform management decisions. This is essential if clients are to feel that taking the time and trouble to complain has made a difference.

Many people who contact us are unsure of when they can ask this office to become involved, and have yet to exhaust internal complaints procedures. Other people need direction to other routes of redress. The advice and direction we provide, both on the telephone and by way of supporting documentation, is often essential to enable people to take matters further.

2. The National Archives

2.1 Raising awareness

In past annual reports, we described how we have sought to raise awareness about this office. The National Archives has also provided information to its customers about our role since the establishment of the service. We welcome the Agency's undertaking to 'signpost' customers to this office in all 'final' responses to complaints. We are pleased to report that it has always honoured this undertaking.

During the year, the Independent Complaints Reviewer has met with the Keeper and other members of Agency staff. She has also made presentations at Kew and the Family Record Centre to raise awareness about her role and complaints handling in general.

The impression she gained is that people wish to give a good service to customers. The merger of the Public Record Office with the Historical Manuscripts Commission means that this year, together with the National Archives, we must ensure that staff who are unused to independent review know about our service and how it adds to the Agency's response to customer complaints.

2.2 Cases received

Last year over 112,000 people visited Agency sites and nearly 100,000 telephone calls were received. Increasingly, people are making use of

Agency websites and over 30 million hits were recorded last year.

Despite the frequent use of its services, between 1 April 2002 and 31 March 2003, National Archives recorded only 53 complaints. By any measure, this is an excellent achievement. During the reporting period, we received 10 complaint referrals. This continues the trend of the last two years, which also saw very low numbers of complaints referred to the ICR.

Only 1 complaint was formally reviewed. 2 were resolved by mediation and the customers' subsequent satisfaction with the Agency's response. Other cases did not proceed to review because complaints were resolved and/or complainants decided not to take matters forward.

Access to records

Mr A was researching military records from the Great War, which required him to access index cards from the Microfilm Reading Room at Kew. He needed to look through very large numbers of cards at frequent intervals during the course of a day's work. Mr A said that, initially, he had received permission to take out several cards at a time. However, he reported that this was then withdrawn. He was upset about the response he received when he sought to get this decision reversed. He asserted that the rules governing access to the cards should be changed.

Mr A complained to the ICR that the Agency had failed to properly address his complaint about these matters and that the responses that he received from various officers had been dismissive and/or aggressive. He said that senior management had not shown themselves to be accountable for their decisions to a member of the public.

The ICR noted that initial and limited permission had been given to Mr A to access more than one card at a time. She regarded this as a flexible response to his particular needs. However, she considered that the Agency had sound reasons for limiting access to the cards, and it had acted in accordance with established procedures in later insisting that Mr A observed the rules for access. In her view,

the Agency had made the decision clear to Mr A and had explained its reasons for it.

The ICR concluded that the Agency had looked into Mr A's complaints with vigour and objectivity. It had produced a courteous and businesslike report. The ICR noted that the personal situation between Mr A and some officers had become highly charged. This had led to his complaint about staff behaviour and attitude. She noted that Mr A had also made some inappropriate personal remarks about some officers in his letters. She commented that public servants are entitled to the same degree of courtesy and respect as that expected by members of the public.

Finally, the ICR did not consider that senior management were not accountable. She found that the Agency's procedure had been properly observed and Mr A's complaint was escalated in an appropriate manner. External review had provided an independent opinion on his complaint. The complaint was not upheld.

This year, as last, a number of concerns were raised about on-line access to the 1901 Census. A number of the comments made to us are set out below:

"For the last 5 days I have on numerous and various times of the day and night been trying to access the 1901 census – but with no success at all. I do know that the demand is great but there must be a quiet time – or am I the only one who has been unable to get through?????"

"Regarding the 1901 census. I wish it to be noted that all previous census records have been available for free, be it on microfiche. These are our records, not yours, you are only the keepers of our (the people's) property."

"I would like to express my disbelief at the inability of a government department that has virtually unlimited public funds, to produce a simple computer database system to cope with the 1901 census."

Despite customer misgivings we are pleased to report that all complaints that we received about the census were

resolved without the need for further action on our part. The service has clearly proved extremely popular with customers and initial teething problems appear to have been resolved. The Agency has also placed PROCAT, an on-line catalogue, on its website and this, too, is proving popular with customers.

2.3 Case completion

By far the swiftest method of settling a complaint is through negotiation and resolution. This will always be our first approach. Nevertheless, there are a number of cases which do not lend themselves to this disposal. If we establish that there is no opportunity to resolve the complaint, a review will be undertaken.

Mediation through discussion

Mrs B contacted the ICR to complain that the Agency had published a book in which some of her work was reproduced without her permission. She had complained about this to the Agency, but considered that she had been 'fobbed off'. She said that all that she really wanted was an apology and an acknowledgement of her contribution.

After discussion, it was agreed that the ICR would try to mediate with the Agency on Mrs B's behalf. The ICR contacted the Agency about Mrs B's concerns. The Agency agreed to invite Mrs B to enter into discussions to achieve an amicable resolution of her complaint.

2.4 What we found

The ICR will not uphold a complaint if, at the time it is accepted for investigation, we find that the Agency has already fully addressed the complaint and appropriate redress has been provided, offered or instigated.

In the 1 complaint that we reviewed, 3 allegations of maladministration were made: 2 relating to complaints handling and 1 to discourtesy. None of these allegations were upheld.

This is very encouraging and demonstrated that a good quality of

service is given to customers, even in what can be quite difficult circumstances.

Across our caseload, the majority of the complaints we accept for investigation comprise a number of allegations of maladministration, which often pertain to entirely different issues or events. We respond to and record each element of a customer's complaint.

2.5 Redress

Redress recommended by the ICR can take many forms, including an explanation of what has happened and why, an apology, limited compensation for actual financial loss, and, where appropriate, consolatory payments in recognition of service failure.

Financial redress is certainly not the only solution when things go wrong. In our experience, the earlier a complaint is addressed, the less likely it is that customers will require compensation in order to resolve their concerns.

2.6 Complaint handling by the National Archives

The National Archives has developed feedback mechanisms for capturing customer comments, concerns and complaints. It records all complaints, including those made by telephone.

In response to an ICR recommendation, last year the Agency took steps to improve the information provided to the Management Board on customer feedback. This year, the Agency's Public Services Development Unit will take this further by including an analysis of specific comments and trends.

In cases we review, the ICR routinely comments on the quality of internal complaints handling. Where this falls short of the required standard, she can ask the Agency to acknowledge this by an apology or by awarding a consolatory payment.

The standard of complaint response was very good in the small number of cases that we saw last year. However, the Agency must take care to ensure that a similar quality of response is given to

people, even where it works with other organisations to provide a service to the public, for example at the Family Records Centre.

The Agency's complaints policy and procedure is currently under revision. When this task is completed the Agency will publish new information for staff and undertake appropriate training. It will also be necessary to ensure that customers are fully aware of the new procedures by revising information leaflets and by continuing to offer on-line complaints access.

3. The ICR Team

ICR

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If you would like to complain to the ICR or if you require additional copies of this Annual Report, please contact:

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