

Appendix 11: Complaints policy

Introduction

1. This document explains how the Gambling Commission (the Commission) will handle complaints about the Commission. Further information including how to make a complaint is also available on the Commission's [website](#).

Principles of good complaint handling

2. We have adopted the six principles of good complaint handling identified by the Parliamentary and Health Service Ombudsman which oversees a large number of public bodies in England and Wales.
3. We will:
 - **get it right** – by having a system that is robust, outcome-focused, and handled by staff with appropriate skills and experience;
 - **be customer focused** – by having simple and accessible policies and dealing with people promptly and sensitively;
 - **be open and accountable** – by publishing information about how to access the complaints policy and providing honest, evidence-based explanations and reasons for decisions;
 - **act fairly and proportionately** – by ensuring that complaints are dealt with impartially and without unlawful discrimination or prejudice;
 - **put things right** – by providing appropriate remedies, acknowledging mistakes and apologising where appropriate;
 - **seek continuous improvement** – by recording and monitoring our complaints and learning from the outcomes.

What is a complaint?

4. For the purposes of this policy, a complaint is an expression of dissatisfaction about the Commission's action or lack of action, or about the standard of service provided by or on behalf of the Commission. A complaint may relate to:
 - failure to do something in line with the Commission's policies and / or processes;
 - inadequate standard of service;
 - how the Commission has communicated information, including the use of reasonable adjustments where required;
 - treatment by or attitude of an employee or Commissioner;
 - disagreement with a decision where a complainant cannot use another procedure (for example an appeal) to resolve the matter.
5. A complaint does **not** include:
 - an expression of dissatisfaction relating to the action of an operator, such as their failure to provide compensation;
 - dissatisfaction with a policy the Commission has adopted;
 - an issue that would be more appropriately addressed under another internal¹ or external policy or process;
 - a routine first-time request for a service or for some action to be carried out;
 - an attempt to reopen a complaint when we have already given our final decision;
 - issues that are in court or have already been heard by a court or a tribunal;
 - disagreement with a decision where a statutory right of appeal exists;
 - Freedom of Information or data subject access requests.

¹ This includes issues raised by Gambling Commission employees, which should be treated under the Commission's internal Grievance Policy and Procedure. Section 16 of the Grievance Policy and Procedure provides further guidance to employees wishing to raise issues anonymously.

Who can make a complaint?

6. Any individual (or company) can make a complaint to the Commission. We will accept complaints:
 - brought by third parties (but only if the individual provides evidence in writing that they are acting on the authority of the complainant);
 - which are raised anonymously (but only where appropriate, and when enough detail has been provided to enable action). Decisions on whether to proceed with an anonymous complaint will be made by a Senior Manager or above. Anonymous complaints that contain serious allegations will be passed directly to an Executive or the Chief Executive.
7. Instances where an individual insists that they do not wish to complain may still be investigated as a complaint. This enables the Commission to fully consider the issues we are made aware of, take corrective action where appropriate and maintain complete records to ensure wider learnings are captured. In these circumstances, the issue will be treated as an anonymous complaint, and the details of the person raising the complaint will not be recorded on the complaints database.

How to make a complaint

8. Information on how to make a complaint can be found on the Commission's [website](#).
9. Complaints may be submitted over the telephone, via email to notify@gamblingcommission.gov.uk or in writing to:

Governance
Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

10. A complaint should normally be submitted to the Commission within three months of the time when the subject matter of the complaint arose. A complaint relating to issues outside this time limit may be progressed only in exceptional circumstances, at the discretion of the Commission.

The complaints handling process

11. Before a complaint is made, we hope that individuals will first raise any concerns or questions that they may have with the Commission staff member they have been liaising with.
12. We may contact complainants following the submission of their complaint for further clarification. This may include:
 - a request for additional information/evidence;
 - establishing what outcome the complainant would like to achieve;
 - discussion of whether expectations are achievable and realistic.
13. The Commission utilises two approaches to the resolution of complaints:
 - stage one: first instance resolution;
 - stage two: investigation.
14. The stage one complaints may be resolved by any Commission employee. The process is intended to bring to a prompt resolution to service complaints that, in our assessment:
 - do not require any further investigation to resolve;
 - have had a relatively limited impact (for example, where we have caused temporary inconvenience); and
 - where we believe the issue to be an isolated incident.

15. Complainants who are not satisfied that their complaint has been adequately resolved via a stage one resolution may request that their complaint is investigated under our stage two process.
16. Complaints that require investigation through our stage two process will be handled by a Senior Manager who is independent from the issues of the complaint. Examples include:
 - stage one complaints that have been escalated due to complainant dissatisfaction;
 - instances where a complainant refuses to take part in stage one of the process and requests to go straight to a stage two investigation;
 - complex issues requiring detailed investigation.
17. Following consideration a complaint will be categorised as upheld, partly upheld or not upheld. The complainant will be informed of the outcome of their complaint either in writing, or verbally in the case of some stage one complaints. In addition, any actions or outcomes arising from the complaint will be included in the final response.
18. We will aim to comply with the following timescales in relation to complaint responses:
 - Stage one:
 - the complaint will be resolved, and a decision on the outcome will be provided within 10 working days of the date the Commission received the complaint.
 - Stage two:
 - an acknowledgement will be sent to the complainant within 3 working days of the date the Commission received the complaint;
 - the complaint will be resolved, and a decision on the outcome will be provided within 20 working days of the date the Commission received the complaint.

Extension Timescales

19. In exceptional circumstances an extension to complaint response timescales may be justified.
20. We will inform the complainant in advance about any extension to timescales, providing the reason(s) for any delays and when they will receive a resolution to their complaint, including a decision on the outcome.

Other Procedures

21. When a complaint gives rise to concerns about an employee's conduct which merits investigation under the Commission's disciplinary policy, the investigation of the complaint may be suspended whilst the disciplinary investigation is carried out. Under such circumstances the normal timescale for responding to complaints will be set aside, and the complainant will be informed.
22. Complaints about Commission employees will be logged and escalated. The specific arrangements for senior individuals are that complaints relating to:
 - the Chair will be referred to the Department for Culture, Media and Sport (DCMS)
 - the Chief Executive or any of the Commissioners are referred to the Chair
 - the Executive Directors will be referred to the Chief Executive
23. If the Commission receives contact that is considered to be unreasonable or vexatious from a complainant the Unreasonable behaviour policy will be applied. Conversely, an individual may challenge the application of the Unreasonable behaviour policy and submit a complaint (as outlined at paragraphs 8 and 9 above) to dispute any contact restrictions that have been applied in line with paragraph 4.5. of the Unreasonable behaviour policy.

Independent review

24. Following the conclusion of the complaints handling process, the Complainant can ask their local Member of Parliament to refer their complaint to the Parliamentary and Health Service Ombudsman. Their address can be found at www.ombudsman.org.uk.

Roles, responsibilities and reporting

25. The Board is responsible for approving the complaints policy and process. The Board also receives quarterly reports on complaints.
26. The Audit and Risk Committee will review the complaints policy, process and performance annually to ensure compliance with best practice.
27. The Governance team is responsible for:
 - providing advice and guidance to all staff and managers on complaints handling;
 - determining whether expressions of dissatisfaction fall within the remit of the complaints policy;
 - overseeing the handling of all complaints received to the complaints inbox, including determining whether complaints should be resolved at stage one or stage two;
 - keeping this policy and complaints handling processes up to date;
 - monitoring complaints data and coordinating complaint audits;
 - monitoring and reviewing the Commission's complaints performance and the progress of actions relating to lessons learned.
28. Senior Managers are responsible for conducting stage two complaint investigations and providing support and oversight to staff resolving stage one complaints.
29. All staff have a responsibility to familiarise themselves with this policy to enable them to resolve stage one complaints and provide advice to complainants about how to make a complaint. All staff have the responsibility to report formal complaints to Governance if escalation may be required.