

Appendix 1: Independent Complaints Reviewer

Jodi Berg was appointed as the Independent Complaints Reviewer (ICR) for The National Archives in 2000. The ICR is not part of the management of The National Archives and the service is free to its customers. Mrs Berg, whose role relates to dealing with public complaints, also acts as the ICR for other public bodies. She is a solicitor with management experience in both the private and public sectors and is a Fellow of the Chartered Institute of Arbitrators. The Office of Public Sector Information has its own complaints procedure, given its role as a regulator.

Foreword

I am pleased to present my Annual Report for 2006–2007 as Independent Complaints Reviewer for The National Archives.

It is rare for my office to receive complaint referrals from people dissatisfied with the service they have received from The National Archives. This year I have reported on one complaint, and considered four other referrals that have not proceeded to full review. I commend The National Archives once again for its success in settling complaints internally.

As ICR, I focus 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 a public body to acknowledge their dissatisfaction, try to resolve matters and facilitate access to independent review should the need arise. I am able to report that The National Archives continued to do this last year.

I am also pleased to report that The National Archives takes a positive attitude to learning from customer complaints and, as a result, some changes have been implemented for the benefit of future customers. This demonstrates the added value that independent review can offer.

I would like to thank both my office team and staff in the Public Services Development Unit at The National Archives for supporting the constructive relationship between us.

1. The ICR Service

1.1 The role of ICR

The ICR office provides a free, impartial complaints review and resolution service, which aims to settle complaints for The National Archives customers and to make a positive difference for the future. The office is entirely independent from The National Archives.

I can look into complaints about whether The National Archives has provided a satisfactory service or whether there have been shortcomings such as mistakes, delays, unfairness or discourtesy. I take an unbiased view of the merits of each complaint issue.

There are certain complaints I cannot examine. These are complaints that:

- The National Archives itself has not fully considered;
- we receive more than six months after The National Archives final response;
- concern the law or Government policy;
- are subject to legal proceedings; or have been investigated by the Parliamentary Ombudsman. However, the Ombudsman expects complaints to be referred to the ICR office first.

1.2 Access to the ICR

Our leaflet '*Seeking a fair resolution*' explains more about our service, and includes a complaint referral form. It is available from The National Archives or from our website www.icrev.org.uk. The leaflet can be provided in a number of other languages on request. Complaints can also be referred by telephone, fax and e-mail.

Initially we try to resolve complaints by agreement. We ask complainants what they would like The National Archives to do to put matters right and ascertain if this can be achieved. If further investigation is required, we keep complainants informed about progress and issue a written report once all the evidence has been fully considered. If a complaint is upheld the report may recommend:

- an apology;
- an explanation;

- specific action to put matters right;
- limited compensation; and
- process review to prevent similar problems recurring.

If complainants are dissatisfied with the outcome of my investigation, they may ask their MP to refer the matter to the Parliamentary Ombudsman. (The Ombudsman will usually expect complaints to be referred to the ICR first.)

The ICR office has associate corporate membership of the British and Irish Ombudsman Association (BIOA). We are committed to BIOA Principles of Good Complaint Handling. Information about other Ombudsman and complaint handling schemes can be obtained by visiting BIOA's website at www.bioa.org.uk.

1.3 Accountability

Service Standards: We set challenging targets for responding to customers and dealing with their complaints.

We aim to respond to correspondence within 48 hours and to complete the review of all complaints within 36 weeks. The investigation completed during the reporting period was concluded in 20 weeks from agreement of the issues.

Comebacks and complaints: Where I do not uphold part or all of a client's complaint, it is not uncommon for people to challenge my decision. I respond personally to every contact of this kind. Complaints can provide valuable information about people's experience of this office, and our success in meeting their expectations. Last year we received no complaints from The National Archives customers.

1.4 Making a difference

In addition to raising systemic issues arising from individual cases, I encourage general good customer service practice. We have regular contact with The National Archives at management and Board levels, in order to discuss problem areas that have come to my attention and to share best practice from other areas of our work.

In the last year, for example, we offered advice on The National Archives complaints procedure leaflet, in the interests of making it more accessible for complainants.

2.1 Customer contact

Last year 238,277 people visited The National Archives, and 24,033 written enquiries were received, a reduction in both for the second year in a row. The number of telephone enquiries also reduced to 93,674, a decrease from last year but broadly in line with previous years. Website use averaged 37,215 visits per day.

Against this background, the numbers of complaints received by TNA are remarkably low. Last year saw a slight increase in referrals to 77, only nine more than the previous year.

During the reporting period, the ICR office received four complaint referrals and completed one review. As always, we also responded to general enquiries by providing advice and assistance to help people take concerns forward. Although The National Archives could answer many of the questions raised itself, there are people who prefer to have things explained by an independent observer.

In cases where complainants had not exhausted TNA's own complaints procedure, we referred complaints back. These complaints have not subsequently been referred to me.

2.2 What the ICR found

Managing customer expectations

Mr A was researching naval records to try to locate details of a former colleague. He contacted The National Archives about this and was given contradictory advice. The National Archives apologised and a free search was made, but without a satisfactory result.

Another search was carried out, again without finding the information required, and it was revealed that The National Archives only held around 10% of the available records. Mr A was told that he would have to contact the other organisations where the material was held and pay further fees to search the records.

As a result of Mr A's further representations another organisation's archives were searched free of charge, again without finding the required information. Mr. A was then informed that a further search would incur a fee.

Mr A complained to the ICR that he had received incorrect and confusing information, that The National Archives failed to consult all the information available and wrongly asked for further fees to search for the information held in different locations.

The ICR noted that the fact that four different officers dealt with Mr A's complaint meant that he did not receive a co-ordinated response, although she recognised that staff tried to be helpful. Nevertheless, it would have been better to tell him early on that The National Archives was unlikely to hold the records he was seeking, and that he could approach other organisations but would incur their search fees.

The ICR concluded that Mr. A's complaint in this respect was justified. However, she was satisfied that TNA had tried to provide him with redress, including carrying out two free searches. Apologies had also been given. The ICR found that the redress given was proportionate to the problems encountered by Mr A and, for this reason, his complaint was not upheld.

The ICR noted that fees paid to one archive could not cover a search at another, as these organisations were independent. She commented that this should be made clear to users, so that similar confusion could not arise. In response, an amendment will be made to the Research Guide on Merchant Navy Crew Lists to advise researchers that information is held by a number of organisations which charge a search fee.

I do not uphold a complaint if, at the time it is accepted for investigation, The National Archives has already fully addressed matters and appropriate redress has been provided, offered or instigated. In the above complaint, none of the three allegations

of maladministration were upheld, although the complaint about communication was initially justified. This demonstrates the good complaint response offered, even in difficult circumstances.

2.3 Improved recording

I am pleased to report that in response to my recommendation in my last report The National Archives has introduced a system to record the compliments it receives. They are filed electronically, and are available for staff to see. Selected compliments are also posted on the The National Archives Intranet site. This is a significant step, which encourages staff to strive for customer satisfaction.

I note that during 2006–2007, The National Archives received 223 compliments, as well as up to 100 letters of thanks a month in response to written replies to enquiries.

3. Contacting the ICR

If you would like to complain to the ICR, or if you would like a full version of this Annual Report, please contact:

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Tel: 020 7278 6251
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