



Independent Complaint Reviewers Report 2009-2010

About the Independent Complaints Reviewer

Jodi Berg is the Independent Complaints Reviewer (ICR) for The National Archives (TNA). Her service is free to complainants. Mrs Berg is a solicitor, a Fellow of the Chartered Institute of Arbitrators and a mediator. She is a member of the Administrative Justice and Tribunals Council.

Foreword

I am pleased to present my annual report. TNA provides a necessary and valued service for all those interested in past public records and, in particular, for those seeking information from the vast materials it holds. TNA deals with millions of customer contacts every year without incident or cause for complaint. This year over 90,000 people have visited TNA and well over 21 million have used its services. With this level of contact, inevitably, sometimes things can go wrong. If they do, it is important for TNA to have robust internal systems to address concerns and to give people who remain dissatisfied the opportunity to have their complaints reviewed by someone independent and impartial, who can look into what happened and decide whether their complaint is justified.

Referrals to me have to be set in context of the 161 complaints made to TNA itself. TNA has resolved nearly all of these complaints internally and, in addition, it received 339 unsolicited compliments about its service. During this reporting year I have completed only three reviews, although there has been an increase in contact from people who need help to complain to TNA or to find out more about aspects of TNA service. We always try to resolve concerns or help take matters forward with TNA itself. I have set out below two case examples that typify this kind of contact and three examples of complaints reviewed this year.

As ICR, my role is to investigate complaints that TNA cannot resolve. I do not offer an advocacy service for complainants, but I do bring a fresh and objective perspective to the issues. Sometimes this leads to an agreed settlement, however where this does not happen, I will decide whether or not the complaint is justified. If it is, I can recommend redress for the complainant or improvements to TNA's service. Complainants may not always get the outcome they hope for, but they will get a clear explanation of what happened in their case and whether required standards were met.

I am satisfied that TNA's response to complaints is of a high calibre and I commend the Agency for this. Alongside settling all complaint referrals, I have tried to identify lessons that can help TNA learn from what has happened. I am pleased to report that TNA accepted all of my recommendations, including those asking it to consider revising procedures. I look forward to continuing to work with TNA, so that complaints are valued for the light they shed on its customer service.

Case examples

Advice and assistance

Mr A contacted the ICR office concerned about the way his order for certain files was handled and the amount debited from his account. He wanted to pick up the files in person from TNA but had been told that they would be sent to his home address. We explained our role and referred him on to the documents online support team, giving details of their availability.

Mr B sought our help regarding his FOI request for information from TNA, which he thought was overdue for response. We brought this to the attention of TNA and the complaints manager subsequently called Mr B to apologise for the delay in acknowledging his request. An automated response had not been sent to Mr B, causing him to believe that it was being ignored. However, the Agency had 20 working days for reply and the response was not out of time.

Complaint referrals

Mr C complained that TNA's procedures were not sensitive or proportionate, because of the refusal to accept his expired reader's ticket as sufficient proof of identity for issuing a new one. He was not satisfied with the response he received from customer service and asked for the matter to be escalated to the Chief Executive; there was confusion about the escalation process and internal review procedures. Following review, I found TNA had not dealt sensitively with Mr C when he visited Kew and that his referral to the Chief Executive's office was subject to delay. I recommended an apology be given to acknowledge what had gone wrong. I also recommended that TNA reconsider its practice in relation to ticket cancellation and provide staff training to ensure a consistent high standard of customer service. Finally I recommended a review of the internal complaints procedure to ensure a timely response for complainants.

Mr D referred his complaint to me that TNA acted unreasonably towards him, following a challenging telephone call concerning preordered documents. The conversation had led to a counter-complaint against him and, whilst this was being investigated, Mr D's reader ticket was withdrawn for a period. On receipt of further communication from Mr D, this period was substantially extended. I found that greater clarity was required in the rules on suspension of a reader ticket, in particular, identifying what contact or behaviour might lead to this action. I also recommended that TNA review appeal procedures to ensure that they provide an opportunity for a complainant to appeal to a senior person not previously involved in their case.

Mr E requested paid searches of the Archives for information relating to his father's registration for British Nationality. These searches proved unsuccessful. Mr E complained to TNA about the way it dealt with his request. He was dissatisfied with the response he received and referred his complaint to me. Following review, I found that information held on TNA's website was misleading, as the Agency did not hold the type of information Mr E was seeking. This was not made clear until after fees for searches had been charged. Had TNA clarified the type of information being sought, it could have avoided carrying out a fruitless search of the records and disappointing Mr E. I recommended that TNA refund the fees charged, and apologise for misleading him about what records it held and failing to clarify with him what information was wanted.

About the ICR office The ICR office reviews complaints about 8 public bodies. Team members are skilled complaint handlers who will respond to all contact in an efficient and courteous way. Details of the ICR service are explained in our leaflet *Seeking a Fair Resolution* available from our website at www.icrev.org.uk. A copy of this report can also be found on our website.

Contact the ICR team

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