

Prisons and Probation Ombudsman Complainants' Feedback Survey 2009

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Foreword

It is self-evidently of great importance for all public organisations to know what their users think about the service they receive. As part of a wider programme of performance improvement, the PPO has been collecting feedback from both stakeholders and users, and this paper reports the views of those in prison or under probation supervision who have asked the Ombudsman to investigate their complaints. In this instance, we conducted a postal survey and achieved a near 50 per cent response rate, a particularly impressive figure. I am grateful to all who took part.

The survey reveals that thoroughness, independence and fairness are rated as the most important qualities in an investigation. Generally speaking, those who had had their complaint upheld rated the PPO well on these qualities. In contrast, these were the qualities most likely to receive criticism from those whose complaints we did not uphold. Such, perhaps, is the fate of all Ombudsman's offices.

Nevertheless, it is pleasing to discover that the majority of all respondents, irrespective of the outcome of their complaint, feel they have been treated with respect by the investigator and that their complaint has been understood. Indeed, many respondents seem to have appreciated the fact that their problems had been properly looked into – even if they did not achieve the outcome they had hoped for.

That said, it is clear that the PPO needs to do a lot of things better if we are to improve levels of user satisfaction. Although the results are as much about perceptions of how we work as about the reality, there are clear lessons to be learned. In particular, the survey underlines the importance of dealing with complaints in a timely manner. We also need to improve the way we communicate with potential complainants; it is disappointing to discover from the survey that word of mouth appears still to be the most common way of finding out about us.

I am grateful to my colleague Sue Gauge for undertaking this survey and thus providing the office with a benchmark against which to measure our future performance.

Stephen Shaw CBE
Prisons and Probation Ombudsman

February 2010

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Complainants' Feedback Survey 2009

Executive Summary

- This report summarises the results of a postal survey of those who had made complaints to the PPO in 2009. There were 462 replies to the survey, a response rate of 48 per cent.
- Over a quarter of respondents had found out about PPO from another prisoner. Solicitors were the source for 16 per cent and PPO posters 13 per cent.
- The reason most gave for making a complaint to the PPO was dissatisfaction with the way the prison had dealt with the matter and to get it sorted out properly.
- Forty-two per cent thought they had waited too long for their complaint to be acknowledged.
- Less than half of those whose complaint was not eligible for investigation understood why their complaint was not accepted. A similar number did not understand what they needed to do next.
- Nearly all whose complaint was rejected (not upheld) would have liked to have been visited, compared to 64 per cent of those whose complaint was upheld.
- Although over half of those whose complaint was upheld thought all their concerns had been dealt with, only 15 per cent of those whose complaint was not upheld thought so.
- PPO was felt to be biased by half of the complainants whose complaint was rejected, and by a fifth of those whose complaint was upheld.
- Just under half thought their complaint investigation took too long.
- Over 60 per cent of those whose complaint was upheld found it very easy to understand the Ombudsman's decision on their case, compared to only 41 per cent of those whose complaint was rejected.
- Around 60 per cent of those with upheld complaints were satisfied with the service, time and outcome of their complaint. Less than a quarter of those whose complaints were rejected were satisfied
- Three-quarters of those whose complaint was upheld say they would use the PPO again. Just under half of those whose complaint was rejected say they would do so.

Complainants Feedback Survey 2009

1. Introduction

Every organisation needs to know what its stakeholders, and particularly its service users, think of it. The Prisons and Probation Ombudsman (PPO) needs to know what prisoners, people on probation and immigration detainees think of the service we provide.

This paper reports the results of a survey of those who had made complaints to the PPO in 2009. This survey formed part of a wider exercise to collect feedback from all types of stakeholder, analyses of which are reported separately.

The overall aim of collecting feedback from stakeholders was to find out their perceptions of PPO, and what they think of its investigations and reports. This will then be used to develop improvement and development plans.

2. Background

The PPO accepts complaints from prisoners, those under community supervision and those in immigration detention. Around half the complaints received are not eligible for investigation, either because they have not followed the internal complaints process or they are outside the remit of the office. Feedback needs to capture the views of complainants whether or not their complaint was accepted for investigation.

Complainants should receive a letter from PPO telling them whether or not their complaint has been accepted for investigation. If the complaint is eligible, an investigator will be allocated to the case and may contact the complainant and other relevant people to gather appropriate evidence to investigate the case. At the end of the investigation the Ombudsman decides on the basis of the evidence whether or not to uphold the complaint, and will write to the complainant and the service in remit telling them the decision.

Feedback from those who have made complaints to the PPO was last collected in December 2007. Between 2005 and 2007 postal questionnaires had been sent a few weeks after their final complaint report/letter. This 2009 survey is a much larger and more comprehensive exercise.

3. The survey

A postal survey would normally be the best way to collect views from a representative number of complainants, but a written survey of offenders is not ideal considering literacy levels. In this case however, as the respondents would be those who had previously written to the PPO, a postal survey was not an unreasonable proposition. This would also be consistent with the other strands of stakeholder feedback.

Roughly half the complaints received by the PPO are not eligible for investigation, often because they have not been through the internal complaints process. The previous survey had received far more responses from those whose complaints were ineligible, so the sample was weighted in favour of eligible complaints to increase the likelihood of balanced results.

The calculation of the sample is detailed in Appendix I.

The survey was sent to a total of 965 people who had complained to the PPO. This was made up of two segments:

- a. Some 477 people who had made a complaint which was deemed ineligible between 1 April and 30 June 2009.
- b. Some 488 people who made an eligible complaint which was completed between 1 January 2009 and 30 June 2009.

Immigration complaints make up a small proportion of the complaints received by the PPO. They were excluded from the sample as it was likely that many of the complainants would have been removed from the UK by the time the survey was conducted.

Various steps were taken to reduce the risk of low response. The presentation of the survey would be critical, so the questionnaire was piloted with a small group of complainants to make sure it was clear, understandable, and not too long.

The questionnaires were sent at the end of July 2009 with a prepaid reply envelope. A relatively long reply deadline was given in order to compensate for delays in the postal system. Although August is not usually considered an ideal month for surveys, in this case where the vast majority of the recipients were in prison, this was not expected to be a problem.

3.1 Pilot survey

The pilot survey received a 50 per cent response rate. An evaluation form was included with the pilot in order to assess what respondents thought about the questionnaire. Respondents took an average of 11 minutes to complete the survey, ranging from 3 to 25 minutes.

The majority thought it was easy or very easy to fill in the survey and there were no questions they did not understand. Everyone thought they had been given enough time to answer the survey and send it back, including one person who noted that it had been sent on to a different prison in the meantime. Two questions were changed as a result of the pilot and there was a small change to the layout of the questionnaire.

3.2 Response Rate

A total of 965 questionnaires were sent and 462 were completed and returned, making the overall response rate 48 per cent. This was very respectable in the circumstances. The response rate for the 789 who were in custody when the questionnaires were sent was much better (56 per cent) than for the 176 who had been released or were on licence (13 per cent). Less than four per cent were 'returned to sender'.

The response rate was the same whether or not the complaint was eligible for investigation. Amongst those whose complaint was eligible for investigation, those whose complaints were then upheld, partially upheld or mediated were more likely to reply (55 per cent responded) than those where the complaint was rejected (46 per cent responded).

There was a slight variation in response rate between age groups. The 22-30 year age group showed the lowest response rate (41 per cent) and the 61-70 year age group had the highest (60 per cent). There was no gender difference in response rate although, as PPO receives proportionately fewer complaints from women, there were only 23 surveys sent to women and they make up only two per cent of the responses received.

The response rate was higher for white complainants (52 per cent) than for others (46 per cent). Complainants from a non-white ethnic background made up one third of the original sample, but only just over a quarter of the responses received.

As there were few differences in response rate between the different demographic groups, one can assume that the 48 per cent who replied are representative of the original 965 who were contacted. The only significant difference relates to custody, with those who responded to the survey not necessarily being representative of those who are no longer in custody, as their response rate was low.

Table 1 – Responses received			
Eligible	234	Upheld / partially upheld / mediated	69
		Not upheld (rejected)	165
Ineligible	228	Ineligible	228
Total	462	Total	462

4. Results

4.1 Finding out about PPO

Over a quarter of respondents (27 per cent) had found out about PPO from another prisoner. Solicitors were the source for 16 per cent and PPO posters 13 per cent. Only 6 per cent said they had heard about PPO at induction and only 3 per cent from a PPO leaflet. The frequency of different sources is illustrated by Chart 1.

Chart 1 - How did complainants find out about PPO?

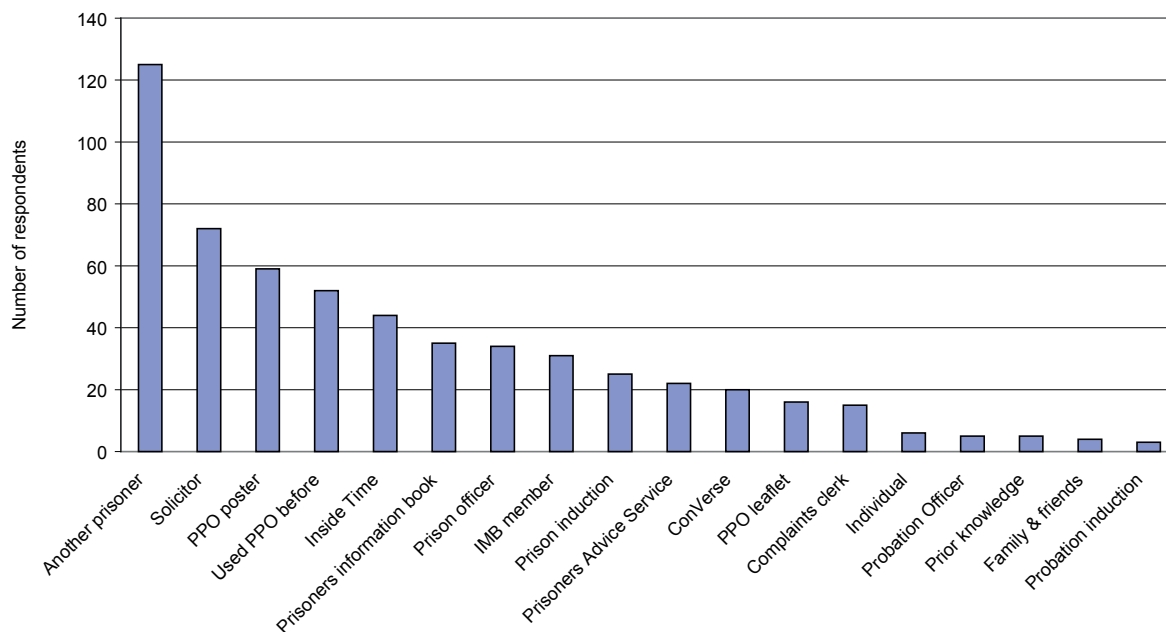
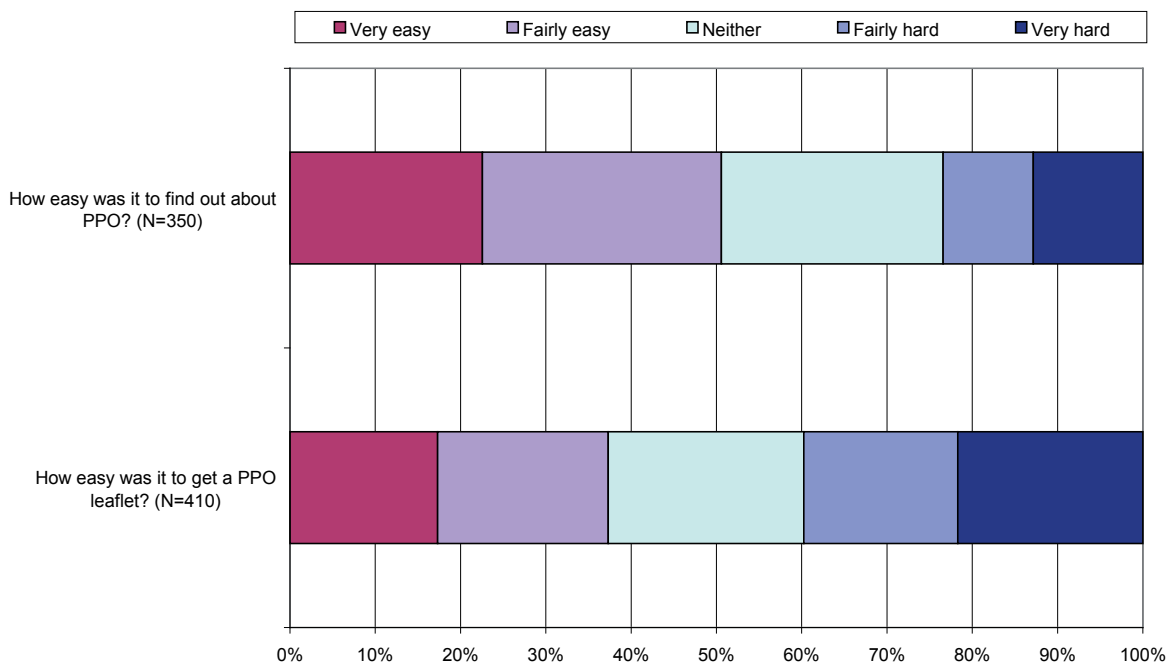


Chart 2 shows how easy complainants found it to access the PPO. Only half thought it was easy to find out about PPO and only just over a third thought it was easy to get a PPO leaflet. It is of concern that more than one in five thought it was hard to find out about PPO and half thought it was difficult to obtain a PPO leaflet.

Chart 2: Accessibility of PPO



There were lots of suggestions for what could be done to make it easier to find out about PPO. The most common suggestion was to provide more leaflets and posters explaining what PPO does and how it can help, such as this call for a:

‘... clear poster with explanations on how to start and proceed.’

Respondents also thought it important to ensure that posters are displayed on the wings:

‘Make more visible, these are often tucked away around corners etc.’

Another common suggestion was to give more information during induction or reception into the prison:

‘Have the “how to complain” leaflet issued as standard protocol during prison induction, especially for first timers.’

Other ideas included advertising in prison newspapers such as *Inside Time*, providing promotional material like pens or bookmarks, and having:

‘Some kind of sticker advert located in each cell. Wardrobe, Table, Door.’

An encouraging number thought that nothing was needed as it was easy enough already, but some thought there might be other barriers to complaining:

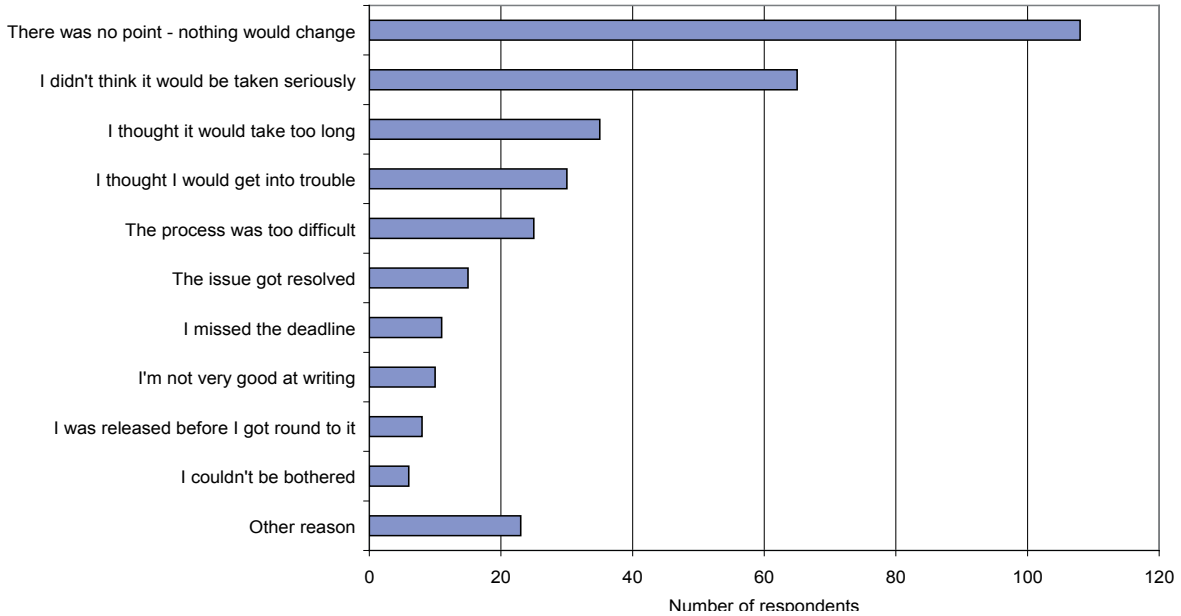
‘The information is out there already. But the problem remains that many prisoners feel they’re “rocking the boat” if they complain.’

4.2 Reasons for complaining

The majority (60 per cent) had previously thought about making a complaint to the PPO but not actually done so. This was even more likely in the 41-50 year age group, where 70 per

cent had thought about complaining to the PPO but had not done so. The most common reason given for not having made the complaint was the feeling that there was no point in doing so, as nothing would change. Forty per cent of respondents gave this reason. A quarter of respondents had not complained because they did not think it would be taken seriously. The other reasons are shown in Chart 3.

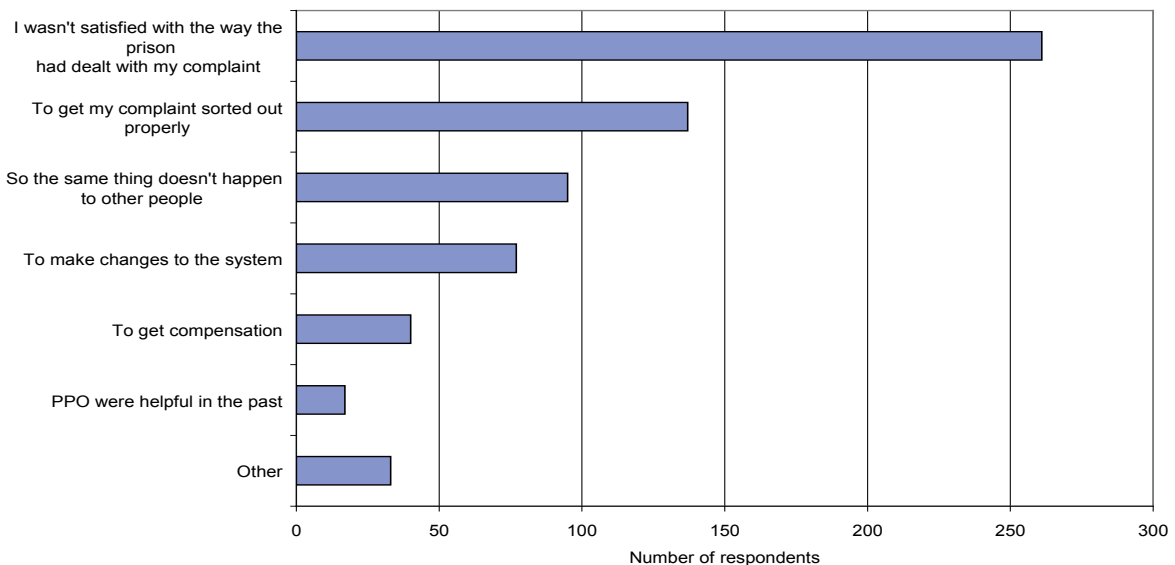
Chart 3 - Reasons for not making a complaint



There were slight differences in reasons given depending on the outcome of their complaint this time. Those whose complaint was upheld this time were less likely than the others to have not made a previous complaint because they thought nothing would change. And they were more likely than the others to have not made a previous complaint because they missed the deadline. Other common reasons were concern that it would take too long or fear of retribution.

The reasons given for actually sending a complaint to the PPO were also generally as anticipated. The majority said it was because they were not satisfied with the way the prison had dealt with the matter. Getting the complaint sorted out properly and making sure the same thing did not happen to other people were also cited. Chart 4 shows the reasons given.

Chart 4 - Reasons for making a complaint



Several respondents noted that their solicitor had advised them to make the complaint to PPO. Some thought PPO:

‘... was the only way to get independent and fair investigation to be done.’

Just over half the respondents said they had only made one complaint to the PPO in the last year. A further third said they had made two or three complaints. Four per cent of respondents had made more than ten complaints in the last twelve months.

4.3 Acknowledgment of the complaint

85 per cent of respondents overall recalled receiving an acknowledgment letter from PPO. Those whose complaint was upheld were more likely to say they had received an acknowledgment (92 per cent) than those whose complaint was deemed ineligible for investigation (81 per cent).

Of those who could remember when the acknowledgment was received, just over half thought they had not received their acknowledgment within ten days of sending their complaint. However, overall 57 per cent thought that they did not wait too long for an acknowledgment.

4.4 Ineligible complaints

Less than half (44 per cent) of the 228 whose complaints were not eligible for investigation said they understood, very or quite clearly, why their complaint was not accepted. This was even lower for non-white respondents (37 per cent). Nearly a quarter (22 per cent) of all respondents said they did not understand at all why it was not accepted.

As expected, most respondents recalled being told by PPO that their case was ineligible because they had not followed procedures. However, there were a number who did not tick any of the choices given for why their case was ineligible, suggesting that they had not understood the reason for their complaint not being accepted.

Less than half (44 per cent) said they understood what they needed to do with their complaint after being told it was not eligible for investigation. When asked what they had done, responses were split evenly between those who had done nothing, those who went through the internal complaints procedure, and those who had done something else, such as consulting a solicitor.

The majority (64 per cent) would have liked PPO to have passed their complaint onto the prison or probation authorities if they had not followed the correct internal procedures before approaching PPO. A quarter did not answer this question, presumably indicating they would not mind either way.

4.5 Eligible complaints

Not surprisingly, the majority (78 per cent) of respondents with eligible complaints were initially contacted by the investigator by letter, with only 9 per cent by telephone. Respondents' preferred method of contact showed a fairly evenly split between no preference, letter, and a visit, with fewer preferring telephone. Those from a non-white ethnic group were more likely to prefer verbal contact (visit or telephone) than white respondents.

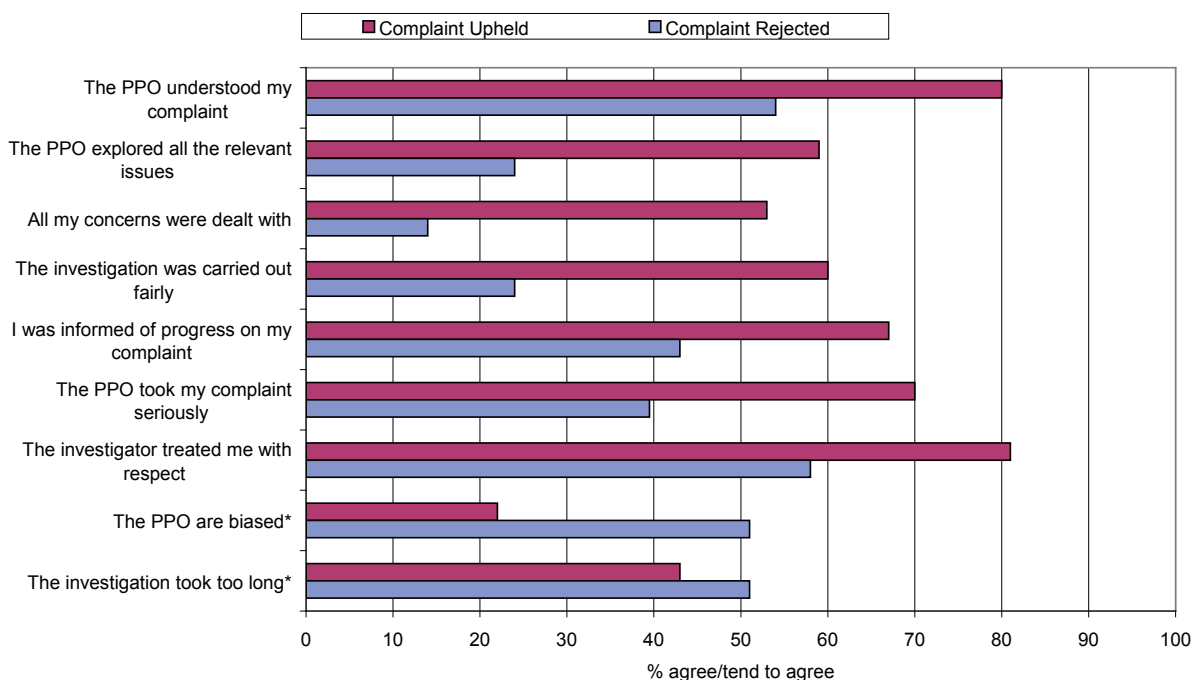
The vast majority (96 per cent) said they had not been visited by the investigator to talk about their complaint, but not everyone wanted to have been visited. Those whose complaint had

been rejected were more likely (89 per cent) to have wanted a visit compared to those whose complaint was upheld (64 per cent).

As expected, the outcome of the complaint had a significant effect on how complainants perceived the PPO. There were clear differences in opinion about the PPO investigation depending whether the complaint was upheld or not. Chart 5 shows the percentage of respondents who agreed with various statements about PPO investigations.

Those whose complaint was upheld or partially upheld were significantly more likely to agree with all the positive statements (those not marked with *) than those whose complaint had been rejected.

Chart 5 - What complainants think about PPO investigations



The majority of those whose complaint had been upheld thought they were kept informed of progress, the investigation was carried out fairly, the PPO took their complaint seriously and all the relevant issues had been explored. The majority of both groups agreed that the PPO had understood their complaint and the investigator had treated them with respect.

The statement that elicited the greatest difference in opinion was whether all their concerns had been dealt with. Over half of those who had upheld complaints agreed compared to less than 15 per cent of those whose complaints were rejected.

The two negative statements received more agreement from those whose complaint was rejected than those whose complaint was upheld. Half of those whose complaints were rejected thought the PPO were biased, and comments illustrated how they felt:

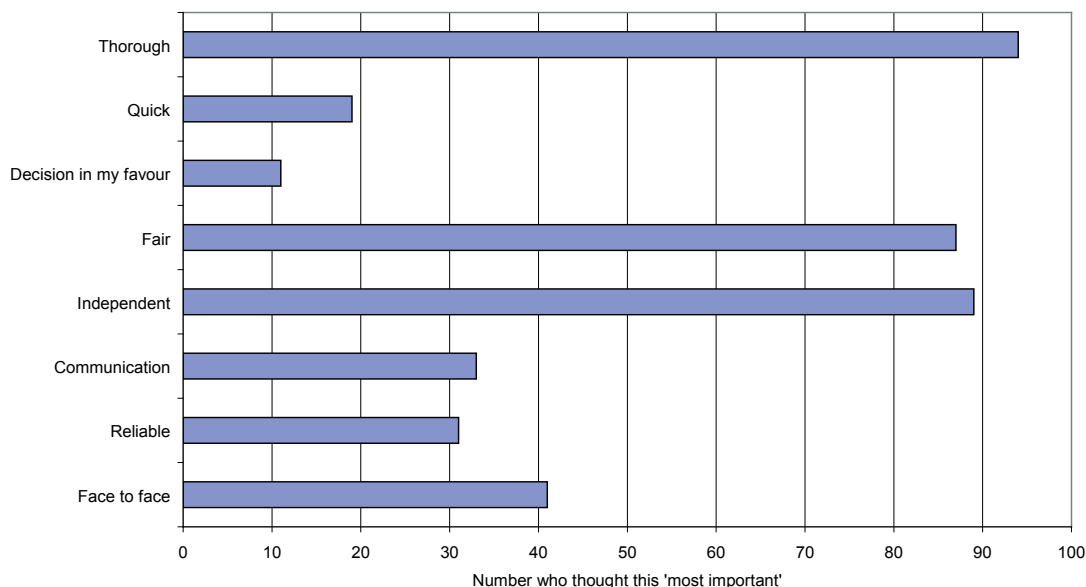
I think you back the Prison Service and are part of the establishment.

Nearly half (47 per cent) of all respondents thought the investigation took too long. Many responses to a later question about what the PPO could do better related to this, for example, one would have liked the PPO to:

Deal with the complaint quicker and update me with progress rather than leaving me to chase it.

Chart 6 shows which qualities of a PPO investigation were felt by respondents to be the most important. Thoroughness, independence and fairness were the qualities most likely to be regarded as the most important. Interestingly, although satisfaction is very clearly dependant upon the outcome of the complaint, 'decision in my favour' was the quality least likely to be rated as most important.

Chart 6: Most important qualities



4.6 The outcome of the complaint

Nearly 70 per cent of those whose complaints were upheld or partially upheld recalled receiving a letter and a formal report at the end of the investigation, whilst only 53 per cent of those whose complaint had been rejected did so. Those whose complaint was rejected were more likely to remember receiving a short summarising letter (22 per cent) than those whose complaint was upheld (13 per cent).

Over 60 per cent of those whose complaint was upheld found it very easy to understand the Ombudsman's decision on their case, compared to only 41 per cent of those whose complaint was rejected. Only 5 per cent of the former found it very hard to understand compared to 10 per cent of the latter. Similar results were found for the Ombudsman's recommendations, if there were any.

The most common answer to what PPO could have done to make the outcome easier to understand was 'nothing'. For example, one respondent replied:

'Nothing, it was well detailed and explained well how you came to the conclusion.'

Some did think it could be made easier to understand. The most common suggestion was to have more verbal communication, either face to face or by phone:

'Talk face to face, when reading reports questions spring to mind left and right, but late at night reading said report or over my lunch time meal, who do I put them questions to? Wing staff don't want to know.'
'A telephone call during the investigation and more openness during it as I am still none the wiser as to the reasons behind my complaint.'

Over three quarters of all respondents thought there was no jargon that was not explained, but 14 per cent thought there was some, and four people (2 per cent) thought there was a lot. A

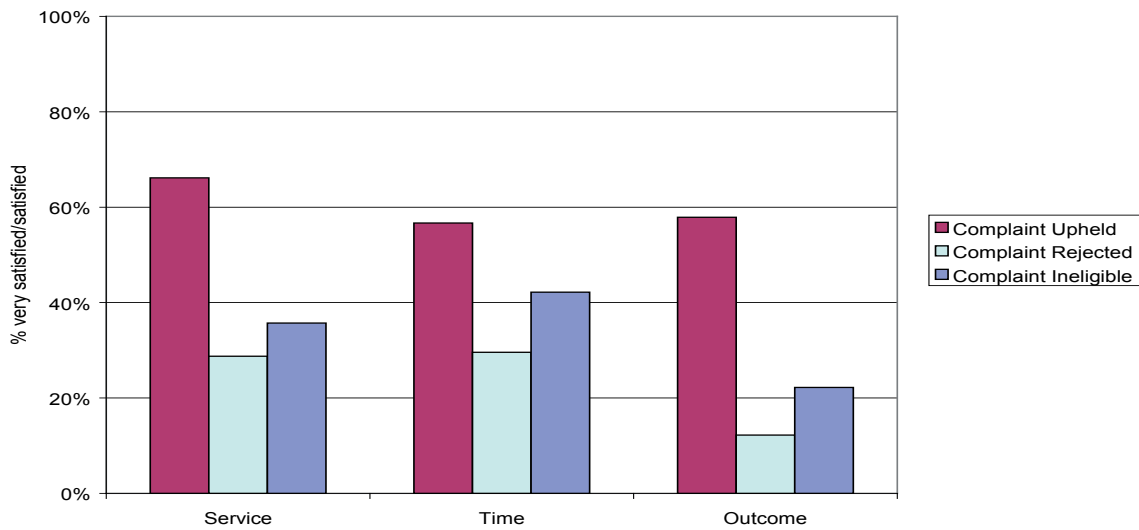
couple of respondents thought it might be hard for other people to understand:

'I'm quite literate but I know there's many that aren't, that will struggle with most reading/writing. Have someone help explain if need be.'

4.7 Satisfaction

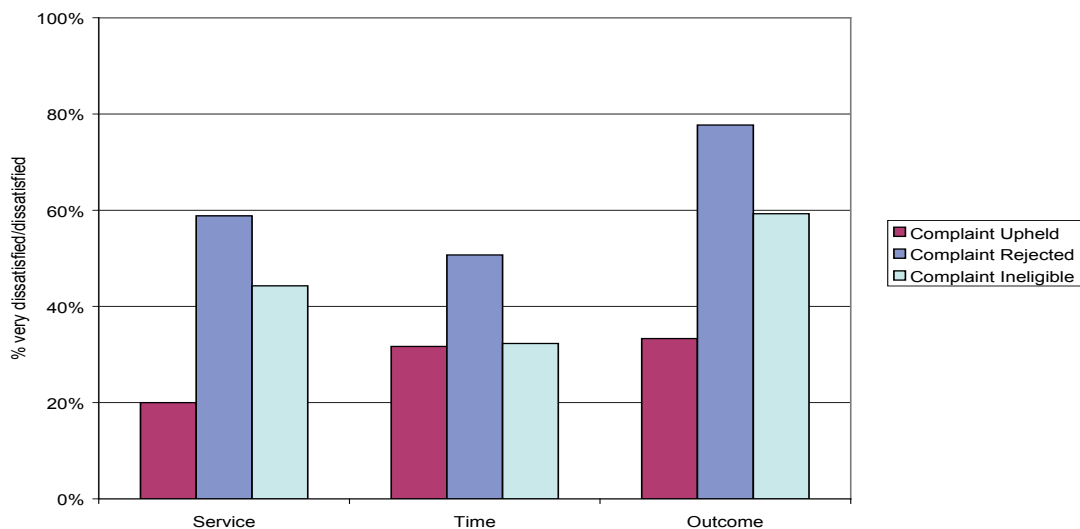
Chart 7 shows the percentage of each group of respondents who were satisfied or very satisfied with the way PPO dealt with their complaint. As expected, those whose complaint had been upheld were significantly more satisfied with the service they received from PPO, the time it took to deal with their complaint and the overall outcome, compared to those whose complaint was rejected or was not eligible. Those whose complaint was rejected were the least satisfied group.

Chart 7 - Complainants' satisfaction with PPO



Although respondents whose complaints were upheld were the most satisfied of the three groups, their level of satisfaction is not as high as PPO would like, with only around 60 per cent being satisfied with the service, the time it took to deal with their complaint and the outcome. Chart 8 shows the other side of the coin and indicates dissatisfaction levels.

Chart 8 - Complainants' dissatisfaction with PPO



As anticipated, those whose complaints were rejected showed the greatest dissatisfaction with all aspects of PPO, with nearly 80 per cent dissatisfied with the outcome. More surprising is the finding that 30 per cent of those whose complaints were upheld were dissatisfied with the outcome. Although this is partly due to this group including cases which were only partially upheld (44 per cent dissatisfied), 29 per cent of those whose complaint was totally upheld were still dissatisfied.

There was some indication that respondents from white ethnic groups were more satisfied with the service, time and outcome of their complaint than those from other ethnic groups, but the numbers are too small to say for sure this was the case.

Respondents were asked whether they felt there was anything in particular that the PPO had done well. Speed of response was mentioned most frequently as something the PPO does well:

'Dealt with my complaint speedily.'

'The PPO is very quick in replying to complaints.'

Other repeated themes were communication and the overall investigation:

'Kept me informed, treated me as a person.'

'Looked at all the facts to make the decision.'

However, for some the thing PPO did well was replying to their letter:

'Acknowledged receipt of complaint. Too often in prison, we are unsure if post has arrived ok.'

The most common suggestions for what PPO could have done better involved the investigation itself. Some whose complaints were not accepted for investigation would have liked the PPO to have done more to help them, such as:

'Passed complaint on to relevant people, maybe then it would be taken seriously.'

Some would have liked a more thorough investigation:

'Look in to the matter in hand in depth.'

Face to face communication was the next most frequently mentioned theme, for example:

'In my case I believe some issue were overlooked or not judged fairly. I think a face to face visit or more communication would have helped.'

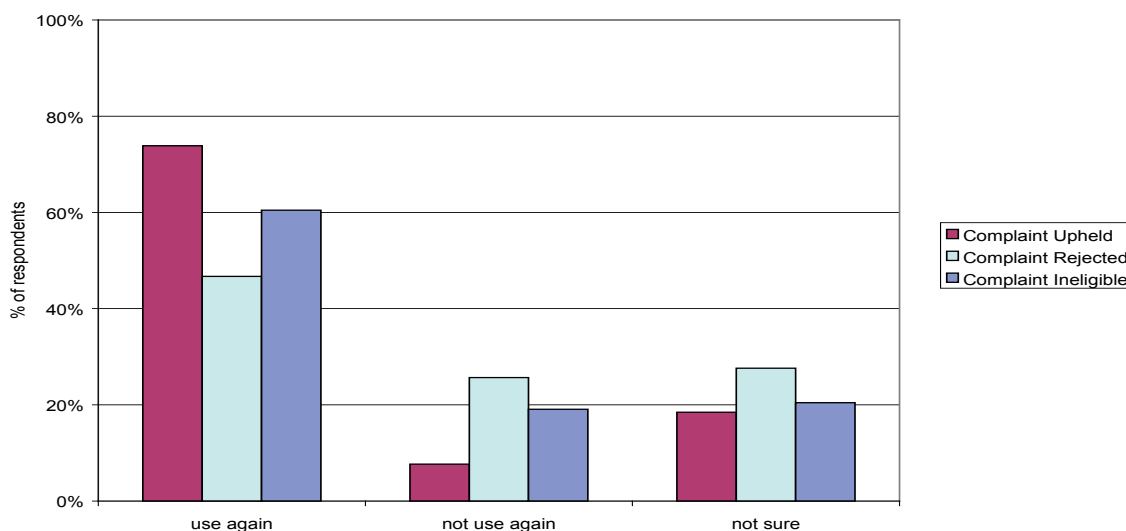
A worrying number thought PPO took the prison's side and accepted their word against that of the complainant. One said we should have been:

'...more balanced when assessing the facts in this issue and not take the prison's word without hard evidence.'

Other things it was said that PPO could do better included following up the recommendations it had made, communicating equally with both the prison and the complainant and resolving the complaint faster.

Respondents were asked whether they would use the PPO again if they had another complaint. Not surprisingly, those whose complaint was upheld were most likely to say they would use PPO again (74 per cent). Just under half of those whose complaint was rejected said they would also use PPO again and only a quarter of this group said they would definitely not use PPO again.

Chart 9 - Would complainants use PPO in the future



Those who said they would not use PPO in the future were asked for a reason. The most frequently cited reason was bias towards the Prison Service:

‘I feel the PPO is too one-sided against the complainant.’

The time it takes for a complaint to be resolved was also cited as a common reason for not using PPO in the future, others thought that nothing would change and it was a waste of time. Some focussed on a perceived lack of fairness or independence:

‘PPO is frequently seen as just a branch of the system by many prisoners. Clearer autonomy would be advantageous.’

But other general comments were more positive, with many thanking the PPO for the help they had been given:

‘Keep up the good work, and thank you for your time and efforts investigating my complaint.’

5. Possible implications for practice

The following list has been compiled on the basis of the results of the survey and the comments received. Where changes have been put in place since the survey these are noted in brackets.

Improve publicity about PPO

- Ask services in remit to review accessibility and visibility of posters and availability of leaflets

- Consider targeting the Law Society with information about how to make a complaint as this could reduce ineligible complaints
- Provide information to prisons to use in induction [a DVD, 'How to make a complaint', has been issued to prisons since the survey was conducted]
- Promote outcomes to try to dispel the idea that 'nothing will change'
- Continue to treat complainants with respect and investigate complaints fairly

Timeliness

- Ensure complaints are acknowledged within ten days - [This has improved since the survey and in the year to date 80% of complaints have been assessed for eligibility within 10 days.]
- Review working practices ensure investigations are completed as quickly as possible. [This is in hand.]
- Provide updates on progress where it is taking a long time

Ineligible complaints

- Provide clearer explanations when complaints are not accepted.
- Consider providing information (in the form of a stock enclosure) on how to take forward complaints which are ineligible for investigation by PPO

Eligible complaints

- Make more verbal contact with complainants where appropriate.
- Try to make more visits where appropriate
- Clarify in the initial contact letter which issues the PPO will be investigating and which it will not
- Clarify in the final letter or report the issues PPO has been able to investigate and those it has not
- Consider how we can better demonstrate balance

Improve independence

- Continue to pursue the case for legislation and greater day-to-day independence

The Ombudsman and colleagues will be considering these proposals, and other findings from the survey, with a view to developing a complaints action plan.

Appendix I: Sample Size

As it was feared that the response rate might be low, it was decided to send the survey to about 1,000 complainants in order to get a large enough response to produce meaningful results. At the time of the survey, the PPO office was receiving roughly 2,200 complaints in the half-year, of which just over 50 per cent were ineligible. Rather than taking a random sample of 1,000 complaints over six months, it was decided that every complaint completed in a shorter time period would be included. This would make it consistent with the other strands of the feedback project, where all potential respondents were contacted rather than a sample.

The actual number of surveys sent depended on a number of factors: how many were repeat complainants, the balance between eligible and ineligible complaints and the number of complainants who had been released since their complaint and were therefore more difficult to trace.

Roughly 14 per cent of complainants had more than one complaint completed in the six months of the study, accounting for 36 per cent of the total complaints completed in this time. These were identified so that each person would receive only one copy of the survey.

Around half the complaints received by the PPO are not eligible for investigation. In order to weight the sample to get more replies from eligible complaints which have more issues to look at, the time period for inclusion in the survey was longer for eligible complaints than for ineligible ones.

It was very likely that a large number of complainants would have moved during the six months since their complaint had been dealt with by the PPO. Although most would have been transferred within the prison system, some would have been released and would only be contactable at their release address. A shorter timescale would increase the likelihood of reaching them at this address. There was a large administrative task to check the addresses of everyone included in the sample using the Prison Service's IIS system.

Taking these factors into consideration, it was decided to send a postal survey to everyone who had made an eligible complaint in the previous six months plus those who had made an ineligible complaint in the previous three months. Since all the questionnaires would be sent at the same time, there would be differences in the delay between the end of their complaint and receipt of the survey.

A total of 1372 cases were included in the survey. These were split as follows:

Eligible complaints completed 1 January 2009 – 30 June 2009	754
Ineligible complaints completed 1 April 2009 – 30 June 2009	618

Considering those who made these complaints, 147 made more than one (either eligible or ineligible or both) and 873 made only one complaint.

The 147 repeat complainants altogether made 499 complaints (347 eligible and 152 ineligible). Single complainants made 407 eligible complaints and 466 ineligible complaints.

The repeat complainers were sent only one copy of the survey, highlighting their most recent eligible complaint (or most recent ineligible one if none had been eligible). This made a total of 1,020 complaints to be included in the survey, split roughly 50:50 between eligible and ineligible complaints. Once the complainants were checked on IIS there were several who had been released but no address was available. Table 2 shows how the sample was split.

	Eligible cases	Ineligible cases	Total people
Repeat complainers	108	39	147
Single complainers	407	466	873
Total	515	505	1020
Actual sent	488	477	965

Respondents were asked to think about their experience of using the PPO for one specific complaint and were told the reference number and the subject of the complaint. This meant that each questionnaire was identifiable and could be linked back to the complaints themselves, making it possible to assess whether there was any response bias.

As in the general stakeholder survey, participants were told that their answers would be confidential and non-attributable (unless otherwise requested), but that anything specifically mentioning an individual member of PPO staff, either criticism or compliment, would be brought to their manager's attention.