

# **The Local Authority Model Complaints Handling Procedure (Model CHP)**

## Guide to Implementation

<b>BACKGROUND</b>	<b>3</b>
<b>ABOUT THE CHP</b>	<b>4</b>
➤ Social work complaints	4
➤ Services provided on behalf of the local authority	4
<b>IMPLEMENTING THE CHP</b>	<b>5</b>
➤ Adopting the CHP	5
➤ Publication and accessibility	6
➤ Recording complaints	6
<b>MONITORING COMPLIANCE AND PERFORMANCE</b>	<b>7</b>
➤ Compliance	7
➤ Performance	8
<b>FUTURE REVISIONS OF THE CHP</b>	<b>9</b>
<b>CSA ADVICE AND SUPPORT</b>	<b>10</b>
➤ Training	10
➤ Valuing Complaints website	11
➤ Local authority network of complaints handlers	11

# Contents

# Background

The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of model complaints handling procedures (model CHPs) across the public sector. The Act took forward the recommendations of the Sinclair Report which sought to improve how complaints are handled, through the development of simplified, standardised CHPs.

The local authority model CHP was developed by SPSO in partnership with a working group of local authority complaints experts. It was produced within the framework of the Crerar and Sinclair Reports and the SPSO's Guidance on a Model Complaints Handling Procedure published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through our public consultation at the end of 2010.

The purpose of the local authority model CHP is to provide a standardised approach to dealing with customer complaints across the local authority sector. In particular, the aim is to implement a consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages bodies to make best use of lessons from complaints.

# About the CHP

The model CHP applies to all local authorities and all local authority services with the exception of social work services.

The CHP is presented in four sections which explain the end-to-end procedure to be followed in handling customer complaints:

- 1 How to use the CHP**
- 2 What is a complaint?**
- 3 The complaints handling process (frontline resolution and investigation)**
- 4 Governance of the CHP.**

There is also a 'customer-facing' CHP which is included as a separate but integral section of the CHP. This provides standardised information on the complaints procedure to customers of all 32 councils, ensuring that all customers receive the same information on complaints regardless of where they live or the authority they deal with.

To be compliant with the model CHP, local authorities must adopt both the CHP and the customer-facing CHP. The third document produced by the group is a quick reference staff-facing CHP guide. It does not have to be adopted to ensure compliance but has been developed to provide staff with a simple, at-a-glance overview of the CHP and is provided as an example of good practice. Local authorities may choose to adopt the staff-facing guide in its entirety or amend it to reflect their own wider guidance for staff.

## Social work complaints

Social work complaints are currently subject to legislative guidance and directions on the social works complaints procedure, as required by section 5B of the Social Work (Scotland) Act 1968. These arrangements are currently under review by the Scottish Government. We expect that the social work complaints procedure will be amended in line with the outcome of that consultation which closed on 18 March 2012.

The Scottish Government has proposed that a working group including local authority representatives with an expertise in all aspects of social work complaints will help take forward the development of proposed changes to the social work complaints arrangements.

## Services provided on behalf of the local authority

Some local authorities use arm's-length external organisations (ALEOs) or Trusts to deliver council services. While these organisations are separate from the local authority they are subject to local authority control and local authorities are still responsible for ensuring the services provided meet the required standard. It is for each local authority to ensure that ALEOs and Trusts are meeting the requirements of the model CHP. In doing so they must have mechanisms in place to identify and act on complaints handling performance issues of the ALEO or Trust where the local authority considers this to be appropriate.

# Implementing the CHP

## Adopting the CHP

The model CHP is provided as a template for local authorities to adopt. It is designed to be an internal document for each local authority and contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints. The language used reflects its status as an internal document. So 'we' refers to the local authority, not the SPSO.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO.

Any text that is in *italics* may be amended or replaced with the local authority's own text as appropriate. However, adopting the model CHP in its entirety will ensure that the local authority meets the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the model CHP to reflect, for example, the local authority's organisational structure, operational processes and corporate style. The model CHP outlines areas where the local authority may adapt the CHP to provide additional guidance or reference to local processes. As an example, the roles and responsibilities in relation to signing-off complaints should be amended to suit individual local authorities' circumstances. Similarly, internal processes for recording complaints or for approving extensions to timescales will vary across the 32 local authorities.

Scope is also given to local authorities to amend the language of the model CHP to comply with corporate writing conventions or style guides. We appreciate that the way in which a local authority presents its documented procedures is extremely important. A local authority's corporate identity puts the council's stamp on the services

it delivers and we understand the importance of presenting one single corporate brand for all products and services.

For this reason there is flexibility for local authorities to adapt the model CHP to ensure that, together with any supporting documentation developed by the authority (for example staff guidance and complaints forms), their CHP reflects their corporate identity and language. This may include, for example, amending the name of the frontline resolution stage of complaints handling to fit with local circumstances, which was something raised by the working group of local authority complaints experts as a potential issue.

However, it is of equal importance that the model CHP is not amended to the extent that its purpose or substance is changed in a way which does not reflect the model CHP or its key aims. In particular, the following are elements of the model CHP which should not be amended, given the importance of ensuring a standardised approach across all local authorities:

- The definition of a complaint (although further guidance or examples may be included as indicated in the CHP)
- The number of stages
- Timescales at each stage
- The requirements to record, report and publicise complaints information.

It is also important that the information contained in the customer-facing CHP is adopted in full by the local authority. The information presented may be included in a form appropriate to the local authority (for example, through leaflets or the authority's website) or as part of wider information on how a customer can provide feedback. There may also be further information providing context but the information for customers should remain consistent with the published customer-facing CHP.

## Publication and accessibility

It is important to make customers aware of their right to complain, and information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Arrangements about how to make a complaint must be widely publicised, simple and clear and made available in all areas of service provision. Local authorities should, therefore, consider the most effective ways to ensure maximum accessibility, such as online information about how to access the procedure which should be clearly visible on the front page of the local authority's website. Traditional methods such as leaflets can also be helpful and local authorities should consider where these can most effectively be displayed.

Customers must, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. A range of methods for complaining by whatever means is easiest for the customer should be provided to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

Local authorities should take into account special needs, such as for people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers. Where appropriate, suitable arrangements should be made for the specific needs of those who wish to complain, including provision of interpreting services, information in a variety of formats and languages, suitable venues, and suitable times.

## Recording complaints

It is a requirement of the model CHP that all complaints are recorded. Recording and monitoring customer complaints is essential to the quality management process, while analysing the causes of complaints and their outcomes provides essential information to improve services.

Some local authorities may have to amend their current complaints recording systems to reflect the two stage approach of the model CHP and the required timelines. Where this is the case local authorities should detail how and when these system enhancements will be achieved in a clear and realistic implementation plan as referred to in the 'monitoring compliance and performance' section below.

# Monitoring Compliance and Performance

## Compliance

Compliance with the model CHP will be monitored by Audit Scotland in conjunction with the SPSO and in line with the principles of the Shared Risk Assessment (SRA) arrangements. Audit Scotland will ensure that the monitoring of compliance with the CHP is risk based and proportionate.

In year one following publication of the model CHP (2012/13) SPSO/Audit Scotland will assess whether or not a local authority has implemented, or has robust plans to implement, the CHP. We will not assess local authority performance in operating the CHP in year one.

Following submission of the local authority CHPs to the SPSO by 14 September 2012 the SPSO will assess whether or not each CHP complies with the model CHP. This will include an assessment of whether any additions or amendments to the published CHP are appropriate and to ensure that they do not significantly alter the substance of the CHP. As part of this we will also assess whether the CHP is well-publicised and accessible.

SPSO will provide this assessment to Audit Scotland who will use it to inform the SRA process and the Annual Audit Report for each authority.

Local authorities who indicate that they have not fully implemented the CHP across all services for all complaints should outline the reasons why, outline progress they have made and provide a clear implementation plan which should be approved by the Chief Executive. Such authorities will be assessed as not having complied with the CHP by the September deadline. However, we will indicate whether, and to what degree, they have made progress and whether they have a clear plan for implementation by March 2013. We may also comment on whether the reasons for not implementing are reasonable and/or were discussed in advance with SPSO.

The following categories of compliance will be noted through Audit Scotland:

- compliant with model CHP by September 2012
- non-compliant by September 2012 but with positive progress and a clear and realistic plan for implementing by 31 March 2013 at the latest
- non-compliant with no or minimal progress.

Progress towards compliance will be defined as follows:

- Significant – at least three out of four from the following:
  - rolled out or piloted in some service areas
  - a compliant CHP and a realistic implementation plan approved by executive team/committee but awaiting other factors
  - systems currently being upgraded
  - training or awareness programme currently being implemented.
- Some – two of the above factors.
- Minimal – only one of the above factors

In year two (2013/14) there will be no further assessment of the CHPs for local authorities which have been assessed as compliant in year one. However, for local authorities assessed as non-compliant there will be a requirement to re-submit CHPs within the timeframes set out in their implementation plan. This will then be used to inform Audit Scotland as set out above in relation to year one.

In future years, we expect each local authority to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the model CHP.

Under the terms of the Act the Ombudsman may, in addition to reporting to Audit Scotland, declare that an authority is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the local authority to facilitate implementation have failed. If the Ombudsman does declare a CHP to be non-compliant with the model CHP he will, in line with the Act, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

## Performance

From 2013/14 local authorities will be required to assess complaints handling performance around a range of high-level performance indicators related to the CHP using existing self-assessment frameworks. This is designed to help local authorities assure themselves as to how they are performing against the model CHP and to facilitate continuous improvement and benchmarking between local authorities.

The performance indicators related to the CHP will be developed by SPSO in consultation with local authority stakeholders and Audit Scotland over the course of 2012/13. Our intention is to introduce a reasonable number of key high-level indicators. The focus will be on, in particular, how authorities are performing against the two-stage process and timescales but will also aim to capture performance in relation to the organisational learning derived from complaints and how effective an authority is in using the outcomes of complaints to improve service delivery.

A suggested indicative list of indicators developed by SPSO is as follows:

- the total number of complaints received
- the number and percentage of complaints considered at the frontline resolution stage of the CHP
- the number and percentage of complaints closed at the frontline resolution stage within 5 working days
- the number and percentage of complaints where an extension to the 5 working day timeline has been authorised
- the number of complaints upheld / not upheld at the frontline resolution stage as a percentage of all complaints closed at this stage

- the average time in working days to resolve complaints at the frontline resolution stage
- the number and percentage of complaints considered at the investigation stage of the CHP
- the number and percentage of complaints resolved at the investigation stage within 20 working days
- the number and percentage of complaints where an extension to the 20 working day timeline has been authorised
- the number of complaints upheld at the investigation stage as a percentage of all complaints closed at this stage
- the average time in working days to resolve complaints at the investigation stage
- a statement outlining changes or improvements to services or procedures as a result of the consideration of a complaint
- a measure to assess customer satisfaction with the complaints service provided (as opposed to the outcome of their complaint).

Further discussion is required on potential indicators, how these can be built into existing self-assessment arrangements and how performance information is used. We intend to take this discussion forward through the proposed network of local authority complaints handlers which will be established from the SPSO's local authority working group, as discussed on page 10.

## **Future revisions of the model CHP**

The model CHP will be reviewed on a three year cycle. The first formal review will, however, be required following the outcome of the Scottish Government's Consultation on the Review of Social Work Complaints. We anticipate the need to review and perhaps amend the model CHP as a result. Thereafter, the formal review of the model CHP will be considered on a three year cycle.

There may also be a requirement to review the model CHP on minor issues within the formal three year review cycle. Revisions to the model CHP will be managed by the SPSO's Complaints Standards Authority (CSA). Where a local authority considers that an amendment to the model CHP or customer-facing CHP is required they should prepare and submit a request for change to the CSA. This should include a brief description of the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

The CSA will consider and decide upon the request. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the model CHP is available at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While local authorities may use the model CHP as a template to develop their CHP, it is important to remember that the model CHP itself may only be altered, amended or changed by the CSA.

# CSA Advice and Support

## Training

The model CHP places a strong emphasis on early resolution of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints.

All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively.

This includes being aware of how to identify complaints and when they are authorised to use a range of measures to achieve resolution, such as a simple apology where appropriate.

It is for each local authority to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. At our 2011 annual Council Liaison Officer conference we asked local authority representatives to identify their training needs in relation to the two stage procedure. We were told that, primarily, there would be a requirement to develop their awareness of the role of 'frontline resolution' and the skills required to fulfil this function. Online access to relevant training modules was also identified as the optimum way in which to deliver this training.

Our training unit has, therefore, developed a number of e-learning training modules to support the introduction of the model CHP. These modules have been designed to support staff in dealing with complaints as close to the point of service delivery as possible and in the most appropriate way to achieve early resolution. It is our intention to provide free access to this training material through the SPSO online training centre. Further details will be available shortly at [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk).

We also recognise that investigative staff must have the skills and training to effectively investigate and reach robust decisions on more complex complaints. Our training unit provides training on complaints investigation covering the

skills required to investigate a complaint from initial receipt to conclusion, including techniques for effectively planning and managing the investigation. We also provide training courses in relation to listening, problem solving and conflict resolution. Further details may be obtained from [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk).

## Valuing Complaints website

We are in the process of upgrading our complaints standards website ([www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)) to support all public services in Scotland as they seek to develop and introduce the model CHP. Good practice guidance and other reference material on various aspects of complaints handling will be made available on the website.

The website will also host an online complaints handlers forum to help encourage discussion and sharing of best practice in complaints handling.

## Local authority network of complaints handlers

Building on the work of the local authority complaints handlers working group we will also coordinate and support a local government complaints handling network. The remit of this group will include identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network will be used to help take forward the ongoing work of the CSA in areas such as developing standardised complaints recording categories and performance indicators.

If your local authority is interested in joining the network please contact the CSA at [CSA@spsso.org.uk](mailto:CSA@spsso.org.uk).