

**The Model Complaints Handling
Procedure (Model CHP) for the
Scottish Government, Scottish
Parliament and Associated
Public Authorities in Scotland**

Guide to Implementation

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Background

The Public Services Reform (Scotland) Act 2010 (the Act) provided the SPSO with the authority to lead the development of model complaints handling procedures (model CHPs) across the public sector. The Act took forward the recommendation of the Sinclair Report that the SPSO be given powers to improve how complaints are handled across the public sector in Scotland, through the development of simplified, standardised CHPs.

The SPSO's Complaints Standards Authority (CSA) has been working with partners and stakeholders to develop model CHPs for each public service sector. These have been developed within the framework of the Crerar and Sinclair Reports which both identified failings in how public sector complaints were handled in Scotland. They also take account of stakeholder views expressed through our public consultation at the end of 2010 on the SPSO Statement of Complaint Handling Principles, approved by the Scottish Parliament and published in January 2011, and the SPSO's Guidance on a Model Complaints Handling Procedure, published in February 2011.

We published model CHPs for the Local Authority and Housing sectors in March and April 2012 and for the Further and Higher Education sectors in December 2012. The model CHP for the Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland reflects the model CHPs for these sectors to help ensure consistency in how customer complaints are handled across the public sector in line with the Crerar and Sinclair principles.

About the CHP

The aim of the Scottish Government, Scottish Parliament and Associated Public Authorities model CHP is to provide a standardised approach to dealing with customer complaints across the public authorities landscape in Scotland. It is a statutory requirement for bodies to comply with the model CHP. The model CHP applies to all Scottish Government, Scottish Parliament and associated public authorities under the SPSO's jurisdiction in terms of Schedule 2 of the Scottish Public Services Ombudsman Act 2002. This includes:

- > The Scottish Government
- > Executive Agencies
- > Non Ministerial Departments (NMDs)
- > Executive Non Departmental Public Bodies (NDPBs)
- > Advisory NDPBs
- > Tribunal NDPBs
- > Public Corporations
- > The Scottish Parliamentary Corporate Body
- > Parliamentary Bodies and Commissioners
- > Other Significant National Bodies.

There may be some organisations within these categories who are not under the SPSO's jurisdiction in terms of Schedule 2 of the Scottish Public Services Ombudsman Act 2002.

The model CHP does not apply to these organisations. If you are in any doubt about the status of your organisation, please contact the CSA directly at csa@spsso.org.uk

The emphasis in the model CHP is on quicker and simpler complaints handling with local, early resolution by empowered and well trained staff. Our aim is to help bodies 'get it right first time' with a focus on resolving complaints at the frontline wherever possible. There is also an emphasis on valuing complaints, recording all complaints, reporting key information and using the lessons learned to improve service delivery.

The key elements of each model CHP are the same for all sectors, including:

- > A shared definition of what is and what is not a complaint

- > A two stage process with standardised timescales with complaints resolved as close to the frontline as possible
- > Recording of all complaints
- > Active learning from complaints through reporting and publicising complaints information.

There is, however, enough flexibility in the model CHPs to reflect the requirements of each sector and of each organisation.

The model 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 the public body, ensuring that they receive the same information on complaints regardless of where they live or the public body they deal with.

To be compliant with the model CHP, public bodies must adopt both the CHP and the customer-facing CHP.

Services provided on behalf of the public body

Some public bodies may use external organisations to deliver services on their behalf. While these organisations may be separate from the public body they are subject to the public body's control and the public body is still responsible for ensuring the services provided meet the required standard. It is for each public body to ensure that independent organisations meet 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 independent organisation where the public body considers this to be appropriate.

Implementing the CHP

Adopting the CHP

The model CHP is provided as a template for public bodies to adopt. Bodies are required to adopt the model CHP in its entirety to ensure they meet the SPSO's test of compliance.

We recognise the importance of providing scope to adapt the model CHP to reflect, for example, the body's organisational structure, operational processes and corporate style. The model CHP outlines areas where the public body 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 bodies' circumstances. Similarly, internal processes for recording complaints or for approving extensions to timescales will vary across public bodies.

Scope is also given to public bodies to amend the language of the model CHP to comply with corporate writing conventions or style guides. We appreciate that the way in which an organisation presents its documented procedures is extremely important. A body's corporate identity puts its 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 public bodies to adapt the model CHP to ensure that, together with any supporting documentation developed by the organisation (for example staff guidance and complaints forms), their CHP reflects the body's corporate identity and language.

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 public body. The information presented may be included in a form appropriate to the body (for example, through leaflets or the body'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. Public bodies 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 organisation's website. Traditional methods such as leaflets can also be helpful and public bodies 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 and accepted to ensure accessibility to the procedure. This may include frontline staff assisting the customer by writing the complaint for them.

Public bodies 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, at suitable venues, and at 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 public bodies 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 bodies 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

The Scottish Government, Scottish Parliament and all associated public authorities under the SPSO's jurisdiction (in terms of Schedule 2 of the Scottish Public Services Ombudsman Act 2002) are required to comply with the model CHP under the terms of the SPSO Act 2002 (as amended by the Public Services Reform (Scotland) Act 2010).

Public bodies are required to advise the CSA by **30 September 2013** that they have implemented the CHP or indicate a commitment to do so by **31 March 2014**. Public bodies should also provide an assessment of how their implemented CHP and customer-facing leaflet, or drafts for implementation, meets the requirements of the model CHP. This information must be provided by completing the pro-forma and self-assessment in **Appendix 1**, which can be completed as soon as the public body adopts the model CHP, or at any time before 30

September 2013. This will enable the CSA to follow up with those organisations that have made little or no progress by that date. It is expected that all public bodies will have a CHP in place that is compliant with the model CHP by March 2014. If a public body fails to provide any indication that they are making clear progress towards compliance with the model CHP by 30 September 2013 the SPSO will assess that organisation as non-compliant. The pro-forma returns should be sent to **CSA@sps.org.uk**

The returns from public bodies should confirm whether the following has been or will be achieved in advance of compliance in March 2014. Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

From April 2014 the SPSO will monitor compliance with the model CHP both through the complaints it investigates and through the activities of the CSA. Where appropriate and required the CSA will liaise with the appropriate sponsor bodies to report compliance status. In future years, we expect each organisation to have appropriate self-assessment arrangements in place to assure itself that its CHP is operating in accordance with the model CHP. Any significant changes to the CHP would require to be notified to the CSA for prior approval. The CSA will also monitor compliance with the model CHP on an ongoing basis through quality checks of published and available complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the body prior to notification to the appropriate funding body.

Under the terms of the Act the Ombudsman may also declare that a public body is non-compliant. We intend to use this option as a means of last resort in the event that attempts to work with the organisation 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

In line with the model CHP, from 2014/15 public bodies will be required to publish complaints handling performance information around a range of high-level performance indicators related to the CHP. This is designed to help bodies assure themselves and customers as to how they are performing against the model CHP and to provide transparency and facilitate continuous improvement and benchmarking between organisations.

Our intention is to introduce a reasonable number of key high-level indicators which are broadly consistent with those in other sectors. The focus will be on, in particular, how bodies 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 organisation is in using the outcomes of complaints to improve service delivery.

The information required for this will likely include:

- 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, partially upheld and 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, partially upheld and not 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 complainant satisfaction with the complaints service provided (as opposed to the outcome of their complaint).

Further discussion is required with stakeholders on potential indicators, how these can be built into existing self-assessment arrangements and how performance information is used. We would be keen to use the proposed network of complaints handlers discussed on page 9 for input in relation to the indicators.

Future revisions of the model CHP

Our current aim is for the model CHP to be reviewed 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 CSA. Where a public body 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 public sector by ensuring that only the current agreed version of the model CHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While organisations are encouraged to 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 public body to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. In considering the training requirements of sectors that have already adopted a model CHP we found that, primarily, there is a requirement to develop awareness of the role of 'frontline resolution' and the skills required to fulfil this function. Online access to such training modules has also been 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 e-learning training modules have been designed to support staff to deal 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 are available at **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. It also provides training courses in relation to listening, problem solving and conflict resolution. Further details may be obtained from **www.spsotraining.org.uk**.

Valuing Complaints website (www.valuingcomplaints.org.uk)

Valuing Complaints is the SPSO's CSA website. It provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including model CHPs for Scotland; implementation and compliance guidance; and best practice and training resources.

The website also includes a community forum which aims to generate discussion and sharing of best practice amongst the professional complaints handling community, both within and between different sectors. We aim to facilitate effective and professional social networking amongst complaints handlers and create a forum that supports the sharing of experiences and learning in complaints handling.

A network of complaints handlers

Building on the work in other sectors, we are keen to coordinate and support a complaints handling network for complaints handlers in the sector. 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 organisation is interested in joining the network please contact the CSA at **CSA@spsso.org.uk**.

Appendix 1

Compliance statement and self-assessment

[NAME OF ORGANISATION]

[CONTACT DETAILS]

This information on this pro forma must be provided to the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) as soon as the organisation adopts the model CHP, or by 30 September 2013 at the latest. Please send the completed form to **CSA@spsso.org.uk**.

Please provide, at **Section 1**, confirmation that you have adopted both the CHP and the customer-facing CHP and have introduced the CHP across all services or that you will do so by 31 March 2014 at the latest. Please also provide details on approval, pilots, systems and training where appropriate.

At **Section 2** please complete a self-assessment of your organisation's CHP, or draft CHP for implementation by 31 March 2014, against the requirements of the model CHP.

The CSA will assess the information provided, and respond to indicate compliance or otherwise with the model CHP. The categories of compliance are:

- > confirmed compliance with model CHP by 31 March 2014
- > non-compliant by 31 March 2014

SECTION 1

Statement from Chief Executive, Chairman or Head of Organisation of [NAME OF ORGANISATION]. *This form to be completed and returned to CSA@spsso.org.uk by 30 September 2013.*

[Please complete as applicable]

We have adopted both the CHP and the customer-facing CHP and have introduced the CHP across all services from **[Insert Date]**.

We will adopt both the CHP and the customer-facing CHP and will introduce the CHP across all services by 31 March 2014

Please

Please confirm whether the following has been or will be achieved in advance of compliance in 31 March 2014. Please note that pilots, training or systems upgrades are not requirements but that this information will be used by the CSA for information purposes.

- > a compliant draft CHP and customer-facing leaflet have been approved by the relevant senior official/executive team/committee or board
- > CHP has been rolled out or piloted in some service areas
- > IT systems upgraded or currently being upgraded
- > training and awareness programme implemented or currently being implemented.

| | Yes | No | Not Applicable |
|--|--------------------------|--------------------------|--------------------------|
| > a compliant draft CHP and customer-facing leaflet have been approved by the relevant senior official/executive team/committee or board | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| > CHP has been rolled out or piloted in some service areas | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| > IT systems upgraded or currently being upgraded | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| > training and awareness programme implemented or currently being implemented. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SECTION 2**[NAME OF ORGANISATION] Self-assessment of compliance**

| Requirement of CHP | Met? Yes/No | Comment |
|---|------------------------|----------------|
| Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style? | | |
| Does the customer-facing CHP adopt the text and layout of the published model customer-facing CHP, subject to necessary amendments? | | |
| Does the CHP include a an appropriate foreword from the Chief Executive, Chairman or Head of Organisation? | | |
| Does the CHP provide an appropriate definition of a complaint? | | |
| Does the CHP explain the types of issues which may be considered as a complaint? | | |
| Does the CHP explain the types of issues which may not be considered through the CHP? | | |
| Does the CHP include appropriate guidance on handling anonymous complaints? | | |
| Does the CHP clarify who can make a complaint? | | |
| Does the CHP cover complaints involving more than one department? | | |
| Does the CHP cover complaints involving other organisations or contractors who provide a service on behalf of the organisation? | | |
| Does the CHP explain how a complainant may make a complaint? | | |

| Requirement of CHP | Met? Yes/No | Comment |
|--|----------------|---------|
| Does the CHP explain the issues to be considered on receipt of a complaint? | | |
| Does the CHP include the correct timeline for frontline resolution? | | |
| Does the CHP explain the basis for an extension to the timeline at frontline resolution? | | |
| Does the CHP explain the action to take in closing the complaint at the frontline resolution stage? | | |
| Does the CHP explain when to escalate a complaint to the investigation stage? | | |
| Does the CHP explain what to do when a complaint is received at the investigation stage? | | |
| Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage? | | |
| Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage? | | |
| Does the CHP explain the basis for an extension to the timeline at the investigation stage? | | |
| Does the CHP explain the required action when closing the complaint at the investigation stage? | | |
| Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation? | | |
| Does the CHP explain the roles and responsibilities of all staff involved in complaints handling? | | |
| Does the CHP cover complaints about senior staff? | | |

| Requirement of CHP | Met? Yes/No | Comment |
|--|------------------------|----------------|
| Does the CHP include the requirement to record all appropriate details in relation to the complaint? | | |
| Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis? | | |
| Does the CHP include the requirement to learn from complaints? | | |
| Does the CHP include the requirement to report performance in handling complaints annually? | | |
| Does the CHP refer to legal requirements in relation to confidentiality issues? | | |
| Does the CHP refer to managing unacceptable behaviour? | | |
| Does the CHP refer to support for the complainant? | | |
| Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time? | | |