

**Complaints Handling Procedure**

**Social Security Scotland**

**April 2021**

**Part 1:**

**Introduction and overview**

**Contents**

[Foreword 3](#_Toc29473214)

[Structure of the Complaints Handling Procedure 4](#_Toc29473215)

[Overview of the CHP 5](#_Toc29473216)

[Expected behaviours 6](#_Toc29473217)

[Maintaining confidentiality and data protection 7](#_Toc29473218)

# Foreword

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**Foreword**

By David Wallace, Chief Executive

I’m pleased to be introducing this document which will help us get things ‘right first time’ by enabling simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Social Security Scotland is here to administrate social security effectively in accordance with the principles in the Social Security (Scotland) Act 2018 and the Charter. This means carrying our big ambitions – to deliver a system with dignity, fairness and respect at its heart – through to everything we do.

It’s just as important that we live up to our principles on occasions when people aren’t entirely satisfied and want to complain about our services as it is at any other time. In fact, it’s probably more important. That’s why our complaints handling procedure reflects our overall commitment to valuing complaints.

We want to resolve issues as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so we can make evidence-based decisions on each case. This procedure introduces a standardised approach to handling complaints across Social Security Scotland, which complies with the Scottish Public Services Ombudsman’s guidance on a model complaints handling procedure.

Complaints give us valuable information we can use to improve client satisfaction. Our complaints handling procedure will enable us to address a client’s dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the client’s views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our clients a form of redress when things go wrong, and can also help us continuously improve our services.

The complaints handling procedure will help us keep the client at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

# Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:

* Overview and structure (part 1) – this document
* When to use the procedure ([**part 2**](#_What_is_a)) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
* The complaints handling process ([**part 3**](#_The_complaints_handling)) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
* Governance of the procedure ([**part 4**](#_Roles_and_responsibilities)) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints

1. When using the CHP, please also refer to the ‘SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO.

[**www.spso.org.uk**](http://www.spso.org.uk)

# Overview of the CHP

1. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
2. We will try to resolve complaints to the satisfaction of the client wherever this is possible. Where this isn’t possible, we will give the client a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
3. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the client remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

|  |  |  |
| --- | --- | --- |
| **Stage 1: Frontline response**  For issues that are straightforward and simple, requiring little or no investigation  ‘On-the-spot’ apology, explanation, or other action to put the matter right  Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances)  Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response  Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)  We will tell the client how to escalate their complaint to stage 2 | **Stage 2: Investigation**  Where the client is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'  Complaint acknowledged within **three working days**  We will contact the client to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)  Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised | **Independent external review (SPSO or other)**  Where the client is not satisfied with the stage 2 response from the service provider  The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider |

1. For detailed guidance on the process, see [**Part 3: The complaints handling process**](#_The_complaints_handling).

# Expected behaviours

1. We expect all staff to behave in a professional manner and treat clients with dignity, fairness and respect. We also ask clients bringing a complaint to treat our staff with respect. We ask clients to engage actively with the complaint handling process by:

* telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
* working with us to agree the key points of complaint when an investigation is required; and
* responding to reasonable requests for information.

1. *We have a policy in place for when these* standards are not met which is our [Unacceptable Actions Policy](https://knowledgemanagement.socialsecurity.gov.scot/section/client-relations/unacceptable-client-actions)
2. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the client acting in an unacceptable way.
3. Clients who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some clients may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from clients. Where we decide to restrict access to a client under the terms of our policy, we have a procedure in place to communicate that decision, notify the client of their right of appeal, and review any decision to restrict contact with us.
4. If we decide to restrict a client’s contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the client’s access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the client. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the client to the SPSO (see [**Part 3: Signposting to the SPSO**](#_Signposting_to_the)).
5. The SPSO has [**guidance on promoting positive behaviour and managing unacceptable actions**](https://www.spso.org.uk/unacceptable-actions-policy).

# Maintaining confidentiality and data protection

1. Confidentiality is important in complaints handling. This includes maintaining the client's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
2. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
3. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of client information. [Data protection policy](http://saltire/my-workplace/it-and-information-management/data-protection/Pages/data_protection_policy.aspx) for Scottish Government and [How the agency handles client data | Social Security Scotland](https://knowledgemanagement.socialsecurity.gov.scot/page/how-agency-handles-client-data) provide a source of guidance.
4. Some examples of where limited information should be provided due to confidentiality are below

* where a complaint has been raised against a staff member and has been upheld – we will advise the client that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken*.*
* where a person being cared for has raised an issue about their carer’s Carers Allowance Supplement, we cannot discuss anything relating to the payments with the client. We can only discuss the issue with the Carer themselves. Limited information can be shared with the cared for person.

**Part 2**

**When to use this procedure**

**Contents**

[What is a complaint? 11](#_What_is_a)

[Who can make a complaint? 13](#_Who_can_make)

[Supporting the client 13](#_Supporting_the_client)

[How complaints may be made 15](#_How_complaints_may)

[Time limit for making complaints 16](#_Time_limit_for)

[Particular circumstances 17](#_Particular_circumstances)

[Complaints by (or about) a third party 17](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473144)

[Serious, high-risk or high-profile complaints 17](#_Serious,_high-risk_or)

[Anonymous complaints 18](#_Anonymous_complaints)

[What if the client does not want to complain? 18](#_What_if_the)

[Complaints involving more than one area or organisation 18](#_Complaints_involving_more)

[Complaints about contracted services 19](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473149)

[Complaints about staff 19](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473150)

[Complaints and other processes 19](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473151)

[Complaints and service requests 19](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473152)

[Complaints and disciplinary or whistleblowing processes 19](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473153)

[Contact from MPs, MSPs or Councillors [Optional section] 20](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473154)

[Complaints and compensation claims 20](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473155)

[Complaints and legal action 20](file:///\\scotland.gov.uk\dc2\fs3_home\U443174\Feedback\Complaints\SPSO\CHP%20Part%202%20SSS.docx#_Toc29473156)

[What to do if the CHP does not apply 22](#_What_to_do)

[Appendix 1 – Complaints 23](#_Appendix_1_–)

[Appendix 2 – What is not a complaint? 24](#_Appendix_2_–)

# What is a complaint?

1. Social Security Scotland ‘s definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about Social Security Scotland’s action or lack of action, or about the standard of service provided by or on behalf of Social Security Scotland
2. For clarity, where an employee also receives a service from Social Security Scotland as a member of the public, they may complain about that service.
3. The standard of service that people should expect from Social Security Scotland is set out in [Our Charter](https://www.socialsecurity.gov.scot/about/our-charter). The commitment to handing complaints is covered in the section “A learning system”.
4. A complaint may relate to the following, but is not restricted to this list:

* failure or refusal to provide a service
* inadequate quality or standard of service, or an unreasonable delay in providing a service
* dissatisfaction with one of our policies or its impact on the individual
* failure to properly apply law, procedure or guidance when delivering services
* failure to follow the appropriate administrative process
* conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**); or
* disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

1. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.
2. A complaint **is not**:

* a routine first-time request for a service (see [**Complaints and service requests**](#_Appendix_2_–))
* a request for compensation only (see **Complaints and compensation claims**)
* issues that are in court or have already been heard by a court or a tribunal (see [**Complaints and legal action**)](#_Complaints_and_legal)
* disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
* a request for information under the Data Protection or Freedom of Information (Scotland) Acts
* a grievance by a staff member or a grievance relating to employment or staff recruitment
* a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
* a concern about a child or an adult’s safety
* an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
* abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our [Unacceptable Actions](https://knowledgemanagement.socialsecurity.gov.scot/section/client-relations/unacceptable-client-actions)guidance.
* a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).

1. **Appendix 2** gives more examples of 'what is not a complaint' and how to direct clients appropriately.
2. We will not treat these issues as complaints, and will instead direct clients to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.
3. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the client, and tell them what (if any) action we will take, and why. See [**What if the Complaints Handling Procedure does not apply.**](#_What_to_do)

# Who can make a complaint?

1. Anyone who receives, requests, or is affected by our services can make a complaint. In this procedure these people are termed 'clients', regardless of whether they are or were using a service.
2. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

## Supporting the client

1. All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some clients may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Clients may need support to overcome these barriers.
2. We have legal duties to make our complaints service accessible under equalities and mental health legislation.

Examples of how we will meet our legal duties are:

* helping clients access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen’s Advice Scotland); and
* providing interpretation and/or translation services for British Sign Language users

1. In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. We do this by::

* helping vulnerable clients identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups and arranging for external agencies dealing with vulnerable groups to take part in our training activities )
* provide our letters and communications in alternative formats e.g. braille, translation into another language
* providing our complaints handling procedure in an easy read leaflet, detailing process and the various formats above we can use
* being able to record on our IT system record individual communication preferences and other client data to help us support our handling of complaints
* ensuring our written communications are inclusive and are clear, accessible and easy to understand
* having a dedicated Client Experience Team which is independent of other areas of Social Security Scotland
* ensuring our client facing information on complaints has been tested by external stakeholders

1. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

# How complaints may be made

1. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.
2. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised.
3. Complaint issues may also be raised on **digital platforms** (including **social media**).
4. Where a complaint issue is raised via a digital channel managed and controlled by Social Security Scotland (for example our official Twitter address or Facebook page):

* we will normally respond by explaining that we do not normally take complaints made on social media and telling the person how they can complain;
* in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response (for example, an apology for a cancelled bus service or late cancellation of a class).

1. We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a Youtube video or post on a private Facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.
2. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See [Part 1: Maintaining confidentiality and data protection.](#_Maintaining_confidentiality_and)

# Time limit for making complaints

1. The client must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
2. Where a client has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances they must request this either:

* within six months of when they first knew of the problem; or
* within two months of receiving their stage 1 response (if this is later).

1. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the client or useful learning for Social Security Scotland.
2. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

# Particular circumstances

## Complaints by (or about) a third party

1. Sometimes a client may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a client, we must ensure that the client has authorised the person to act on their behalf. It is good practice to ensure the client understands their personal information will be shared as part of the complaints handling process (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.
2. The provision of a signed mandate from the client will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the client to deal with a third party and would normally follow up in writing to confirm this.
3. In certain circumstances, a person may raise a complaint involving another person’s personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.
4. See also [Part 1: Maintaining confidentiality and data protection.](#_Maintaining_confidentiality_and)
5. If unsure about consent and what can be shared guidance can be found [here](https://knowledgemanagement.socialsecurity.gov.scot/manual/unavailable-consent)

## Serious, high-risk or high-profile complaints

1. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see [Part 3: Stage 2: Investigation](#_Stage_2:_)).
2. We define potential high-risk or high-profile complaints as those that may:

* involve a death or terminal illness
* involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
* generate significant and ongoing press interest
* pose a serious risk to an organisation’s operations
* present issues of a highly sensitive nature, for example concerning:
  + a particularly vulnerable person, or
  + child protection.

## Anonymous complaints

1. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint should be discussed with a member of the Client Experience Team.
2. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
3. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

## What if the client does not want to complain?

1. If a client has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the client to submit their complaint and allow us to handle it through the CHP. This will ensure that the client is updated on the action taken and gets a response to their complaint.
2. If the client insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).
3. Please refer to the example in **Appendix 1** for further guidance.

## Complaints involving more than one area or organisation

1. If a complaint relates to the actions of two or more areas within our organisation, we will tell the client who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.
2. If a client complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the client should be advised to contact the appropriate organisation directly.
3. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about Social Security Scotlandthrough the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See [Part 1: Maintaining confidentiality and data protection](#_Maintaining_confidentiality_and)**.**

## Complaints about contracted services

1. Where we use a contractor to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet *[Social Security Scotland*’*s]* standard (including in relation to complaints). We will either do so by:

* ensuring the contractor complies with this procedure; or
* ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the client is signposted to the SPSO.

1. We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.
2. *[Social Security Scotland]* has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

## Complaints about staff

1. Complaints about staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We have strong governance arrangements in place that set out clear procedures for handling complaints about all members of staff.

## Complaints and other processes

1. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### Complaints and service requests

1. If a client asks Social Security Scotland to do something (for example, provide a service or deal with a problem), and this is the first time the client has contacted us, this would normally be a routine service request and not a complaint.
2. Service requests can lead to complaints, if the request is not handled promptly or the client is then dissatisfied with how we provide the service.

### Complaints and disciplinary or whistleblowing processes

1. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.
2. Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus on whether Social Security Scotland failed to meet our service standards and what we have done to improve things, in general terms.
3. Staff investigating such complaints will need to take extra care to ensure that:

* we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
* all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
* we keep records of the investigation that can be made available to the SPSO if required. This can problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

1. The SPSO’s report [making complaints work for everyone](https://www.spso.org.uk/sites/spso/files/communications_material/Thematic_Reports/MakingComplaintsWorkForEveryoneFinalWeb.pdf) has more information on supporting staff who are the subject of complaints.

**Complaints and compensation claims**

1. Where a client is seeking financial compensation only, this is not a complaint. However, in some cases the client may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

### Complaints and legal action

1. Where a client says that legal action is being actively pursued, this is not a complaint.
2. Where a client indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler *[and/or the complaints manager]* and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.
3. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

# What to do if the CHP does not apply

1. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the client why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
2. Where a client continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our *[unacceptable actions policy (or equivalent)]*.
3. The SPSO has issued a [template letter for explaining when the CHP does not apply](https://www.spso.org.uk/how-we-offer-support).

# Appendix 1 – Complaints

| **Complaint** | **Possible actions to achieve resolution** |
| --- | --- |
| I wish to complain about the way I was treated by a member of staff when I called to query a carer’s allowance supplement payment. | * Apologise to client * Log complaint * Refer to line manager as complaint refers to a member of staff. Advise client that someone will call back to discuss complaint in more detail |
| I received a letter that I am entitled to the supplement and when I phoned up a payment was promised to me. I have not yet received it. | * Apologise to client * Log as complaint * Identify process failure and steps to correct |
| I want to complain about the length of time I had to wait to get my call answered | * Apologise to client * Log as complaint * Identify process failure and steps to correct. |
| Your link isn’t working on your website | * Offer apology to client * Record complaint and advise that this will be resolved as soon as possible. * Thank client for feedback. * Ensure corrective steps are taken. |
| The client expresses dissatisfaction in line  with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter | * Tell the client that we value complaints because they help to improve services. Encourage them to submit the complaint. * In terms of improving service delivery and learning from mistakes, it is important that client feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the client still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the client that they will not be contacted again about the matter. |

# Appendix 2 – What is not a complaint?

A concern may not necessarily be a complaint. For example, a client might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the client has to keep on asking for service.

A client may also be concerned about a decision made by Social Security Scotland. These decisions may have their own specific review or appeal procedures, and, where appropriate, clients must be directed to the relevant procedure.

| **Not a Complaint** | **Actions to take** |
| --- | --- |
| I receive Carers Allowance but have not received any supplement? | * Empathise/apologise as appropriate. * Follow Carers Allowance Supplement operational guidance to investigate if in receipt on qualifying date and action as necessary. |
| I called to ask for a leaflet on a benefit. | * Advise the client that you will ensure that a leaflet is issued and the necessary action is taken. |
| I am not happy about your decision that I am not entitled to Best Start Grant. | * Empathise/apologise as appropriate. * Advise client of re-determination and appeals process and signpost accordingly.   (To Note: as Carers Allowance Supplement does not have any re-determination or appeal rights. If a client is not happy with a decision relating to Carers Allowance Supplement this type of example may lead to a complaint). |
| I have received a complaint investigation outcome letter and I still do not agree with the outcome. | * Empathise * Advise client that we are unable to re-open or reconsider a previously concluded complaint. * Signpost client to Scottish Public Services Ombudsman. |
| I wish to complain as I have been informed that I have lost my Adult Disability Payment appeal. | * Empathise. * Advise client that a complaint cannot be taken on issues that have already been heard by a court or tribunal. |

**Part 3:**

**The complaints handling process**

**Contents**

[The complaints handling process 25](#_Toc29473116)

[Resolving the complaint 27](#_Toc29473117)

[What to do when you receive a complaint 28](#_Toc29473118)

[Stage 1: Frontline response 30](#_Toc29473119)

[Notifying staff members involved 30](#_Toc29473120)

[Timelines 30](#_Toc29473121)

[Extension to the timeline 30](#_Toc29473122)

[Closing the complaint at the frontline response stage 31](#_Toc29473123)

[Stage 2: Investigation 32](#_Toc29473124)

[Acknowledging the complaint 32](#_Toc29473125)

[Agreeing the points of complaint and outcome sought 32](#_Toc29473126)

[Notifying staff members involved 33](#_Toc29473127)

[Investigating the complaint 34](#_Toc29473128)

[Alternative complaint resolution approaches 34](#_Toc29473129)

[Meeting with the client during the investigation 35](#_Toc29473130)

[Timelines 35](#_Toc29473131)

[Extension to the timeline 35](#_Toc29473132)

[Closing the complaint at the investigation stage 36](#_Toc29473133)

[Signposting to the SPSO 37](#_Toc29473134)

[Post-closure contact 38](#_Toc29473135)

[Appendix 1 - Timelines 39](#_Toc29473136)

[Appendix 2 – The complaint handling process (flowchart for staff) 41](#_Toc29473137)

# The complaints handling process

1. Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the client’s satisfaction. Where this is not possible, we will give the client a clear and reasoned response to their complaint.

|  |  |  |
| --- | --- | --- |
| **Complaint received**  A client may complain either verbally or in writing, including face-to-face, by phone, letter or email. | |  |
| **Stage 1: Frontline response**  For issues that are straightforward and simple, requiring little or no investigation. ‘On-the-spot’ apology, explanation, or other action to put the matter right  Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances)  Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response  Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)  We will tell the client how to escalate their complaint to stage 2 | **Stage 2: Investigation**  Where the client is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'  Complaint acknowledged within **three working days**.  We will contact the client to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)  Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised | **Independent external review (Scottish Public Services Ombudsman or other)**  Where the client is not satisfied with the stage 2 response from the service provider  The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider |
| **Resolution**  The complainant and organisation agree what action will be taken to resolve the complaint.  Where a complaint is resolved, it is not usually necessary to continue investigating, although an organisation may choose to do so, for example to identify learning.  We must signpost the client to stage 2 (for stage 1 complaints) or to the Scottish Public Services Ombudsman as usual. | | |
| **Reporting, recording and learning**  Action is taken to improve services on the basis of complaint findings, where appropriate.  We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.  Senior management have an active interest in complaints and use complaints data and analysis to improve services.  Learning is shared throughout Social Security Scotland. | | |

# Resolving the complaint

1. A complaint is **resolved** when both Social Security Scotland and the client agree what action (if any) will be taken to provide full and final resolution for the client, without making a decision about whether the complaint is upheld or not upheld.
2. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
3. A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the client or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
4. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See **Alternative complaint resolution approaches**.
5. Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the client’s agreement to this as a final outcome. In some cases it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.
6. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the client to stage 2 (for stage 1 complaints) or to the SPSO as usual (see **Signposting to the Scottish Public Services Ombudsman**).
7. If the client and Social Security Scotlandare not able to agree a resolution, we must follow this Complaints Handling Procedure to provide a clear and reasoned response to each of the issues raised.

# What to do when you receive a complaint

1. Members of staff receiving a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

|  |
| --- |
| **What exactly is the client's complaint (or complaints)?**   1. It is important to be clear about exactly what the client is complaining about. We may need to ask the client for more information and probe further to get a full understanding. 2. We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile. 3. If the matter is not suitable for handling as a complaint, we will explain this to the client (and signpost them to SPSO). There is detailed guidance on this step in [**Part 2: When to use this procedure**](#_What_is_a). 4. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2 (see **Stage 2: Investigation**). |
| **What does the client want to achieve by complaining?**   1. At the outset, we will clarify the outcome the client wants. Of course, the client may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied. |
| **Can I achieve this, or explain why not?**   1. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they should do so. 2. The client may expect more than we can provide. If so, we will tell them as soon as possible. 3. Complaints which can be resolved or responded to quickly should be managed at stage 1 (see **Stage 1: Frontline response**). |
| **If I cannot respond, who can help?**   1. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly. 2. If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the client refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2. See **Stage 2: Investigation**.   Stage Two complaints are dealt with by the Client Experience Team within Social Security Scotland. Stage Two referrals should be made using SPM and following the published guidance |

# Stage 1: Frontline response

1. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
2. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
3. We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow the [**SPSO guidance on apology**](https://www.spso.org.uk/sites/spso/files/csa/ApologyGuide.pdf)**.**
4. **Part 2, Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them.
5. Complaints which are not suitable for frontline response should be identified early, and handled immediately at **stage 2: investigation**.

## Notifying staff members involved

1. If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

## Timelines

1. Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. ‘Day one’ is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

### Extension to the timeline

1. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager. We will tell the client about the reasons for the extension, and when they can expect a response. The maximum extension that can be granted is five working days (that is, no more than **ten working days** in total from the date of receipt).
2. If a complaint will take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to ten working days.
3. If a complaint has not been closed within ten working days, it should be escalated to stage 2 for a final response.
4. [**Appendix 1**](#_Appendix_1_-) provides further information on timelines.

## Closing the complaint at the frontline response stage

1. If we convey the decision face-to-face or on the telephone, we are not required to write to the client as well (although we may choose to). We must:

* tell the client the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
* explain the reasons for our decision (or the agreed action taken to resolve the complaint (see **Resolving the complaint**)); and
* explain that the client can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the client has completed stage 2).

1. We will keep a full and accurate record of the decision given to the client. If we are not able to contact the client by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.
2. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
3. A written response will only be required where this has been requested by the client. The complaint should then be closed and the complaints system updated accordingly.
4. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See [**Part 4: Learning from complaints**](#_Learning_from_complaints)**.**

# Stage 2: Investigation

1. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:

* the client is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the client must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later (see [**Part 2: Time limits for making a complaint**](#_Time_limit_for))
* the complaint is not simple and straightforward (for example where the client has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened); or
* the complaint relates to serious, high-risk or high-profile issues (see [**Part 2: Serious, high-risk or high-profile complaints**](#_Serious,_high-risk_or)).

1. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the client a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).
2. Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.
3. The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful (see **Alternative complaint resolution approaches**).

## Acknowledging the complaint

1. Complaints must be acknowledged within three working days of receipt at stage 2.
2. We must issue the acknowledgement in a format which is accessible to the client, taking into account their preferred method of contact.
3. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the client to get in touch with us immediately if they disagree. See [**Agreeing the points of complaint and outcome sought.**](#_Agreeing_the_points)
4. Where the points of complaint and expected outcomes are not clear, we must tell the client we will contact them to discuss this.

## Agreeing the points of complaint and outcome sought

1. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the client is seeking. We may also need to manage the client’s expectations about the scope of our investigation.
2. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the client when acknowledging the complaint (see [**Acknowledging the complaint**).](#_Acknowledging_the_complaint)
3. Where the points of complaint and outcome sought are not clear, we must contact the client to confirm these. We will normally need to speak to the client (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the client have a shared understanding of the complaint. When contacting the client we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the client.
4. In all cases, we must have a clear shared understanding of:

* **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.   
  
We will make every effort to agree the points of complaint with the client (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the points of complaint (for example, if the client insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). We will manage any such cases in accordance with our *Unacceptable* Actions policy bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

* **Is there anything we can’t consider under the CHP?**

We must explain if there are any points that are not suitable for handling under the Complaints Handling Procedure (see [**Part 2: What to do if the CHP does not apply**](#_What_to_do))**.**

* **What outcome does the client want to achieve by complaining?**

Asking what outcome the client is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

* **Are the client's expectations realistic and achievable?**

It may be that the client expects more than we can provide, or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the client as soon as possible.

## Notifying staff members involved

1. If the complaint is about the actions of a particular staff member/s, we will notify the staff member/s involved (including where the staff member is not named, but can be identified from the complaint). We will:

* share the complaint information with the staff member/s (unless there are compelling reasons not to)
* advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
* discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and

1. signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process. This will be someone within the People, Advice and Support Team who are independent and not part of the complaint process If it is likely that internal [disciplinary processes](http://saltire/my-workplace/pages/my-workplace.aspx#/conduct-and-discipline/Disciplinary%20procedures%20and%20penalties) may be involved, the requirements of that process should also be met
2. See also [**Part 2: Complaints and disciplinary or whistleblowing processes**](#_Complaints_and_disciplinary)**.**

## Investigating the complaint

1. It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:

* what happened? (this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
* what should have happened? (this should include any relevant policies or procedures that apply); and
* is there a difference between what happened and what should have happened, and is *[Social Security Scotland]* responsible?

1. In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).
2. If we need to share information within or outwith Social Security Scotland, we will be mindful of our obligations under data protection legislation. See [**Part 1:** **Maintaining confidentiality and data protection**](#_Maintaining_confidentiality_and)**.**
3. The SPSO has resources for conducting investigations, including:

* [**Investigation plan template**](https://www.spso.org.uk/how-we-offer-support)
* [**Decision-making tool for complaint investigators**](https://www.spso.org.uk/how-we-offer-support)

### Alternative complaint resolution approaches

1. Some complex complaints, or complaints where clients and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.
2. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the client’s desired outcome.
3. The SPSO has [**guidance on alternative complaint resolution approaches**](https://www.spso.org.uk/how-we-offer-support).
4. If Social Security Scotland, the client (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

### Meeting with the client during the investigation

1. To effectively investigate the complaint, it may be necessary to arrange a meeting with the client. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.
2. As a matter of good practice, a written record of the meeting should be completed and provided to the client. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

## Timelines

1. The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):

* complaints must be acknowledged within **three working days**
* a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

### Extension to the timeline

1. Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the client about timeframes, and to advise them early if we think it will not be possible to meet the 20 day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the client.
2. Any extension must be approved by an appropriate manager. We will keep the client and any member/s of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the client and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.
3. The reasons for an extension might include the following*:*

* essential information, crucial to establishing the circumstances of the case, is needed from staff, clients or other areas of Social Security Scotland but the person is not available because of long-term sickness or leave
* we cannot obtain further essential information within normal timescales; or
* Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

1. [**Appendix 1**](#_Appendix_1_-) provides further information on timelines.

## Closing the complaint at the investigation stage

1. The response to the complaint should be in writing (or by the client’s preferred method of contact) and must be signed off by a manager or officer who is empowered to provide the final response on behalf of Social Security Scotland*.* The response should be signed off by the Feedback lead within the Client Experience Team.
2. We will tell the client the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

* be clear and easy to understand, written in a way that is person-centred and non-confrontational
* avoid technical terms, but where these must be used, an explanation of the term should be provided
* address all the issues raised and demonstrate that each element has been fully and fairly investigated
* include an apology where things have gone wrong (this is different to an expression of empathy: see [**the SPSO’s guidance on apology**](https://www.spso.org.uk/sites/spso/files/csa/ApologyGuide.pdf))
* highlight any area of disagreement and explain why no further action can be taken
* indicate that a named member of staff is available to clarify any aspect of the letter; and
* indicate that if they are not satisfied with the outcome of the local process, they may seek a review by the SPSO (see **Signposting to the SPSO**).

1. Where a complaint has been **resolved**, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed. See [**Resolving the complaint.**](#_Resolving_the_complaint)
2. If the complaint is about the actions of a particular staff member/s, we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
3. We will record the decision, and details of how it was communicated to the client, on the complaints system.
4. The SPSO has guidance on responding to a complaint:

* [**Template decision letter**](https://www.spso.org.uk/how-we-offer-support)
* [**Apology guidance**](https://www.spso.org.uk/how-we-offer-support)

1. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See [**Part 4: Learning from complaints**](#_Learning_from_complaints).

## Signposting to the SPSO

1. Once the investigation stage has been completed, the client has the right to approach the SPSO if they remain dissatisfied. We must make clear to the client:

* their right to ask the SPSO to consider the complaint
* the time limit for doing so; and
* how to contact the SPSO.

1. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are outwith the SPSO’s jurisdiction, but it is the SPSO’s role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.
2. The SPSO recommends that we use the wording below to inform clients of their right to ask the SPSO to consider the complaint. This information should only be included on *[Social Security Scotland’s]* final response to the complaint.

|  |
| --- |
| **Information about the SPSO**  The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Social Security Scotland*...* The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).  If you remain dissatisfied when you have had a final response from Social Security Scotland, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:   * you have gone all the way through the Social Security Scotland’s Complaints Handling Procedure * it is less than 12 months after you became aware of the matter you want to complain about, and * the matter has not been (and is not being) considered in court.   The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at [**www.spso.org.uk/complain**](https://www.spso.org.uk/complain/form/start/) or call them on Freephone 0800 377 7330.  You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:   * Citizens Advice Bureau * Scottish Independent Advocacy Alliance   The SPSO’s contact details are:  SPSO  Bridgeside House  99 McDonald Road  Edinburgh  EH7 4NS  (if you would like to visit in person, you must make an appointment first)  Their freepost address is:  FREEPOST SPSO  Freephone: 0800 377 7330  Online contact [**www.spso.org.uk/contact-us**](http://www.spso.org.uk/contact-us)  Website: [**www.spso.org.uk**](http://www.spso.org.uk/) |

## Post-closure contact

1. If a client contacts us for clarification when they have received our final response, we may have further discussion with the client to clarify our response and answer their questions. However, if the client is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

# Appendix 1 - Timelines

**General**

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

**Timelines at frontline response (stage 1)**

1. We will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.
2. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

**Transferring cases from frontline response to investigation**

1. If the client wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the client is told this will happen.

**Timelines at investigation (stage 2)**

1. For complaints at the investigation stage, **day one** is:

* the day the case is transferred from the frontline stage to the investigation stage
* the day the client asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
* the date we receive the complaint, if it is handled immediately at stage 2.

1. We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
2. We should respond in full to the complaint by **day 20**, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
3. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the client, and update them (and any staff involved) at least once every 20 working days.

**Frequently asked questions**

*What happens if an extension is granted at stage 1, but then the complaint is escalated?*

1. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 20 working days from this date, unless an extension is granted).

*What happens if we cannot meet an extended timeframe?*

1. If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days.
2. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the client and give them a revised timeframe for completion. We must update the client and any staff involved in the investigation at least once every 20 working days.

*What happens when a client asks for stage 2 consideration a long time after receiving a frontline response?*

1. Unless exceptional circumstances exist, clients should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest). See [**Part 2: Time limits for making a complaint**](#_Time_limit_for)**.**

# Appendix 2 – The complaint handling process (flowchart for staff)

|  |  |
| --- | --- |
| A client may complain verbally or in writing, including face-to-face, by phone, letter or email. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation). | |
| **Stage 1: Frontline response**  Always try to respond quickly, wherever we can | **Stage 2: Investigation**  Investigate where:   * The client is dissatisfied with the frontline response or refuses to engage with attempts to handle the complaint at stage 1 * It is clear that the complaint requires investigation from the outset |
| Record the complaint and notify any staff complained about | Record the complaint and notify any staff complained about  Acknowledge the complaint within **three working days** |
| Contact the complainant to agree:   * Points of complaint * Outcome sought * Manage expectations (where required)   *(these can be confirmed in the acknowledgement where the complaint is straightforward)* |
| Respond to the complaint within **five working days** unless there are exceptional circumstances | Respond to the complaint as soon as possible, but within **20 working days** unless there is a clear reason for extending the timescale |
| Is the client satisfied?  You must always tell the client how to escalate to stage 2 | Communicate the decision, normally in writing  Signpost the client to SPSO and advise of time limits |
| (Yes) Record outcome and learning, and close complaint.  *(No) -> to stage 2* | Record outcome and learning, and close complaint |
| Follow up on agreed actions flowing from the complaint  Share any learning points | |

**Part 4:**

**Governance**

**Contents**

[Roles and responsibilities 44](#_Toc29473098)

[Recording, reporting, learning from and publicising complaints 47](#_Toc29473099)

[Recording complaints 47](#_Toc29473100)

[Learning from complaints 48](#_Toc29473101)

[Reporting of complaints 48](#_Toc29473102)

[Publicising complaints information 49](#_Toc29473103)

# Roles and responsibilities

1. All staff will be aware of:

* the Complaints Handling Procedure (CHP)
* how to handle and record complaints at the frontline response stage
* who they can refer a complaint to, in case they are not able to handle the matter
* the need to try and resolve complaints early and as close to the point of service delivery as possible; and
* their clear authority to attempt to resolve any complaints they may be called upon to deal with.

1. Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.
2. Senior management will ensure that:

* Social Security Scotland’s final position on a complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is the definitive response of *Social Security Scotland*  and that the complainant’s concerns have been taken seriously
* it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
* it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
* mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in *Social Security Scotland*  and

1. Complaints information is used to improve services, and this is evident from regular review of our continuous improvement log and reporting of trends and lessons learned to the Agency Leadership Team.
2. **Chief Executive**: The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a personal interest in all or some complaints, or may delegate responsibility for the complaint handling procedure to senior staff. Regular management reports assure the Chief Executive of the quality of complaints performance.
3. **Head of Client Experience**: On the Chief Executive’s behalf, the Head and Client Experience is responsible for:

the management of complaints and the way we learn from them

overseeing the implementation of actions required as a result of a complaint

supporting the Complaint Investigators and ensuring that adequate resource is available

1. They will usually delegate elements of complaints handling (such as investigations and the drafting of response letters) to Client Experience Officers. Where this happens, they should retain ownership and accountability for the management and reporting of complaints.
2. **Complaints investigator**: The complaints investigator (the client experience officer) is responsible and accountable for the management of the investigation. They may work in the Client Experience Team or a service delivery team and will be involved in the investigation and in co-ordinating all aspects of the response to the client. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across Social Security Scotland.
3. **All colleagues**: A complaint may be made to any member of staff in Social Security Scotland. All our people must be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.
4. **Social Security Scotland’s SPSO liaison officer**: Our Scottish Public Services Ombudsman liaison officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to Scottish Public Services Ombudsman reports, and confirming and verifying that recommendations have been implemented.
5. **Complaints about staff**

Complaints about staff can be difficult to handle, as there may be a conflict of interest for the individual investigating the complaint. When complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. These cases should be referred to the Chief Executive to determine the next steps.

1. **Disciplinary action arising from a complaint**

A possible result of a complaint being raised is that disciplinary action against one or more Scottish Government staff needs to be considered. This could arise during Front-line Resolution or as a result of Formal Investigation. The Complaints Handling Procedure is not intended to and must not replace any of the normal disciplinary procedures in place, and any manager considering the need for disciplinary action arising out of a complaint should consult with both HR and if need be a member of the senior member of the Client Experience Team to discuss handling the two procedures.

# Recording, reporting, learning from and publicising complaints

Complaints provide valuable client feedback. One of the aims of the CHP is to identify opportunities to improve services across Social Security Scotland*.* By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

## Recording complaints

1. It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we should record:

* the client's name and contact details
* the date the complaint was received
* the nature of the complaint
* the service the complaint refers to
* staff member responsible for handling the complaint
* action taken and outcome at frontline response stage
* date the complaint was closed at the frontline response stage
* date the investigation stage was initiated (if applicable)
* action taken and outcome at investigation stage (if applicable)
* date the complaint was closed at the investigation stage (if applicable); and
* the underlying cause of the complaint and any remedial action taken.
* *We will also record: the outcome of the SPSO’s investigation (where applicable). It is good practice to record the full journey of a complaint, as this allows organisations to use the information to identify good practice or areas for improvement. For example, where there are a high number of complaints ‘not upheld’ by Social Security Scotland but then ‘upheld’ by the SPSO, this could suggest that there are opportunities to improve complaints handling at a local level.]*

1. If the client does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.
2. Individual complaint files will be stored in line with our document retention policy. *[Organisations may wish to add detail on local policies. In deciding how long to keep complaint files, consideration should be given to the timescales involved in an SPSO investigation (in the event of SPSO review, we need to be able to produce records of how we investigated the complaint).]*

[*Social Security Scotland may provide further guidance or examples in relation to how to record complaints in line with their system. This can be inserted here or be included in an annex to this document.]*

## Learning from complaints

1. We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

* seek to identify the root cause of complaints
* take action to reduce the risk of recurrence; and
* systematically review complaints performance reports to improve service delivery.

1. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.
2. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. Social Security Scotland will ensure that*:*

* the action needed to improve services must be authorised by an appropriate manager
* an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
* a target date must be set for the action to be taken
* the designated individual must follow up to ensure that the action is taken within the agreed timescale
* where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and

1. any learning points should be shared with relevant staff
2. Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

## Reporting of complaints

1. We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.
2. We will report at least **quarterly** to senior management on:

* performance statistics, in line with the complaints performance indicators published by SPSO
* analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).

This information should be reported regularly (and at least quarterly) to our senior management team and Executive Advisory Body.

* A monthly report is produced for the Executive team detailing trends and lessons learned from complaints.

## Publicising complaints information

1. We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services.
2. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our clients that we value their complaints.
3. We will publish an **annual** complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

* performance statistics, in line with the complaints performance indicators published by the SPSO; and
* complaint trends and the actions that have been or will be taken to improve services as a result.

1. These reports must be easily accessible to members of the public and available in alternative formats as requested. Our published reports can be found at [Social Securiity published reports](https://www.gov.scot/collections/social-security-scotland-stats-publications/)