

**ANNUAL REPORT  
OF THE  
INDEPENDENT CUSTOMER COMPLAINTS REVIEWER  
OF THE  
SCOTTISH PUBLIC SERVICES OMBUDSMAN**

**- from 1 April 2020 to 31 March 2021 -**

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## FOREWORD

As the Independent Customer Complaints Reviewer (ICCR) of the Scottish Public Services Ombudsman (SPSO), a fundamental attribute of my position, and the core of my work ethic, is that I am independent and impartial in all my work and reviews. Being ICCR is not a campaigning job: it is not my role to wag a finger at a party nor is it my job to come up with a binary answer (yes/no, guilty/innocent, etc.). Simply put, I am neither an advocate nor an apologist and no party drives my independent complaints review process.

I carry out the duties of the ICCR position single-handedly, and on a part-time basis, with emphasis on compliance, efficiency and effectiveness. Being solitary in my role I professionally develop my skills to deliver high quality customer service in my role.

I wish to acknowledge my professional relationship with SPSO. Whilst I am independent and have clear boundaries, I would like to commend the work of the SPSO Secretariat who continually facilitate my requests for complaint files and documentation to be made available to me and for my random review purposes on an ongoing basis throughout the year.



Carol Ann Casey  
Independent Customer Complaints Reviewer

22 April 2021

## **Section 1**

### **Background and scope of ICCR**

The Independent Customer Complaints Reviewer (ICCR) service has the responsibility of independently reviewing customer service complaints about the Scottish Public Services Ombudsman (SPSO).

SPSO takes any complaint about its service very seriously and aims to address any areas where it had not met the standards it expects of itself. It also strives for the highest levels of complaints handling. In line with the standards it sets for public bodies under its jurisdiction, it responds to customer service complaints through a two-stage internal process with final investigation of stage 2 complaints by a manager or by a member of its Leadership Team. If a customer remains unhappy about the SPSO response to their service complaint they have the right to approach ICCR to review their complaint.

ICCR is a non-statutory role established voluntarily by SPSO on 1 October 2007 to confirm that it has robust arrangements for ensuring that customer service complaints are dealt with well and that customers have the opportunity for review by someone outside of the organisation. It is also designed to help SPSO learn lessons from complaints and to help it improve its service provision.

ICCR is responsible for investigating and responding to complaints about the service provided by SPSO in the carrying out of its statutory functions: <https://www.spsso.org.uk/customer-service-standards>

ICCR role is limited to complaints about the service SPSO provides, including failure to meet SPSO's service standards. Matters related to SPSO's decisions or basis for those decisions (including evidence gathered to make that decision) are not issues within the ICCR remit. There is a separate review process for disagreements with SPSO decisions.

ICCR will usually only handle complaints where SPSO itself has attempted resolution and responded to the customer through its internal customer service complaints procedure. Where a customer approaches ICCR with a complaint that has not been handled through SPSO's internal arrangements they will be directed to SPSO for handling, unless SPSO agrees that there are factors involved which make it unreasonable to do so.

In addition to considering complaints about the service provided, ICCR will also consider the manner in which the complaint has been handled, including whether SPSO has handled the complaint in line with its complaints handling procedure. Information on SPSO's complaints handling can be found on SPSO website at <https://www.spsso.org.uk/customer-service-standards>

ICCR will be accountable to the Ombudsman for the service provided, without compromising the independence of ICCR's assessment of, and decisions about, complaints about SPSO.

## **Section 2**

### **Key responsibilities of ICCR**

ICCR is responsible for investigating and responding to complaints about the service provided by SPSO.

ICCR aims to acknowledge complaints within 3 days of receipt and reply in full within 40 working days of receipt of the complaint. Where this is not possible ICCR will explain this to the customer and set a clear timescale for further progress with the case.

For the purpose of ICCR's work, ICCR has access to all relevant SPSO files. The review of complaints may involve analysing internal and external correspondence and interviewing customers and relevant staff where this is appropriate. ICCR needs to be able to demonstrate that compliance with data protection legislation, and access to information legislation as well as SPSO policies on information security.

Having examined a matter, ICCR is required to issue a final report to the customer and the Ombudsman after first seeking comments relating to the factual inaccuracies of her findings. Where appropriate ICCR will make recommendations relating to SPSO service provision, including, for example, improvements to processes and procedures.

All SPSO decisions are posted on SPSO website: <https://www.spsso.org.uk/decision-reports> and ICCR decisions are reflected in SPSO's quarterly and annual reporting.

In April each year ICCR is required to produce a formal report (this report) about their work on complaints in the previous year which is published on SPSO website.

ICCR may be asked by the Ombudsman to undertake further work in relation their findings. The scope of this would be determined by the Ombudsman.

### **Section 3**

#### **Breakdown of complaint referrals to ICCR 2020 to 2021**

- 3.1 Within the 12 months to 31 March 2021 the ICCR's statistics are:
- 3.1.1 19 customer service complaint referrals were received by ICCR of which all have been independently reviewed with final decisions issued. (There were equally 19 customer service complaint referrals to ICCR in the previous reporting year 2019 to 2020.)
  - 3.1.2 ICCR did not uphold any complaints at first hand this reporting year. Each of ICCR's decisions resonated with the customer service decisions taken by SPSO on the customer service complaints escalated to her office that ICCR independently determined were also the correct decisions.
  - 3.1.3 4 customers had multiple customer service complaints of between two and three separate complaints raised to ICCR.
  - 3.1.4 Of the 19 matters referred to ICCR there was no evidence of a service failure or maladministration by SPSO, or a failure by SPSO to effectively handle a service complaint against its customer service standards. However, there were some delays in processing complaints which ICCR appreciates was due to Covid-19 and the substantial work required to deliver services remotely, added to an increased number of complaints within the period. Where these delays arose, and where applicable in individual matters, these complaints had already been determined as upheld by SPSO in its internal decision stages before the customers escalated to ICCR.
  - 3.1.5 ICCR received and attended to 4 subject access requests and one request for documentation from a Member of Scottish Parliament during the year. All were supplied electronically save one customer who requested physical documents.
  - 3.1.6 ICCR dealt with one complaint about an abusive SPSO customer to its company.

#### **3.2 Random review of files**

- 3.2.1 ICCR believes her random review process provides an independent scrutiny on aggregate complaints against SPSO's customer service standards, and forms part of her annual independent customer service complaints review process.
- 3.2.2 ICCR conducted one electronic random review of customer service complaint files during the year, namely in March 2021. The random review consisted of 8 files (4 stage one decisions and 4 stage two decisions) not examined by ICCR and selected from an aggregate complaint reference listing sent to ICCR. There was considerable work for SPSO in electronically furnishing ICCR with these files which is appreciated.
- 3.2.3 As stated above, SPSO customer service complaints have been impacted throughout the pandemic and within the random review period. This has caused pressures on the SPSO system and its resources with staff having to balance their own personal

circumstances, new methods of work pressures and increased displaced aggression from customers as evidenced on the files randomly reviewed.

- 3.2.4 From the random review of files conducted, and from files independently reviewed, there appears to be a higher number of upheld customer service complaints this year. ICCR believes this is predominantly due to the 'lockdown' times with most of the staff having to work remotely, mixed with demanding customers who needed to be responded to within a set timeframe within SPSO standards.

## Section 4

### ICCR comments

- 4.1 ICCR experienced a number of exceptionally difficult customers with displaced aggression in how they dealt with ICCR as part of their customer service complaint referrals. ICCR delivers an impartial service to SPSO to solely provide independent reviews of its customer service complaints after its internal process has completed. ICCR does not communicate with SPSO about particular customers. ICCR does not have information about customers' individual service complaints.
- 4.2 Unpleasant customer communications, which have been viewed by ICCR in her independent reviews, appeared to be appropriately managed by SPSO in evidenced documentation reviewed by ICCR. ICCR noted the contentious nature of communications to SPSO also.
- 4.3 Based on the matters before the ICCR service, ICCR believes that in some cases comments about or relating to SPSO staff might not have arisen if the customers' aggregate complaints were upheld by SPSO. The SPSO customer service process is solely about failings by SPSO against its customer service standards.
- 4.4 ICCR believes that some demanding customers take a disproportionate amount of SPSO resource time. It should not be a case of those who shout the loudest get heard but more so that all customers get heard within a comparative fair timeline. SPSO adopts strict and reasonable criteria for dealing with complaints in chronological order, save only for exceptional validated circumstances that may have the customer at major risk by SPSO not dealing with the matter sooner. This meets ICCR's satisfaction.
- 4.5 SPSO does not currently record calls so it is unable to provide any audio recordings, which ICCR can be asked about also. ICCR does not record calls either. ICCR understands that SPSO is reviewing this matter and appreciates remote working will elongate this review.
- 4.6 Customers can choose their mode of communication, most often by email, which can be voluminous, and repetitive due to its ease of submission. One customer sent ICCR approximately 60 emails within a month about the same matter in different guises.
- 4.7 Customers have a right to refer their customer services complaint to ICCR within one month of SPSO issuing its service decision to them. ICCR is the final stage of the service complaints procedure. ICCR can only look at the service provided by SPSO in regard to the particular customer service complaint. ICCR cannot look at SPSO's decision on a complaint that a customer asked it to consider or at the evidence taken into account in reaching that decision. Despite ICCR advising this, customers repeatedly revert to their service complaint in communications with ICCR which is outside ICCR's remit.
- 4.8 SPSO aims to deal with the majority of its investigations within a specific number of working days, which complexity and the requirement for specialist advice can elongate. In complex cases, SPSO aims to complete its investigations within 12 months. This performance indicator has not been amended in 2020-21 but it is expected that Covid-19 will have an impact on the ability to meet the targets. ICCR aims to examine the SPSO customer service handling complaints within 40 working days. ICCR confirms that each of the 19 reviews this year were concluded within 40 working days.



- 4.9 ICCR is satisfied that SPSO aims to be as accurate, plain and clear as it can be in its communications. ICCR believes that complaint investigators and reviewers must communicate professionally with customers at all times, even if inappropriately taxed by those customers.
- 4.10 A customer service complaint can be raised at any stage in a customer's engagement with SPSO, separate to the service complaint matter.
- 4.11 SPSO has stringent, high quality recruitment processes which test the competencies of applicants and their experience of complaints handling, investigative and analytical work. This year witnessed a change in resources who look after customer complaints and ICCR believes, from the customer services complaints remit, the transition has been affirmative and productive.
- 4.12 ICCR welcomes that SPSO has an ongoing learning process of sharing findings at Leadership Team level and with all staff involved in particular matters which help to inform its future handling of complaints.
- 4.13 SPSO has an ongoing training programme for its staff, which covers a broad range of topics and helps to raise awareness and understanding about vulnerable groups, including those with illnesses and disabilities. ICCR was pleased to learn that SPSO retained its staff training during remote working.

## Section 5

### ICCR recommendations

- 5.1 SPSO updates customers on its time expectations for investigating their complaints and reverting to customers in a streamlined manner. ICCR appreciates this is done continuously, yet equally believes this could be measured more against cases already in train along with their complexity and the level of customer engagement which can at times be demanding and excessive. This might assist ensuring case completion times are always met. Keeping customers politely and professionally informed is paramount where there are long delays expected in SPSO service delivery and taking account of officer planned and unplanned leave.
- 5.2 ICCR read where one customer was concerned her data was in an SPSO officer's home due to the mandatory remote working. Perhaps SPSO could inform customers generally in opening correspondence on how SPSO now works with its compliance measures as part of its learning and improvement around communications.
- 5.3 ICCR has seen that some SPSO officers communicate in a footer that they work hours outside of the standard working hours which is fine. Maybe there is merit when an SPSO officer is dedicated a case file that they advise their type of work (e.g., part-time), mode of work, leaves from work in applicable circumstances advising if appropriate that there may be some delays in timescales for responding to emails.
- 5.4 SPSO could set increasingly more realistic achievable commitments when updating parties to a customer service complaint whilst also being understanding of the concerns they have in having to wait for example. The customers have complaints about SPSO's customer service and SPSO does not want to aggravate their perceived impasse. If resourcing is an issue customer service complaints business contingency planning could be considered to ensure that complaints do not fall outside commitments given. This could potentially start with the automatic message sent when complaints are received online.
- 5.5 ICCR is of the view that there have been more querulous customers this year to other years and encourages SPSO staff to take more self-care in terms of managing their own mental agility to handle increasing pressures that can arise.
- 5.6 Consideration could be given to SPSO officers' self-mindfulness of how the recipients (i.e., customers) will take the tone and word emphasis, e.g., bold lettering, content and timeline of their communications to them. This applies to all written and verbal communications.

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