

6 May 2021

Dear Chief Executive

## **Complaints handling timescales and complaints service recovery action plan**

I hope this letter finds you and your staff safe and well.

I recognise that the pressures put on public services by the COVID-19 pandemic are still very real, and that organisations are continuing to adapt as the situation evolves. I also recognise that public services have to prioritise resources, and will continue to do so as lockdown is eased.

It has been the SPSO's experience over recent months that people are contacting my office because they are experiencing difficulties accessing the local complaints process and poor communication from some public bodies in relation to complaints. My staff are being told by members of the public that organisations are failing to acknowledge complaints, taking a long time to respond to complaints or are not responding at all, and people are not being kept up to date on the progress of their complaint. While this is not universal and we receive positive feedback, I thought it would be appropriate to alert all public bodies to the issue.

As you know, all public bodies (except the NHS and water providers) were required to implement the updated [SPSO Model Complaints Handling Procedures](#) (MCHPs) from 1 April 2021. You will also be aware that it is a **legislative requirement** (under the SPSO Act 2002 (as amended)) for public bodies to comply with the SPSO MCHP. For licensed water providers who operate in Scotland, there is a **legislative requirement** to comply with the [Statement of Complaints Handling Principles](#) as approved by the Scottish Parliament.

While I appreciate that there are resource pressures, given the number of people contacting us, I thought it would be helpful to remind public bodies of their complaint handling responsibilities. The five working-day and 20 working-day timescales for handling complaints still stand. *However*, it is worth remembering that the MCHP gives flexibility to extend them with certain conditions, particularly in relation to communication. You should acknowledge complaints and inform complainers as early as possible if you need to extend the timescales; explaining your reasons why, and give them a revised timescale for a response. If the timescale has been extended at stage 1, the response should be provided (or the complaint escalated) on day ten at the latest. If a stage 1 complaint has not been closed within ten working days, it must be escalated to stage 2 for a final response.

If you need to extend the timescales due to the current situation, you should tell complainers why this is and what delays are expected. It is not enough to simply say "because of COVID-19". You should provide brief details of the impact and why it applies to their complaint. This



does not have to be long and detailed. For example, Department X is under-resourced because of requirements to self-isolate so we cannot access all of the information we need to respond to you, or many of our complaints team are self-isolating so there is currently nobody available to respond to you.

I would also encourage you to make an early assessment of complaints so that those that can be responded to as normal, that are from vulnerable people or have strong public interest, are progressed with as little delay as possible.

It might also be helpful to include realistic information about current timescales on the complaints section of your website and in automatic replies on complaint inboxes and/or standard-form letters. Again, this should not give the impression that every complaint will take this amount of time simply because of COVID-19, but should repeat the commitment to try to meet timescales while acknowledging that in some cases it can take up to 'X' days, explaining why and that you will keep complainers updated (and with what frequency).

While I understand that over the last year public bodies have made their own decisions about what work to prioritise at the time, I still expect organisations to have developed/be developing recovery plans for how to restore complaint handling services to normal and to communicate well.

While SPSO will be realistic in how we consider complaints about delay, we would expect to see evidence of the good practice I have highlighted above, in particular plans for restoring services.

If you or anyone in your organisation have any questions about this matter or implementation of the updated MCHP, or simply need advice, please do not hesitate to contact my office's Complaints Standards staff at [csa@sps.gov.scot](mailto:csa@sps.gov.scot).

Yours sincerely,

Rosemary Agnew  
**Scottish Public Services Ombudsman**