

Date: 21 September 21

Dear Chief Executive

Customer service complaints, application of model complaints handling principles and procedures and service recovery

1. You will recall I last wrote to you on 6 May 2021 in relation to complaints handling timescales and complaints service recovery action plans.
2. Since then, my office has received a high and increasing number of complaints that have not yet completed the local complaints handling procedures (premature complaints). SPSO's experience is that complainants are contacting us directly because some public bodies are either not responding to their complaints, or that it is taking a long time and they do not know what is happening with their complaint. The number of premature complaints shows no sign of reducing. The impact of this is SPSO officers are spending considerable amounts of time signposting complainants, time that could be more valuably spent processing complaints made to us.
3. In my 6 May 2021 letter, I reminded you of your legislative requirement to respond to complaints. I referenced the SPSO Statement of Complaints Handling Principles and I think it is important now to highlight the first of those principles:

An effective complaints handling procedure is user-focused and puts the complainant at the heart of the process.

4. I recognise there are significant ongoing resource pressures on public bodies; indeed the SPSO itself faces such pressures. That said, it is important that you respond to complaints at a time when communication with services users is more important than ever. It is also important that you plan for recovery to "normal" service and keep people updated on this, both in individual responses and in the information you post on your website.
5. With this in mind, I am asking you to take a number of actions in relation to local complaints handling:



- 5.1. Ensure your local complaints handling service is appropriately resourced. I appreciate that it is a difficult decision to balance priorities, but failure to respond to complaints will simply drive distrust and dissatisfaction and may result in you missing opportunities for improvement, in both the short and long terms. It may also result in longer term consequences such as legal challenges for delay to service provision which might have been identified and addressed through complaints.
- 5.2. Identify where and why the delays are occurring, and add this information to your complaints handling service recovery action plan. This should help you target and mitigate delays by supporting complaints handling staff appropriately. For example, are there delays in getting information from internal staff who need to provide it to complaints teams, is there a lack of resource to support complaint handling teams etc?
- 5.3. Estimate what the current delay is and keep complainants updated about this from the outset of your organisation's communication with them. I encourage you to be open about the reasons for delays in the complaints handling process and realistic with them about the current timescale for responding to complaints. This can be done within the current model complaints handling process, but as I highlighted last time, the critical thing is to keep complainants updated about when they can expect a response within the 20-day time frame at stage 2. It is also important to signpost to the SPSO. If people contact us at this point, we can give more supportive and realistic advice if we can see that you have tried to manage expectations and have operated according to model complaints handling processes.
- 5.4. Think about how you can support your teams, particularly complaints handlers, and protect their wellbeing. My colleagues and I appreciate that it is difficult for service users, but it can be equally challenging for officers who often have to take the brunt of unhappy service users, who themselves may be fearful or under a great deal of stress.

SPSO have experienced an increase in challenging behaviour from some complainants. From discussions with complaints staff in public bodies, my Complaints Standards team and I are aware that this is happening at the local level too. I urge you to consider what support you can provide complaints staff. You may also find it appropriate to ensure your staff are aware of your organisation's unacceptable actions policy (UAP) or equivalent and that they use it where appropriate, including recording and reviewing any decisions made under the policy.



The SPSO's Unacceptable Actions Policy is available on our website for reference (note: this will be updated to our new Engagement Policy from 1 October 2021). I encourage you and your colleagues to contact my Complaints Standards team to discuss any issues you are having with difficult behaviour.

- 5.5. Triage new complaints so that the most urgent are progressed.
 - 5.6. Review escalation routes to ensure that staff are aware of temporary changes in progressing or escalating complaints to stage two, or applying your UAP. This both helps your own staff and helps them give complainants clear advice.
 - 5.7. Consider whether (in line with model complaints handling guidance) complaints can be resolved at early stages rather than always requiring time consuming and lengthy investigation.
6. In relation to your ongoing interaction with the SPSO when we make enquiries of you as part of our investigation of complaints, it would be helpful if
- 6.1. you could tell us where and why delays are occurring. I ask this, not because I wish to be critical, but so that we understand fully your challenges and so when I report on complaint handling, I can report accurately on the impact of COVID-19;
 - 6.2. when responding to our enquiries, if not already referred to in stage 2 responses, you could tell us what actions you are taking in relation to covering, and recovering complaint handling functions (and relevant services subject to complaints) as lockdown eases and post COVID-19.
7. The SPSO will continue to provide as much support as we are able to, including advice about complaint handling. I am also mindful of our wider role in relation to monitoring and reporting on complaint handling as we ourselves move towards restoring business as usual.
8. While we have continued to apply our Support and Intervention Policy to encourage good practice and address under-performance, we have, over lockdown, been more light touch than we would normally have been, particularly in relation to pursuing comments, requests for information and implementation of recommendations.
9. I have taken the decision to apply our Support and Intervention Policy more rigorously from this point. This is not simply because I have statutory duties in relation to complaint monitoring, but also so that the SPSO can support you individually in a more targeted way, support wider public service delivery by highlighting issues that Scottish public bodies are facing, and highlight the impact of COVID-19 on public services collectively.



10. I encourage you and your colleagues to contact my Complaints Standards colleagues at csa@spsso.gov.scot for operational advice about complaints handling.
11. **If your organisation is facing more strategic, exceptionally difficult circumstances specific to you**, please contact me directly so my leadership team and I can consider how we can support you.
12. The pandemic is far from over, but it is appropriate we now plan for and work towards recovery. I recognise the contribution all public service staff have made and are making, and wish you and your colleagues well.

Regards

Rosemary Agnew
Scottish Public Services Ombudsman

Rosemary.agnew@spsso.gov.scot

Please note, in the interests of transparency this letter is also being shared with SPSO complaints liaison officers