

Complainants with vulnerabilities

Guidance

1. As an organisation, we are committed to ensuring that all people have an equal opportunity to access our services. We recognise our duties under the Equality Act 2010, to promote equality of opportunity for all. As such, it is important that we identify and take into account equality and diversity considerations when designing our processes and undertaking casework. Furthermore, we have legal obligation to make reasonable adjustments for complainants for whom communication may be a barrier.
2. Over and above considerations of equality and diversity matters, we should be mindful of a complainant's vulnerabilities. Types and levels of vulnerability can vary from person to person and may be influenced by situational circumstances linked to the complaint. This ties in directly to our customer services standards, in particular our commitment to communicate effectively with the people who use our service.

3. To meet this commitment, we will:

- use the principle of 'universal design' to ensure our services are accessible in a number of ways to suit different people and situations;
- be responsive and flexible in how we engage with people; and
- collect and use data to continuously improve our services for vulnerable people, and adopting a co-design approach in particular to develop new areas of our process.



Potential vulnerabilities to consider include, but are not limited to:

- Learning difficulties;
- Mental health problems;
- Physical disabilities;
- Poor literacy or numeracy skills;
- Digital exclusion (lack of technology or know-how to access online services);
- Chronic or terminal illnesses;
- Addiction issues;
- Being a person with a conviction;
- People fleeing domestic abuse;
- Being a young person leaving local authority care;
- Being a kinship carer;
- Being a lone parent;
- Experiencing separation, relationship or family breakdown;
- Having responsibility as a main care giver;
- Homelessness or threat of homelessness;
- Having an unsettled way of life; and
- Leaving the armed forces.

4. These vulnerabilities have been taken from the Scottish Welfare Fund Statutory Guidance but may be applicable when we consider and handle complaints as well.
5. It is important to note that fitting into one of these categories does not necessarily mean that someone is vulnerable or requires us to adjust our processes. However, we should remain mindful of these human factors when considering complaints. Such human factors can be exacerbated if the matter complained about or other situational factors add to the pressures faced by the customer.

Trauma

6. We also recognise that in addition to the vulnerabilities mentioned above that our service users may be suffering the effects of trauma. Trauma can result from an event, a series of events or set of circumstances experienced by an individual as physical or emotionally harmful or life threatening. Trauma can have long lasting effects on an individual functioning and effect their mental, physical, social and/or emotional wellbeing.
7. SPSO staff are trained to understand and recognise trauma and its effects. We are committed to embody trauma informed principles in considering how we communicate with our service users and do all that we can to help people to feel safe in their communication with us and to build trust with our organisation.
8. Trauma informed principles we are committed to:

- **SAFE** – Service users feel safe and supported, with time and privacy to discuss their experience of traumatic events.
- **COLLABORATIVE** – when we meet, we will outline what the focus of the meeting will be. We will be consistent and stick to what we agreed.
- **CHOICE** – Working collaboratively, we offer choice and an element of control over the communication frequency and method.
- **EMPOWERED** – We encourage engagement with support networks through signposting, to promote recovery and resilience.
- **TRUST** – We are open and transparent, acting with integrity and explaining our decisions and actions. We build trusting relationships with reliability by doing what we say we will do.



9. Below are some examples of trauma informed approaches we have previously taken:

Example 1: In our initial conversation with a complainant who had experienced sexual abuse they advised that they were extremely nervous and had lost trust in public services. The complainant explained that it would be particularly upsetting to repeat their complaint to numerous people. Through discussion, we agreed that we could give a named person as a main point of contact to liaise with and send information to.

Example 2: A complaint was raised in light of a sexual assault that was traumatic for the complainant. Through discussion with the complainant it was clear that talking about the situation and having the constant reminder was very difficult. We agreed that updates in line with our usual schedule were too numerous and the Complaints Reviewer (CR) would only contact the complainant if needed. When it came time to reach a view, the CR contacted the complainant to discuss it so that they would know what was happening, why it was happening, and how to progress from that point, before the CR issued the decision so that it wasn't a shock. The complainant told us they felt that we understood and took seriously the impact of their trauma.

Example 3: The complainant's concerns were linked to a traumatic event in which their spouse suffered a cardiac arrest and they had to perform CPR. Through discussion the complainant highlighted that they could speak about their complaint, but at times, recalling the events triggered significant upset. The CR took the time to reassure the complainant that they could pause, end or reschedule a conversation if they felt emotional. Making the adjustment helped the complainant feel safe to discuss what happened without embarrassment or fear of judgement if/when they became upset.

Example 4: A complainant who had significant mental health issues and had challenges regulating their mood from moment to moment, explained to us that the issues they experienced were as a result of past trauma as well as, more recent trauma from feeling abandoned and without support. The complainant required time to emotionally prepare for a phone call, or a lengthy email. We agreed that the CR would contact the complainant by email in the first instance to let them know they would like to speak to them and to ask when they would like the CR to call, or to tell them that the CR planned to send an email with a lot of information the next day. This allowed the complainant to tell the CR if they needed more time before they got in touch, to prepare for the contact, or to tell the CR that they could contact them right away. This worked well for the complainant as they were never caught off guard and always had time to prepare emotionally for a phone call or email. It also worked well for the CR as they were able to plan in advance, and schedule more time if they felt the information they had to share may have been difficult for the complainant to hear.

The principle of universal design

What is universal design?

10. Services that are ‘universally designed’ are designed from the start to meet the needs of the most disadvantaged user. Universally designed services recognise that users will have diverse needs, and offer multiple and flexible routes of access to ensure that these can be met. Universal design is particularly important in the digital age, where the increased focus on online service delivery can inadvertently exclude some users (digital exclusion), for example by failing to take into account those without internet access or capability, or through poor content design. Digital exclusion often overlaps with other factors of vulnerability, such as disability or older people.

SPSO’s commitment

We are committed to working with user groups and the third sector to continuously improve the design of our services, taking into account the needs of different vulnerable groups.

11. We acknowledge that this will involve a cycle of ongoing improvement, consultation and feedback, underpinned by good recording and data analysis.
12. As a starting point, we are committed to offering as many routes of access to our service as possible, including digital, phone, post and in person. We are also committed to supporting vulnerable people accessing our services by:
- adopting a flexible approach to our processes, and using our discretion to adapt these where appropriate (in line with this guidance); and
 - helping customers 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).

Actions we can take in individual cases may include, but are not limited to:

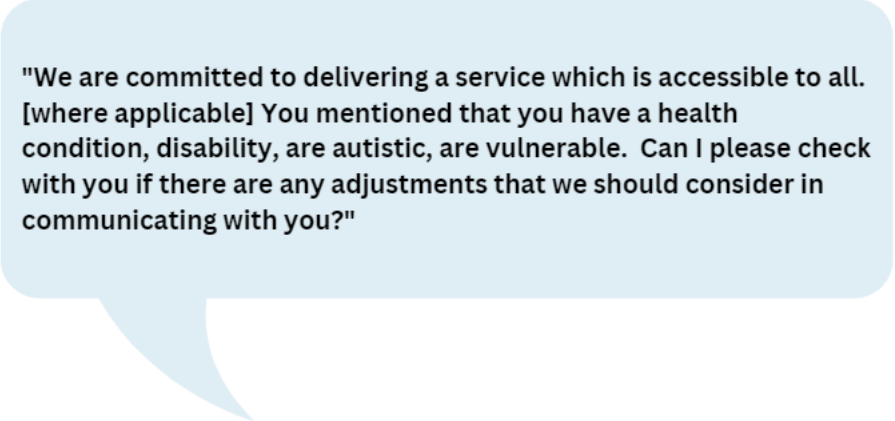
- Fast tracking individual cases;
- Prioritise the progress of individual cases within our own caseloads;
- Manage expectations clearly from the outset;
- Identify and signpost to sources of support;
- Change how we communicate with someone, for example how we contact them and how often.

13. Such actions can be taken right through the complaint handling process: when received at Assessment and Guidance; at the Duty Complaints Reviewer stage; on allocation; and at any point after the complaint has been allocated to a Complaints Reviewer.

14. Identifying a vulnerability will not automatically mean it is appropriate to take any further actions or change how we do things. For example, it may not be

proportionate or necessary to fast track a case involving a vulnerability. However, we should consider whether we can take practical steps to improve a customer's journey with us and whether not making adjustments might actively result in harm.

15. We have a phrase card available for staff to encourage proactive questioning on whether adjustments are required which can also be used in discussing vulnerabilities with complainants:



"We are committed to delivering a service which is accessible to all. [where applicable] You mentioned that you have a health condition, disability, are autistic, are vulnerable. Can I please check with you if there are any adjustments that we should consider in communicating with you?"

Examples of adjustments made to our service where we have recognised that vulnerabilities exist

16. Below are examples of adjustments we have made in the past:

Example 1: A complaint from a Housing Association tenant who was experiencing issues with antisocial behaviour was awaiting allocation to a Complaints Reviewer for consideration/investigation. The waiting time for allocation was around 10 weeks. Complainant contacted the office during this waiting time to advise the situation had resulted in them having to visit their doctor as the situation was making them anxious. On receiving this update, we decided to immediately allocate the complaint.

Example 2: A carer complained that their spouse was placed on a waiting list for care at home and raised concerns that they was left to care for their spouse at home without adequate support. The waiting time for allocation was around 12 weeks. The complainant contacted the office to express their worry that a crisis could develop if they felt they could no longer cope or became unwell themselves. On receiving this information we decided to immediately allocate the complaint.

Example 3: An applicant, who had asked for an independent review of a crisis grant, told us their medication makes them drowsy. They said that this is particularly severe in the morning, and makes it difficult for them to think and communicate clearly. We asked them how we could adjust our service to meet their needs. Through discussion, we agreed to contact them by telephone later in the day so that side effects of the medication had worn off, and they would be able to think and articulate themselves more clearly.

Example 4: A complaint from a person on behalf of their spouse, who had terminal cancer and may only have around a year to live. We had already fast tracked this complaint due to the spouse's condition. However, after the case was allocated, we carried out a quick assessment and asked the complainant to confirm what outcome they were hoping to achieve. The complainant stated that one outcome was compensation, so their spouse and family had a better chance to enjoy the time they had left. We made it clear at the earliest opportunity that, while we could still consider the complaint, we were not the correct route for this outcome and advised how they could pursue this. Carrying out a case assessment and providing this advice as early as possible in the process avoided the potential of causing further unnecessary upset at a later stage.

Recording vulnerability adjustments

17. Where an adjustment has been agreed to our service, it is important that this is noted and delivered consistently by all staff who may have contact with the complainant. Any adjustment should be clearly noted on the front cover of complaint files and on the Workpro case under 'special requirements'.
18. Staff should also record on the casefile where there has been a discussion or consideration, and a decision made not to offer an adjustment.

Using data to improve our services

19. We report quarterly to our Leadership Team on complaints performance statistics. We also regularly analyse our public service complaint statistics. This includes 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.
20. Examples of how we do this are:
 - analysing public sector complaints by sectors to identify areas of low complaints (which may indicate barriers to accessing our public sector complaints service);
 - analysing customer service complaints by type of service and volume, to identify areas in our own service provision where there may be barriers to complaining; and
 - surveying complainants about our service, including access to our customer service complaints process.
21. We will report to our Leadership Team annually on the actions taken to identify vulnerable and underrepresented groups and raise awareness of, and access to, the complaints handling process with them. This could include information on:
 - reasonable adjustments made for vulnerabilities;
 - any engagement with third sector organisations to improve access for vulnerable groups;
 - any project work undertaken to improve access for specific vulnerable groups.