

Listening to Complainants - 2012

Customer Experience Research for the
Scottish Public Services Ombudsman

Summary Report

By Craigforth

Acknowledgements

We would like to pass on our sincere thanks to all those who gave up their time to take part in this piece of research. Many of those who we spoke to had been through difficult and distressing situations, including very real personal tragedy. Given this, we cannot thank them enough for being willing to contribute. It was a true privilege to meet or speak with everyone that took part.

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Context for the findings

The Scottish Public Services Ombudsman (SPSO) has an on-going commitment to gather feedback from those that use its services. In 2012, the focus of this feedback was on the SPSO's four service standards – how the SPSO treats people, contact with those using their service, how long they take to provide a service and how well they meet people's needs.

Craigforth has undertaken previous customer satisfaction surveys for the SPSO. Over the three year period during which these surveys (paper-based and electronic) took place, overall satisfaction with the service received from the SPSO remained broadly consistent, as did many of the other more detailed survey results. In response, Craigforth's research team suggested an alternative approach was used in 2012.

The 2012 Listening to Complainants research used a qualitative approach (focus group and interview) to gather the views of 33 people who had a case closed by the SPSO between November 2011 and January 2012. A qualitative approach was used not only to explore issues in greater depth than is possible using a survey approach, but also to enable those participating to focus on issues that were of particular importance to them.

This summary report sets out the key messages to emerge from the research, with an emphasis on both what people valued about the current service and what they would like to be done differently.

Who we spoke to

Of the 33 people that took part, the very considerable majority had approached the SPSO about an NHS-related complaint. Eight people had approached the SPSO about the service they had received from a local authority. Three of those that took part had been appointed to take a complaint forward by a member of the public – effectively to act on their behalf in dealings with the SPSO. Two were staff from Citizens Advice Scotland and one worked within the office of an MSP.

Around half of those spoken to identified themselves as having reached the SPSO's Investigation 1 stage - this applies to complaints that were determined by a decision letter after investigation. The other participants were split between those whose complaints had reached the Early Resolution 2 stage (also determined by decision letter, this time by the early resolution team) or the Investigation 2 stage (complaints that were reported in full to the Parliament after investigation). In line with commitments made to respect the

anonymity of participants, specific details or case examples have not been included.

The survey results have been gathered into six key messages, each of which contains challenges and recommendations for the SPSO to consider.

Key Message 1

The desire to see positive change in public sector organisations was the primary motivation behind many people's initial approach to the SPSO.

- Many people wanted the SPSO to hold public sector organisations, and the people working within them, to account. However, the focus was very much on achieving positive change and ensuring that those using public services in the future do not have similar experiences to their own;
- Being able to approach an independent and impartial organisation which would investigate their complaint and rule on the rights and wrongs of the case was highly valued;
- However, confidence in 'official complaints procedures' had often been seriously undermined by experiences of the complaints processes within the organisation they were complaining about.

The challenge for the SPSO

Many people are approaching the SPSO with high expectations but also wearied and disillusioned by their experience of other public sector complaints systems. They often have an expectation that the SPSO will and should have powers which it does not in fact possess.

Possible actions or changes

Ensure all verbal and written explanations of the SPSO's role are clear and consistent – both at the initial contact stage and throughout the complaints process.

Ensure any explanations given as to why the SPSO cannot proceed with a complaint are clearly but sensitively set out.

If there are other routes the complainant could pursue, ensure these are clearly signposted and consider whether referrals (with the prior

agreement of the complainant) may be appropriate in some cases.

Key Message 2

People value being treated with courtesy and respect, but were particularly pleased when they were treated with kindness and empathy. Face-to-face contact is also highly valued.

- Staff were generally reported as having been polite and helpful. Even those who were largely dissatisfied with the outcome of their complaint usually felt staff had been courteous and professional in manner;
- However, this was not always the case, and a small number of people reported that an individual member of staff had been abrupt or that they had been made to feel like a nuisance. Feeling that their motivation for making a complaint was being judged as compensation-driven was particularly upsetting. These experiences appeared to relate to participants' contact with specific members of staff, rather than the SPSO staff team more widely;
- People often felt that more face-to-face contact would have been helpful and might have avoided some of the misunderstandings or tensions that had arisen.

The challenge for the SPSO

Very much in line with the findings from previous customer satisfaction research, the organisation's staff continue to play a critical role in ensuring people are happy with the service they have received. Given the events that may have led up to someone approaching the SPSO, all members of staff not only need to be effective and efficient but, critically, need to treat people with kindness and empathy. Particularly when difficult issues are being discussed, people value the human interaction that comes from face-to-face contact.

Possible actions or changes

Develop training tools that allow staff to gain greater insight into the complainants' experience, understand how people may be feeling when they first approach the SPSO and how they wish to be treated throughout.

Look into the potential to offer more face-to-face contact between the complainant and those handling their case – particularly when the complaint relates to the loss or mistreatment of a close family member. Identify the key stages at which face-to-face contact may be valuable and be proactive in offering face-to-face meetings at these key stages.

Key Message 3

The way the SPSO gathers and uses information supplied by both the complainant and the complained about organisation appears to be a key driver of satisfaction.

- It was suggested by some participants that the SPSO does not judge a complained about organisation to be at fault when key information is missing or is incomplete. Rather it simply accepts this as a ‘neutral’ gap in the evidence available to inform their deliberations;
- Some complainants felt that information they had supplied did not seem to be considered reliable or useful. This led some to feel that their word and opinion - and by extension they themselves - were considered less trustworthy or reliable witnesses than those working in the public service being complained about;
- Being unable to access information supplied by the complained about organisation was also an issue for some. This has left these people with the suspicion that the ruling on their complaint has been based on incomplete or inaccurate information;
- A number of participants had professional advisors appointed to their cases, but whilst some participants reported being given information about these advisors, including details as to their qualifications to contribute to the review of their case, others had been given no information. This led some to question both the expertise and impartiality of the appointed advisor.

The challenge for the SPSO

The way the SPSO handles information emerged as a key determinant of whether a complainant is or is not satisfied with the service they have received. While the SPSO has to operate within statutory restrictions (particularly that its investigations must be carried out in private), it needs

to ensure that it communicates these restrictions well.

It also needs to be remembered that these findings set out the views of a small group of complainants only, and complained about organisations are likely to see some of these issues differently to members of the public.

Possible actions or changes

Review processes and practice around the gathering of information from complained about organisations, paying particular attention to:

- How gaps in the information available are dealt with, how this impacts on decisions and how this is explained to the complainant; and
- The arrangements for allowing complainants to review materials that have been submitted by the complained about organisation.

Give consideration to how the SPSO responds when complainants supply information that may be categorised as ‘informal’. In particular, review how any decisions not to use this information are communicated to complainants.

Look into the information that is supplied to complainants about professional advisors appointed to their complaint and review whether current arrangements are being applied consistently.

Key Message 4

Written communications can be difficult to get right but the implications of getting them wrong can be considerable.

- Although verbal communications were generally considered to have been well handled, some reported that written communications (including emails) had sometimes been overly ‘clinical’. These concerns often seemed to relate primarily to letters that informed someone that the SPSO was not able to proceed with their case any further – in other words when disappointing news was being given. Whilst understanding the need for clarity, some felt that these written communications could adopt a more sympathetic and understanding tone;
- Some felt that, on occasion, staff were being deliberately brief and formal in written communications in order to ensure they did not leave the

complainant with anything they might refer back to if the case was not decided in their favour;

- Only a proportion of those spoken to had cases which had reached a stage at which a full report on their case was produced. Of those that were in a position to comment, most people were very pleased with the report produced and it was generally felt that it was well set out and contained an appropriate level of detail. Some people also noted that the report is of considerable importance as a final and permanent record, with the potential to allow someone who has been through a difficult experience to move on.
- Although most people who were able to comment were pleased with the report they received, a small number were extremely dissatisfied. This was generally because they considered the report to contain significant omissions or errors, including in relation to facts that were entirely fundamental to their case.

The challenge for the SPSO

In written communications, staff from the SPSO need to communicate information clearly and succinctly. The challenge is to do this in a way that also treats complainants as individuals who may have been through very challenging times.

Ensuring that all information set out within written communications is correct is paramount. If incorrect information is set out, the complainant's confidence in all aspects of the SPSO's service is likely to be undermined.

Possible actions or changes

Review all standard written communications, such as standard letters for clarity and tone.

Undertake a review of a sample of the non-standard written communications, including emails, with a particular focus on tone.

Consider whether additional quality assurance processes are required for all significant written communications relating to particularly sensitive cases.

Key Message 5

The speed with which the SPSO reviews a case may be less important than doing a thorough job.

- By and large, people took a very pragmatic view about the length of time the SPSO would take to review their case – essentially that the SPSO should take as long as is necessary to undertake a thorough review;
- However, others did feel that the processes take too long, particularly given the length of time that may already have elapsed since the event that prompted the complaint;
- How the SPSO deals with the complained about organisation and, in particular, the length of time the SPSO appears to give those organisations to provide evidence was an issue for some. There was a perception from a number of people that the complained about organisations sometimes employ stalling tactics.

The challenge for the SPSO

The SPSO needs to strike the balance between providing a timely service and still undertaking a thorough review of people's complaints (where appropriate). However, if a case review needs to take a little longer for good reason, it appears likely that, whilst complainants would want to be informed why, they would understand.

Possible actions or changes

Review the SPSO's own target timescales and the associated arrangements to ensure they allow sufficient flexibility to deal with complex cases.

Review the SPSO's timescales for the provision of information and critically how they respond when these timescales are exceeded;

Review the current requirements placed on complained about organisations for the timely provision of any information requested by the SPSO.

Key Message 6

Some people would value access to further, possibly independent, support and advice

- A number of people said they would have welcomed some independent support throughout the process, but particularly at certain key stages - for example, compiling the initial information about their complaint. For some this appeared to be very much along the lines of the role a third party could take in acting as their proxy, with most of these people not aware that it would have been acceptable to ask someone else to take on this role;
- A small number of people suggested that, in an ideal world, the SPSO might itself fund someone who was able to support people through the process, although the potential conflict of interest and difficulties in achieving an appropriate level of separation from the SPSO was recognised.

The challenge for the SPSO

Making a formal complaint to an organisation such as the SPSO can be a challenge, irrespective of the organisation's efforts to make its processes as accessible and straightforward as possible. There will be some people who would welcome or may need further support in making their complaint.

Possible actions or changes

Look into the potential to offer access to independent support (either through a dedicated service, or more likely through formalised referral arrangements to another agency) for those taking forward a particularly difficult case, or who may find taking any case forward a difficult and daunting prospect.

In Conclusion

Based on the people spoken to as part of this study, it is fair to say that taking a complaint to the SPSO is unlikely to result in indifference or ambivalence towards the organisation. It is unusual to speak to a group of people who are so clearly and significantly divided about an organisation as was the case for *Listening to Complainants 2012*.

Unsurprisingly, people's views were largely coloured by the final outcome in their case. Those that did not achieve the outcome they had hoped for - either because the SPSO was not able to take on their complaint or because their complaint was not upheld – tended to be dissatisfied. Very understandably, their strength of feeling was often linked to the nature of their complaint, with those that had made a complaint relating to very difficult and personal events often left very disappointed by their contact with the SPSO.

Those that had reached the latter stages of the SPSO's processes, and who had their complaint entirely or mostly upheld, were almost all fulsome in their praise for the organisation. For these people, it was clear that having achieved their original goal of holding the complained about organisation to account, and, crucially, of feeling they had done all they could to prevent mistakes being repeated, was of immeasurable value.