

The SPSO – complaints, learning and improvement

This leaflet explains what happens when a complaint is made to the SPSO. It also has information about our work in sharing the learning from complaints to bring about service improvements and about what we do to promote good complaints handling in public services.

- 1 Our process
- 2 Reporting our findings
- 3 Complaints Standards Authority
- 4 Training courses

If you need this information in another format, such as large font or a different language, please call our advice team on **0800 377 7330**. You can also look on our website: **www.spsso.org.uk**.



About us

We are the final stage for complaints about most public services in Scotland. Our service is free, independent and impartial. We have two main functions. The first is to look at unresolved complaints. We try to put things right when there has been a failing in a public service. An important part of our work involves sharing lessons from complaints to improve the delivery of public services. We do this by publishing our findings and regular updates about our work.

Our second function is to improve complaints handling in public services. This work is led by our Complaints Standards Authority.

1 Our process

Advice and Assessment

When we receive a complaint, we assess it to make sure it is one that we can, by law, look at. We will check that it:

- is about a subject and organisation that we can look at under the SPSO Act 2002
- has completed the organisation's own complaints procedure
- has arrived within 12 months of the complainant being aware of the problem
- has arrived with the required paperwork.

We will also check that the body has met its obligation to signpost the complainant to the SPSO.

Early Resolution

It is in everyone's interests for things to be sorted out quickly and as close to the problem as possible. Where appropriate, our Early Resolution team will explore the opportunities for a complaint to be resolved early by discussing possible solutions with the organisation and the complainant.

If early resolution is not possible and if the complaint is one that we can look at it will be examined further by one of our complaints reviewers.

What happens next?

Our complaints reviewer will discuss with the complainant what the complaint is about, make enquiries with the organisation and discuss what we may be able to achieve, if anything, for the complainant.

Our complaints staff are impartial and take into account both sides of the story. They will collect and consider evidence from both the complainant and the organisation.

This may involve:

- examining the complaints correspondence
- speaking to the complainant and the organisation concerned
- seeking written answers to questions
- getting copies of documents (such as medical records)
- taking expert advice where necessary
- interviewing.

Organisations have the right to comment on the allegations made in a complaint. Each complaint has a dedicated complaints reviewer and we will give you their name and contact details at the beginning of the process. If at any stage you would like to check something or require an update, please phone, write or email the reviewer for information.

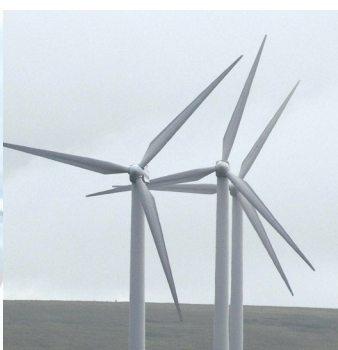
SPSO information requests

At any stage of our process we may ask your organisation for information by phone, email or in writing. We may ask for:

- > a full copy of the complaints file and related documents including the original letter of complaint from the complainant and your initial and final replies
- > a copy of your complaints handling procedure
- > in health cases, some or all of the medical records
- > a copy of any relevant policies and procedures in place at the time the complaint was dealt with, as well as current versions (assuming changes have been made as a result of the complaint)
- > relevant external policies or procedures such as Scottish Government guidance.

Any information that we ask for should be provided by the deadline given by the complaints reviewer. This is normally within 10 working days of writing to you. This information should be collated chronologically and clearly indexed where possible. If you think there may be difficulties in providing the information within the timescale, you must let the reviewer know as soon as possible and, in any event, before the deadline.

Information provided to the SPSO may be shared with the complainant while we are considering their complaint. It may also be released following a subject access request under the Data Protection Act 1998.



2 Reporting our findings

Decision letters

To apply our resources proportionately and maximise our impact, the majority of complaints we investigate end in a decision letter rather than in an investigation report.

The decision letter sets out the background to the complaint, the evidence that the reviewer has gathered and their analysis and conclusions. It is a letter from the reviewer to the complainant, though we also let the organisation know about the complaint and the conclusion we have reached. We may make recommendations to the organisation in the decision letter. We usually copy the letter to the organisation.

We will usually issue a decision letter if:

- the organisation accept there were failings, apologise and take action to prevent the problem from happening again
- from the evidence, it appears that the organisation did not do anything wrong (to use formal language, there is no evidence of maladministration or service failure by the organisation)
- the Ombudsman has decided that the substance of the complaint and our decision on it do not raise public interest considerations.

We publish a report on most of these decisions each month, after laying a report before the Scottish Parliament.

Investigation reports

We prepare an investigation report when we think it is in the public interest to do. An investigation report sets out the background to the complaint, the evidence that the reviewer has gathered and their analysis and conclusions. It will usually contain recommendations for redress and improvement. We send investigation reports to the Scottish Parliament and the law says that we must also send them to Ministers in the Scottish Government.

Criteria for laying investigation reports

We only lay a small number of investigation reports before the Parliament. The Ombudsman decides whether an investigation should be reported to the Parliament. The criteria for doing so include:

- significant personal injustice
- systemic failure cases
- precedent and test cases
- significant failure in the local complaints procedure.

Before the final report is published, we send a draft version to the complainant and your organisation to give you a chance to highlight any factual inaccuracies. Any information received will be considered carefully but it is for us to interpret the facts and the available evidence and come to a judgement.

Outcomes — redress and recommendations

When we finish looking at a complaint, we may make recommendations to an organisation. These can include:

- an apology and/or an explanation
- reviewing procedures or policies
- carrying out staff training
- where possible, reimbursement of any actual loss/costs necessarily incurred
- other suitable redress, either under a redress scheme run by the organisation itself or as a 'one-off' based on the specific circumstances of the case. In most cases this is likely to be non-financial.

We will ask the organisation to provide evidence that our recommendations have been carried out.

Anonymity

The SPSO Act 2002 sets out how we can publicise our work. Investigation reports and decision letter reports will name the organisation that is complained about but will not name the complainant or, as far as possible, contain information that might allow any individual to be identified. We may exclude a decision from our decision report if we are concerned that the information could identify an individual.

Asking for a review of an SPSO decision letter or investigation report

Requests for review can be made by organisations as well as complainants. There are more details about this below and on our website. We always carefully consider what the parties involved in a complaint tell us about it. It is, however, for us to decide on the final outcome.

Decision letter

You can request a review of our decision on a case where a decision letter has been issued. The grounds for doing so are limited. We will not accept a request for a review on the basis that someone simply disagrees with the outcome of a case.

A decision review request can be made on the following grounds:

- You feel that we made our decision based on important evidence which contains facts that were not accurate, and you can show this using readily available information
- You feel you have new and relevant information that was not previously available and which affects the decision we made.

There is a gap of at least six weeks between us issuing a decision letter to a complainant and laying the decision report before Parliament and posting it on our website. This is to allow time for the review process if requested.

There is more information about requesting a review on our website. See:

www.spsso.org.uk/how-complain/complaining-about-spsso/challenges-casework-decisions

Investigation report

Both parties will have had the opportunity to comment on the facts of an investigation report when they received it in draft. Once an investigation report has been laid before the Parliament, it cannot be altered. The only way to challenge the decision that appears in an investigation report is by using judicial review proceedings.



www.spsso.org.uk

Sharing the learning

We have laid investigation reports before the Parliament since 2002 when the SPSO was set up. We began to lay a report of decision letters (technically, these are ‘discontinued investigations’) in June 2011, when new legislation allowed us to do so. We lay these in a report each month.

This report consists of a short ‘digest’ of each complaint, with our decision and recommendations. To make these decisions as accessible as we can, we post the digests on our website. They are searchable, for example by body, subject and outcome.

You can read our findings at our website:
www.spsso.org.uk/our-findings

Ombudsman’s Newsletter

We also publish a regular, usually monthly, e-newsletter that summarises the main findings from complaints. The newsletter draws attention to particular issues and highlights recurring themes and trends so that lessons can be learned and improvements made. It is emailed to over 1,700 subscribers including public service providers, MSPs, government ministers and the press. You can subscribe to the newsletter online at:
www.spsso.org.uk/subscribe.

Media policy

Any report that is sent to the Parliament becomes a public document which means that the media has access to it and may publicise it. Our media policy lays out how we will respond to press enquiries. If a complainant or organisation wishes to speak to the press we will facilitate that communication by providing the journalist’s details, but we will never give complainant details to the press.

Ours is a ‘no surprises’ policy and we work with organisations to ensure that they are prepared for possible media coverage. For more information about how we deal with the press, contact our communications team on 0131 240 8849.



3 The Complaints Standards Authority

The Public Services Reform (Scotland) Act 2010 gave the SPSO a new statutory function in improving complaints handling in bodies under our jurisdiction. The Act gives us the authority to lead the development of simplified and standardised complaints procedures across the public sector. We have developed, in consultation with stakeholders and members of the public, a Statement of Complaints Handling Principles. These principles were approved by the Parliament and published in January 2011. All bodies under our jurisdiction must have complaints handling procedures that comply with these principles.

The Act also gives the SPSO the power to publish model complaints handling procedures (CHPs). Our internal unit, the Complaints

Standards Authority (CSA), is developing standardised model CHPs for different sectors. These procedures are being developed in line with the principles and our Guidance on a Model Complaints Handling Procedure which was published in February 2011. Underpinning the principles and guidance is the ethos of 'getting it right first time' and using the lessons learned from complaints to improve service delivery. The emphasis is firmly on simpler, streamlined and more timely complaints handling with local, early resolution by empowered and well-trained staff.

The CSA also provides support in providing guidance and sharing good practice across and within sectors. See our complaints standards website for more information:

www.valuingcomplaints.org.uk

4 Training courses

We have developed two bespoke, direct-delivery one-day training courses. The first is for frontline staff dealing directly with enquiries and complaints from the public (Good Complaint Handling) and the second is for staff responsible for investigating and responding to escalated complaints (Complaint Investigation Skills). Both courses are run by experienced SPSO staff who use case studies and a variety of different activities to enhance and develop the participants' knowledge and skills. The courses are interactive and encourage learning by discussion and practical application. The trainer will be familiar with the organisation's complaints procedure.

We have delivered training to dozens of organisations in a wide variety of sectors including local authorities, the NHS in Scotland, the Scottish Prison Service and housing associations. As well as sector-specific courses, we also develop bespoke courses for all sectors. We have also developed sectoral e-learning training courses. E-learning courses can be accessed at **www.spsotraining.org.uk**.

We welcome contact from organisations who are thinking about undertaking SPSO training. For training information, email: training@spso.org.uk or go to www.valuingcomplaints.org.uk/training-centre.



Contacting us

Advice line freephone: **0800 377 7330**

Address: **4 Melville Street, Edinburgh, EH3 7NS**

SPSO information: **www.spsso.org.uk**

SPSO complaints standards: **www.valuingcomplaints.org.uk**

SPSO training: **www.valuingcomplaints.org.uk/training-centre**