

SPSO response to *Listening to Complainants* (Craigforth 2012 Survey)

Background

There is no statutory requirement for the SPSO to gather service users' views. However, as a public-facing body providing a public service, we recognise that it is vital to listen to complainants' views about us. Only people using our service can tell us what they expected from us, how they felt about the interaction with our staff and whether they thought their needs were met. Over the past six years, we have regularly sought feedback in order to make improvements - we want to provide the best service we can within the resourcing and legislative parameters we work under.

How we have gathered feedback

Since 2006, we have used a number of different methods to ask complainants for their views. From 2007-2010, we gathered feedback through paper postal surveys. Our current independent research group is Craigforth, who were successful in our 2008 open tender for complainant satisfaction work.

The last survey that Craigforth conducted gathered responses in Q1 2009 and Q1 2010, and compared the results from those periods. At the end of that survey (results of which were posted on the SPSO website in December 2010), Craigforth's advice was that we had maximised the benefit of that means of measuring satisfaction. Craigforth recommended that they use focus groups for any future survey work, which they said would give us more qualitative information about what people liked and did not like about our service. We pointed to this in the 'future action' section of the December 2010 survey where we also noted that we had put a new complaints handling process in place in May 2010.

SPSO's complaints process

Our new process puts a greater emphasis on resolving complaints as early as possible. We moved to a two-team structure. Our Advice and Early Resolution team provide information to the public and to complaints handlers in public sector organisations, with a focus on discussing possible solutions at an early stage. This team is also charged with establishing if a complaint is 'fit for SPSO' i.e. whether it is about a body and a subject which we can, by law, consider and whether or not other criteria are satisfied, such as how old the issue is and whether there are alternative remedies available.

Where we can consider the complaint, our Investigations team take it up by detailed examination of the issues. They resolve the complaint either by producing a decision letter or, where a complaint meets our public interest criteria, an investigation report that is laid in full before the Scottish Parliament.

We said that we would wish the new process to have had an opportunity to settle into place before Craigforth undertook qualitative survey work about our service. In December 2011, we decided that the time was right to progress this work.

Satisfaction levels

As is the case with all ombudsman offices, complainant satisfaction levels tend to reflect satisfaction with the outcome of a complaint and, given the legislative constraints within which ombudsmen work, levels of satisfaction are generally low. This was recognised by Craigforth in their 2008/09 SPSO complainant survey, in which they stated:

The correlation between satisfaction and a complaint being upheld and dissatisfaction with a complaint not being upheld was evident, as is the case in public sector ombudsman surveys generally. This of course holds some very real challenges for ombudsmen – their purpose is to rule fairly and objectively on the complaints brought to them; there is no capacity to boost satisfaction levels by adjusting the fundamental principles and laws under which such organisations operate.

Similarly, the new report concludes:

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.

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All the report's key messages and recommendations for possible actions/changes have been considered by the SPSO's senior management team and Service Improvement Group and the majority of them have been accepted.

Many of the recommendations echo conclusions drawn from the SPSO's quality assurance process and along with those findings, the Craigforth survey results have been used as a key source of feedback to inform the SPSO's 2012-13 service improvement plan.

The SPSO's response to the Craigforth recommendations are summarised below. The further action points are to be carried out in the 2012-13 financial year.

Key message 1 (our powers)

Our response: The report highlights that people who reach us are often disillusioned about complaints processes and public bodies. They see us as the body that will put things right. While it is important to recognise that sometimes people want changes that we cannot bring about - such as getting a public official fired or stopping a council making a decision (such as closing a facility) that the council is entitled to make – we need to be clear as early as possible about the limitations of our powers.

Further action

- reinforce to staff through meetings and training the importance of clarity about what the complainant wants, and of letting them know immediately if we cannot achieve it for them
- review our website for information about our powers to ensure that our explanations are clear and prominent and we are utilising published cases effectively to help people understand the kinds of outcomes we can, and cannot, achieve.

Key message 2 (how we treat people)

Our response: While the general message about staff's professionalism and politeness is welcome, the report highlights that some complainants will have been through traumatic experiences. It should go without saying that our staff should demonstrate kindness and empathy in their contact with people and it is unacceptable for a complainant to be treated abruptly or made to feel like they are a nuisance.

Where complaints involve particularly upsetting experiences, or where difficulties/tensions have arisen between our staff and a complainant, our staff should make every effort to make non-written contact. The report's emphasis on making more use of telephone contact and more face-to-face meetings chimes with our QA findings on the benefits of these methods of communication. However, our wish to meet complainants face-to-face will always need to be balanced with the need to use our resources proportionately and wisely.

It is also important to balance the needs of complainants with our duty to be impartial and independent. We must always bear in mind that complaints can have an emotional impact on the staff of service providers as well as on complainants, particularly in the health sector.

Further action

- remind staff, through team and individual meetings, of the service standards we work to
- review our guidance on telephone and face-to-face contact with view to increasing the amount of such contact especially in cases that involve emotional experiences and/or a death
- where appropriate, provide training and support to staff in telephone and face-to-face contact.

Key message 3 (how we use evidence)

Our response: The report highlights that some complainants think we give more weight to the evidence provided by the organisation complained about than the evidence provided by the complainant. While we disagree that we simply accept as neutral any gap in the evidence provided by the service provider, our explanations to complainants about why and how we acquire and use evidence must be clear.

Our decisions frequently highlight lack of record-keeping as a failing (for examples see the 'Our findings' section of our website). We already have stringent rules on the timescales within which service providers should provide information (there is more on timescales in key message 5). Finally, as the report points out, we are bound by statutory restrictions, particularly that we must carry out investigations in private and therefore are limited in what we can disclose.

Further action

- reinforce to complaints reviewers the importance of ensuring that our explanations on why and how we acquire and use evidence are clear
- use the feedback from this report to ensure that we are consistent in providing information about our professional advisers.

Key message 4 (how we communicate)

Our response: While we are pleased with the positive comments about written communication, especially reports, the report also highlights that some complainants find the tone with which we deliver 'bad news' unhelpful. As the report recognises here and in key message 1, there is a balance to be struck – we need to be clear but also empathetic. The point about signposting people to organisations that may be able to help in ways that we cannot is responded to under key message 6. We have a procedure for complainants who believe we have omitted evidence or made mistakes in a report (for details, see the 'Request for review' section of our website).

We recognise how critical it is to get written communication right. Our key leaflets for the public and service providers are reviewed by the Plain Language Commission to ensure that they are written in an accessible way. All our staff received training in writing skills in 2011-12. Our QA involves sampling written communication, including emails and cases involving sensitive complaints, to ensure appropriate clarity and tone.

Further action

- use the feedback in this report to reinforce to complaints reviewers the importance of clarity and tone, especially when we are delivering 'bad news' and where we are communicating that we cannot take a complaint.

Key message 5 (timescales)

Our response: We are pleased that many complainants feel that timescales are less important than thoroughness. Our timescales for resolving complaints have improved since we brought in our new process (for details see the performance section of our annual reports). We have strict deadlines within which service providers should provide information.

We recognise, however, that there can be delays, particularly in health cases where getting medical records can take time. There can also be delays in obtaining professional advice.

Further action

- use the feedback from this report in our ongoing review of professional advice.

Key message 6 (support and advice)

Our response: The report highlights that some complainants need support in making their complaint. It recognises that we can only go so far in supporting complainants in that process because of the potential conflict of interest when we come to investigate it. There are of course also resourcing issues and the SPSO is not funded to provide a signposting service.

We have, however, developed links with Citizens Advice Scotland, and in particular the Patient Advice and Support Service (PASS) that they run, and with the Scottish Independent Advocacy Alliance (SIAA) and other support groups, including those for older people. We publish material in relevant literature about how to make a complaint, in addition to our own specific leaflets and audio materials that are available on our own website.

Further action

- further strengthen our links with advocacy and support groups
- review our website to make our information about supporting people to make a complaint more prominent.

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