

PCCS Statutory Guidance Consultation 2010

From sanctions
to solutions



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PCCS Statutory Guidance Consultation

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Closing date for responses is Tuesday 11 January 2011

Your information

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1. Are you responding as (please tick or mark the appropriate box):

an individual?

on behalf of a group or organisation?

Individuals

2a. Do you agree to your response being made public on the PCCS website?

Yes

Go to 2b below

No

If you wish part of your response to remain confidential please indicate which part or parts:

Q1

Q2

Q3

Q4

Q5

Q6

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Additional comments

2b. Where no confidentiality is requested, we will make your response available to the public on the following basis (please tick one box):

Make my response and name available

Make my response available, but not my name

On behalf of groups or organisations

2c. Do you agree to your response being made public on the PCCS website?

Yes Go to 2d below

No

If you wish part of your response to remain confidential please indicate which art or parts:

Q1 Q2 Q3

Q4 Q5 Q6

Additional comments

2d. Where no confidentiality is requested, we will make your response available to the public on the following basis (please tick one box):

Make my response and organisation's name available

Make my response available, but not my organisation's name

Further Contact

3a. We may wish to contact you again in the future to clarify comments you make in your response. Are you content for us to do so?

Yes

No

3b. We may wish to contact you again in the future for consultation or research purposes. Are you content for us to do so?

Yes

No



Q1 The statutory guidance, paragraph 18, makes reference to forces requiring to have reasonable timescales in place. However, the guidance is not prescriptive in this regard. The Commissioner welcomes your comments on this, and in particular your view on whether this guidance goes far enough to address this issue.

In the final section below, we provide some background information about the new role which has been given to the Scottish Public Services Ombudsman by the Scottish Parliament in connection with supporting improvements in public service complaints handling. Our comments on all questions are based on both our own experience of good complaints handling and reflect some useful comments we have received from a broad range of stakeholders in response to our own recent consultation on a model complaint handling procedure for public services in Scotland (Consultation on a Statement of Complaints Handling Principles and Guidance on a Model Complaints Handling Procedure (June 2010)).

In response to question 1, we welcome the requirement to have published timescales in place. We also strongly welcome the statement in paragraph 18 that *'the process includes as few steps as possible to allow complaints to be satisfactorily resolved at the earliest opportunity'* which is line with the SPSO's own guidance on model complaints handling.

We believe there would be additional benefit to service users if the Commissioner provided more specific guidance on timescales. This would support the implementation of consistent timescales between different police forces and other relevant authorities. The benefits to the service user of such consistency were set out in the Fit for Purpose Complaints Systems Action Group which reported in 2008 (the Sinclair Report). In our view standard timescales at each stage should be part of the minimum standards expected of service providers' complaints handling procedures.

The recent SPSO guidance proposes timescales of 3 working days and 20 working days at frontline and investigation stages respectively (Please note these specific timescales are still under consideration as part of the SPSO's analysis of responses to its recent consultation). It also recognises, however, that it may not always be possible to meet these timescales particularly where a complaint is complex. The guidance recommends that, where it is not reasonably possible to meet the timescales, complainants are informed of the reason for this and provided with an alternative timescale in which the complaint is expected to be resolved.

Q2 Paragraphs 52-59 of the guidance outlines a vision for frontline resolution of potential complaints. The PCCS welcomes stakeholders' views on the practicalities of this.

We strongly support the focus on frontline resolution which is in line with the SPSO's own principles and guidance on good complaints handling. The SPSO's guidance proposes a two-stage process – frontline resolution followed by investigation. The key emphasis is on early resolution by empowered and well-trained staff. We believe the resolution of complaints as close to the frontline as possible has significant benefits not only for service users but also for service providers in the form of a more efficient and cost-effective complaints handling system.

Effective frontline resolution requires the development of a culture where all staff are encouraged to value all complaints and have the required authority to provide a timely and effective solution (often a simple apology) where at all possible. Key to this is a minimum level of training for staff and guidance from senior staff which makes it clear that frontline staff have the required authority.

The responses to the SPSO's recent consultation on our guidance highlighted concerns around the practicalities of implementing a complaints model with an increased focus on frontline resolution. In particular some service providers were concerned about the potential costs of providing the relevant training, the difficulties in developing a system which could record sufficient data on all frontline complaints and concerns about some staff being encouraged to attempt to resolve complaints outwith their area of expertise. These are issues which will be addressed through the work of the SPSO's Complaints Standards Authority (see the 'other comments' section below for more detail on the CSA) but we remain convinced that a move towards a procedure focused on frontline resolution will help to develop a more efficient and effective complaints system.

Q3 Paragraphs 83-85 are concened with the assessment of off duty complaints, which remains to some extent, subjective. The PCCS is keen to hear the views of stakeholders on how consistency in the assessment of such complaints might be achieved?

The SPSO has no specific comment to make in relation to the detail of the guidance on off-duty complaints. However, it is clear that a consistent approach is important and such guidance can only help by developing a standard approach to the handling of such complaints across the police service in Scotland.

Q4 Within the guidance, paragraphs 98-100 there are proposals as to how complaints about chief officers might be addressed, which go beyond the minimum standards of the current regulations. The Commissioner welcomes your comments on the practicalities of this.

The SPSO agree with the Commissioner's approach in encouraging the board to proactively seek to work beyond the minimum standards defined in legislation. We also agree that organisational learning may be identified from complaints even where misconduct is not identified. This is in line with the Commissioner's aim of moving away from a culture of blame towards one of learning from complaints, which we support.

Q5. The statutory guidance, paragraphs 229-240 focuses on learning arising from complaints. The Commissioner welcomes suggestions as to whether the guidance goes far enough to address this issue.

The guidance on learning from complaints is thorough and comprehensive. It should prove useful in developing a complaints system more focused on learning lessons from complaints which in turn will help to deliver continuous improvement. Key to this is the effective dissemination of learning from complaints within individual forces or authorities but also between different forces and authorities. The guidance identifies a number of ways in which this can happen including the use of training.

In line with the recommendations of the Sinclair report the SPSO, through the work of the CSA, is aiming to develop networks of complaints handlers within sectors to help share learning between organisations. The PCCS may want to consider establishing a similar network for the police service in Scotland, if such a network does not already exist. Such networks will also be useful in helping complaints handlers from different sectors to share lessons and develop best practice in complaint handling more generally.

Q6 . Paragraphs 243-254 of the guidance addresses the issue of training and awareness. The PCCS is eager to hear stakeholders' views on how this might be developed and delivered across Scotland (for example, should a national package be devised by the Scottish Police College?)

There would appear to be potential benefits in developing a national approach to training on complaints handling. This would help to develop a more consistent approach to complaints handling.

Please use this space to record any other comments on the guidance or to expand on any areas that you feel should be considered as part of this consultation

The SPSO welcomes the PCCS statutory guidance which provides a comprehensive practical guide which will, if implemented, help police authorities in Scotland move towards a more effective complaints handling system.

The Public Services Reform Act 2010 gave the SPSO additional responsibilities and duties in connection with improving complaints handling in the bodies under our own jurisdiction. The SPSO recently consulted on draft complaints handling principles and guidance on model complaints handling procedures under the terms of this legislation. The overall aim of the consultation was to improve complaints handling and support service providers moving towards a culture which values complaints and embraces learning to help drive improvement in services provision. We welcomed the Commissioner's support of those principles and guidance as part of that consultation and similarly welcome the fact that there are many consistent themes between the SPSO guidance and the statutory PCCS guidance.

The SPSO guidance will be used by the SPSO's Complaints Standards Authority (CSA) as a basis on which to develop simplified and standardised model complaints handling procedures (model CHPs) across the public sector. This follows the recommendations of the Sinclair Report which concluded that complaints handling in Scotland was overly complex and not sufficiently focused on the service user. There would be benefits to service users in ensuring that the Commissioner's work with police forces and other relevant authorities in Scotland is aligned with that of the CSA in other sectors wherever possible and we would welcome ongoing discussion with the Commissioner in this regard.

We support the PCCS principles which are generally consistent with those recently submitted to the Scottish Parliament by the SPSO. In particular, we welcome the overall aim of creating a culture where complaints are viewed as providing valuable opportunities to learn and of 'Continuous improvement' rather than putting the focus on individual blame. One additional principle we would support is that of seeking 'Early Resolution'. This principle is designed to encourage the resolution of complaints at the earliest opportunity and as close to the point of service as possible.

In relation to the principle of 'Quick and Simple' our consultation with service users and complainants indicated that the use of 'Quick' could be interpreted as suggesting a less rigorous approach to complaints handling. We subsequently amended this principle to 'Timely and simple' and added a greater focus on quality standards and the importance of thoroughness in approach in other principles.

We recognise the need to refrain from being too prescriptive in setting minimum standards in complaints handling (as outlined in the guidance at para 41). However, we do believe that there are benefits in having consistency across public service provision in a number of key areas – most notably the number of stages in a complaints handling procedure, the timescales in which service providers are expected to investigate and respond to complaints and the information which should be recorded and publicly available on complaints outcomes. In our view there should be no significant deviation in these respects and these should be part of the minimum standards expected as part of a public sector complaints handling procedure. The aim of the CSA is to develop a standardised model CHP for each

sector. Whilst this recognises the need for flexibility to suit the particular needs of each sector, we also believe it is important to develop minimum standards between sectors around these key areas.

The process outlined in section 5 will help to bring a greater level of consistency in the way that complaints are handled by the police service across Scotland. The 6 stages outlined in Section 5 provide a detailed process for the police service to follow in handling complaints. One comment we would make is that this process appears focused on the internal process to be followed by complaints officers and may not be simple for all service users and complainants to follow. One of the most common barriers to service users making a complaint about dissatisfaction with a service is a lack of clarity on how to access and navigate through the complaints system and a lack of understanding about what they can expect to happen with their complaint. There may be benefit in the Commissioner producing a more complainant-focused model for relevant police authorities to publicise externally, providing a clear high level outline of a standardised complaints handling procedure. This might include clear standards by which a complainant can expect their complaint to be handled and provide, for example, a simple and clear description of the number of stages in the complaints process and who will deal with their complaint at these various stages. It may also outline reasonable timescales by which police forces should aim to investigate and respond to complaints (as outlined in response to question 1 above). Such a consistent simple model outline might help to achieve increased visibility and access by the complainant in line with the guiding principles.

The guidance in section 5 is very thorough and will prove extremely useful to complaints officers in improving the handling of complaints. We particularly welcome the focus and detailed guidance on frontline resolution, recording complaints, communicating effectively and in a consistent way with the complainant and identifying organisational and individual learning.

The guidance on recording and initial assessment is comprehensive and will help ensure a consistent approach between police forces and other relevant authorities. A minimum level of data should always be recorded on all complaints including those at frontline resolution stage. In addition to a standard approach to recording complaints we would also encourage a consistent approach to publishing information on complaints and their outcomes between all service providers. This is important to help achieve an open and transparent approach to complaints handling and to helping ensure complaints are used to drive improvement and demonstrate to service providers that complaints are valued.

Thank you for contributing to the consultation