



Guide for public service organisations

## **Complaints handling advice during COVID-19**

FAQs

## *Introduction*

1. We appreciate that public services are under huge resource pressures as you focus on responding to COVID-19 and the delivery of essential services. Please be assured that we are taking full account of the current context in how we operate. While we are committed to delivering our statutory responsibilities, we in no way wish to put unnecessary pressure on you.
2. The guidance below is not intended to be directive. Rather, it seeks to answer some common questions and provide suggestions about how organisations can manage complaints in the current situation. If you have any questions or concerns about this guidance or complaints handling generally, please contact us at [csa@spsso.gov.scot](mailto:csa@spsso.gov.scot) and we will get back to you as quickly as we can.

## **Do we still have to progress complaints (and which ones)?**

3. Each organisation will make their own decision about what essential work they prioritise at this time. The SPSO is following Government advice in relation to essential work, travel and social and self-isolation, and we encourage you to do the same.
4. Organisations will introduce their own contingency arrangements, making decisions about what work they categorise as essential and prioritise. We understand that this may result in some (or all) complaints handling being delayed or put on hold.
5. Organisations still need to comply with the model complaint handling procedure, but remember **this allows for timescales to be extended** in appropriate circumstances, and we expect to see an increased use of these extension arrangements. Where such an extension is applied, it is important that you keep complainants updated where you can (see 'what should we tell complainants' below).

## *Prioritising 'essential work' complaints*

6. We encourage you where possible to continue screening incoming complaints to identify any that fall into the category of 'essential work'. For SPSO complaints, we have defined this as:
  - complaints that concern COVID-19 or its impact and relate directly to current service provision for vulnerable people; and
  - complaints where we believe there is a real and present risk to public health and safety.
7. We encourage organisations to progress these essential complaints where possible. Where this is not possible you should explain to the complainant that you are not able to look into the matter at this time and provide an indication of when you may be able to do so. You should also signpost the complainant to SPSO.

8. We encourage organisations to take a 'resolution' approach to such complaints by focussing on action that can be taken to restore service provision or address current risks to health and safety.
9. Where a customer who has been signposted to SPSO brings their complaint to us, we will assess whether the complaint meets the criteria described in paragraph 5, and if so what action we should take.

### **What should we tell complainants?**

10. Organisations may wish to include information on the complaints section of their website on how complaints handling has been affected by COVID-19. You may also wish to use automatic replies on complaint inboxes and/or standard-form letters or emails for updating existing complainants. As an example, SPSO's information for customers is available here: <https://www.spsso.org.uk/COVID-19-update-for-customers>.
11. It good practice to tell complainants:
  - how the organisation is prioritising complaints work
  - what complaint services are still available, and which are suspended (for example, phone enquiries, face to face meetings, limited email access etc)
  - what delays are expected. Given the uncertainty of the situation, this does not have to be a specific timeframe (for example, SPSO is currently advising complainants to expect 'significant delays of many months when submitting complaints to us' and delays in responding to emails)
  - include an acknowledgement that the person's complaint is important to them, and an apology for the inconvenience and distress caused.

### **Will the SPSO still be progressing complaints?**

12. SPSO will be progressing two kinds of complaints: 'essential new complaints' and, as far as possible, existing complaints.

#### *Essential new complaints*

13. We have defined essential new complaints as complaints that concern COVID-19 or its impact and:
  - relate directly to current service provision for vulnerable people; or
  - where we believe there is a real and present risk to public health and safety.
14. We are scanning all new complaints received, and SPSO staff will exercise their professional judgement about whether they meet the above criteria.
15. SPSO is attempting to provide a business as usual service. This is of course dependent on a number of issues, including the availability of our staff, technology to access systems, access to expert advice and capacity of organisations to provide us with information.
16. Where we can we will progress 'essential' new complaints. It may be that we need to contact you for information, or to discuss the complaint with you immediately. The

Ombudsman has previously written to all organisations to explain this ([https://www.spsso.org.uk/sites/spsso/files/csa/200326\\_SPSOletter\\_COVID19.pdf](https://www.spsso.org.uk/sites/spsso/files/csa/200326_SPSOletter_COVID19.pdf)). We recognise and appreciate that you are under pressure, but ask you acknowledge and appreciate the urgent nature of these cases and so would greatly appreciate you engaging with us on them. We do not expect them to be large in number.

*Other existing complaints*

17. As regards all other complaints, we are trying to progress these as far as possible, as we recognise that they are important to both complainers and to public bodies, including staff, who may have been complained about.
18. We understand that you may not be in a position to respond to us within the usual time frames. With this in mind, when we start an investigation, it would be helpful if you could tell us whether you are in a position to engage in that investigation. We understand that your resources are likely to be stretched so we will avoid contacting where we can and we will take full account of what you tell us about your ability to respond and engage.
19. More generally, we would be grateful if you could keep us informed, as to the current position in your organisation in terms of your capacity engage with us and in particular if contact details have changed temporarily.

**If you have any other questions about complaints handling please contact us via [CSA@spsso.gov.scot](mailto:CSA@spsso.gov.scot)**