



The Scottish Parliament  
Pàrlamaid na h-Alba

**The Complaints Handling Procedure  
(CHP) for the  
Scottish Parliamentary Corporate Body  
(SPCB)**

## **Foreword**

*Our complaints handling procedure reflects the Scottish Parliamentary Corporate Body's commitment to valuing complaints. It seeks to resolve issues as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints received from members of the public so that, where appropriate, we can make evidence-based decisions on the facts of the case.*

*The procedure introduces a standardised approach to handling complaints across the public sector which complies with the Scottish Public Services Ombudsman's (SPSO) guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.*

*Complaints give us valuable information we can use to improve service delivery. Our complaints handling procedure will enable us to address a member of the public's dissatisfaction and may also prevent the problems from happening again. For our staff, complaints provide a first-hand account of the public's views and experience, and can highlight problems we may otherwise miss.*

*The complaints handling procedure will help us do our job better, improve relationships with the public and enhance public perception of the Scottish Parliamentary Corporate Body (SPCB). It will help us keep the public at the heart of the process, while enabling us to understand better how to improve our services by learning from complaints.*

P E Grice  
**Clerk/Chief Executive**

March 2014

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## 1. How to use this Complaints Handling Procedure

- 1.1. This document explains to staff how to handle complaints. Another document provides information for members of the public on the complaints procedure. Together, these form our Complaints Handling Procedure (CHP).
- 1.2. It is designed to be adopted as an internal document. It contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints. Separate training, guidance and documentation are available to support you in using the system to log, track and deal with complaints.
- 1.3. When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO: <http://www.valuingcomplaints.org.uk>

## 2. What is a complaint?

- 2.1 A member of the public may not always use the term 'complaint'. However, we should ensure that any expressions of dissatisfaction fitting the agreed definition of a complaint are handled through the complaints handling procedure.
- 2.2 The Scottish Parliamentary Corporate Body's definition of a complaint is:
- 'An expression of dissatisfaction by one or more members of the public about the SPCB's action or lack of action, or about the standard of service provided by or on behalf of the SPCB.'
- 2.3 A complaint may relate to:
- failure to provide a service
  - inadequate standard of service
  - dissatisfaction with SPCB policies
  - treatment by or attitude of a member of staff
  - disagreement with a decision where the complainant cannot use another procedure (for example an appeal) to resolve the matter
  - the SPCB's failure to follow the appropriate administrative process.

This list does not cover everything.

- 2.4 [Appendix 1](#) provides a range of examples of complaints we may receive, and how these may be handled.
- 2.5 A complaint is **not**:
- a routine first-time request for a service
  - a request for compensation only
  - a request for an explanation of a policy
  - issues that are in court or have already been heard by a court or a tribunal
  - an observation or opinion on a decision taken by the SPCB acting properly within its legal powers
  - disagreement with a decision where a statutory right of appeal exists
  - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.
- 2.6 You must not treat these issues as complaints, and should instead direct the member of the public to use the appropriate procedures.
- 2.7 [Appendix 2](#) gives more examples of 'what is not a complaint' and how to direct members of the public appropriately.

### Handling anonymous complaints

- 2.8 We value all complaints. This means we treat all complaints, including anonymous complaints, seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough

information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by a senior manager.

2.9 If an anonymous complaint makes serious allegations, we will refer it to a senior manager immediately.

2.10 If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

### **What if the member of the public does not want to complain?**

2.11 If a member of the public has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction in the same way as we consider complaints, and that complaints offer us the opportunity to improve services where things have gone wrong. Encourage the member of the public to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the member of the public is updated on the action taken and gets a response to their complaint.

2.12 If, however, the member of the public insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that the person's details are not recorded on the complaints database and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

2.13 Please refer to the example in [Appendix 1](#) for further guidance.

### **Who can make a complaint?**

2.14 Any member of the public who receives, requests or is affected by our services can make a complaint. Sometimes a member of the public may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the complainant has given their personal consent.

### **Complaints involving more than one service or organisation**

2.15 If a complaint relates to the actions of two or more of our services, you must tell the complainant who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

2.16 If a member of the public complains to the SPCB about the service of another agency or public service provider, but the SPCB has no involvement in the issue, the member of the public should be advised to contact the appropriate organisation directly. However, where, a complaint relates to a service provided by the SPCB and the service of another

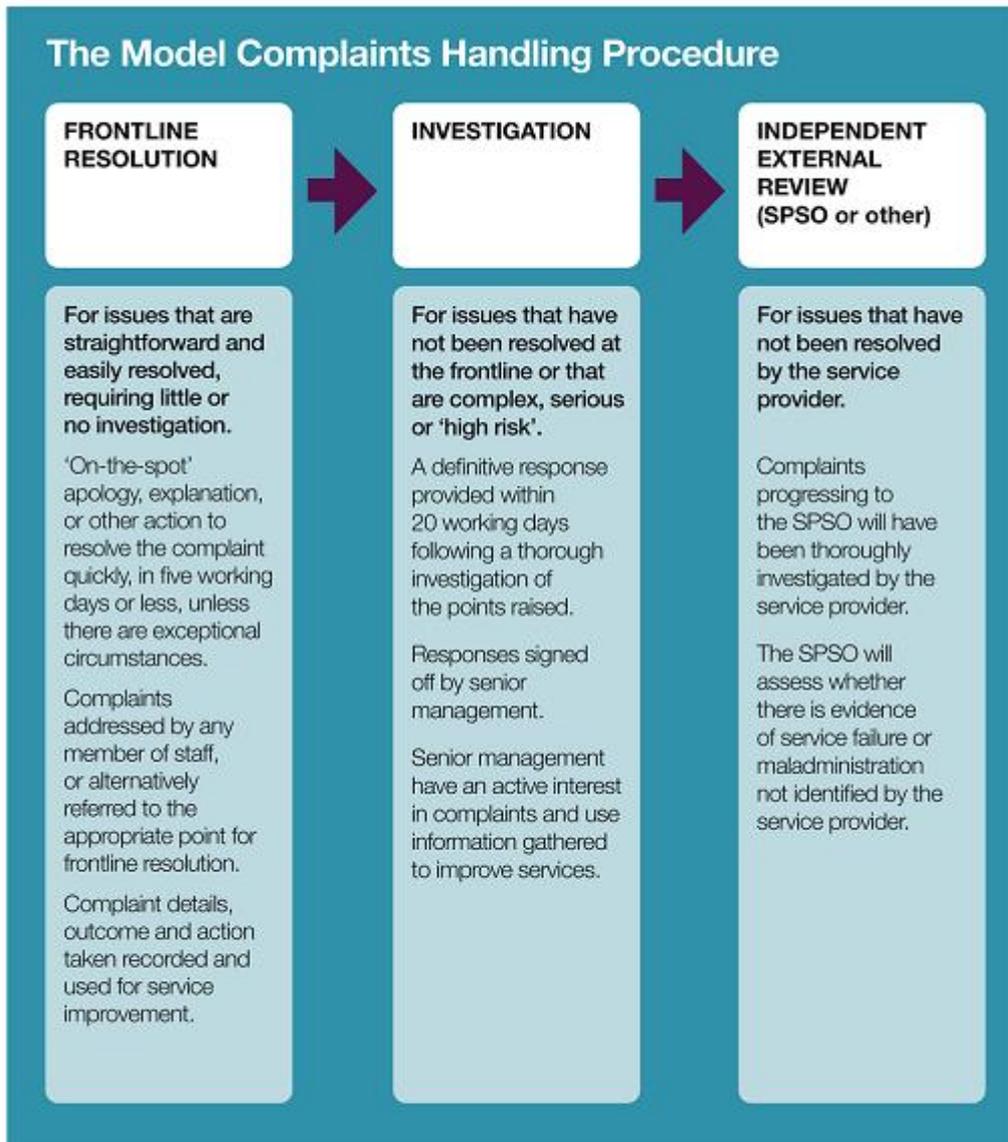
agency or public service provider, and the SPCB has a direct interest in the issue, you must handle the complaint about the SPCB through the CHP. If you need to make enquiries to an outside agency in relation to the complaint, always take account of data protection legislation and [our guidance on handling a complainant's personal information](#). The UK Information Commissioner has detailed guidance on data sharing and has issued [a data sharing code of practice](#).

2.17 Such complaints may include:

- facilities at an external venue being used for a Scottish Parliament meeting or event
- arrangements for tickets for a Scottish Parliament event outsourced to an external company
- the services of a specialist interpreter arranged by the SPCB

### 3 The complaints handling process

- 3.1 The CHP aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.
- 3.2 Our complaints process provides two opportunities to resolve complaints internally:
- **frontline resolution**, and
  - **investigation**.



- 3.3 For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within the SPCB but means seeking to resolve complaints at the initial point of contact where possible.

## **Stage one: frontline resolution**

- 3.4 Frontline resolution aims to resolve quickly straightforward complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.
- 3.5 The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the complainant, or asking an appropriate member of staff to deal directly with the complaint.
- 3.6 [Appendix 1](#) gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.
- 3.7 In practice, frontline resolution means resolving the complaint at the first point of contact with the complainant, either by the member of staff receiving the complaint or other identified staff.
- 3.8 In either case, you may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. You may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.
- 3.9 A member of the public can make a complaint by letter, in person, by telephone, by email or online through the website or by having someone complain on their behalf. You must always consider frontline resolution, regardless of how you have received the complaint.

### ***What to do when you receive a complaint***

- 3.10 On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The complainant may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the complainant to pursue another element through an alternative route. (See [Appendix 2](#) for examples of issues that are not complaints or are not complaints that can be dealt with under these procedures.)
- 3.11 Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the complainant a suitable response. You must escalate these complaints immediately to the investigation stage.
- 3.12 Where you think frontline resolution is appropriate, you must consider four key questions:

**What exactly is the complaint (or complaints)?**

It is important to be clear about the exact subject of the complaint. You may need to ask the person for more information to get a full picture.

**What does the person want to achieve by complaining?**

At the outset, clarify the outcome the complainant wants. Of course, the person may not be clear about this, so you may need to probe further to find out what they expect and whether they can be satisfied.

**Can I achieve this, or explain why not?**

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is suitable, you may wish to follow the SPSO's guidance on the subject: [SPSO guidance on apology](#)

The complainant may expect more than we can provide. If their expectations appear to exceed what the organisation can reasonably provide, you must tell them as soon as possible in order to manage expectations about possible outcomes.

You may have to convey the decision face to face or on the telephone. If you do so face to face, by telephone or by email, you are not required to send a letter as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to the complainant.

**If I can't resolve this, who can help with frontline resolution?**

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can try to resolve it.

3.13 If you have identified a complaint as suitable for frontline resolution, enter the details on the [Complaints Recording Log on SharePoint](#).

**Timelines**

3.14 Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

3.15 You may need to get more information from other offices to resolve the complaint at this stage. However, it is important to respond to the complainant within five working days, either resolving the matter or explaining that it is more complex than it initially appeared to be and that we will therefore escalate their complaint to the investigation stage.

### **Extension to the timeline**

- 3.16 In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the complainant. This must happen only when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.
- 3.17 When you ask for an extension, you must first get authorisation from the appropriate senior manager, who will decide whether you need an extension to resolve the complaint. Examples of when this may be appropriate include staff or contractors being temporarily unavailable.
- 3.18 If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You must tell the complainant about the reasons for the delay, and when they can expect your response.
- 3.19 If the complainant does not agree to an extension but it is unavoidable and reasonable, a senior manager must decide on the extension. You must then tell the complainant about the delay and explain the reason for the decision to grant the extension. **All extensions should be noted on the [Complaints Recording Log on SharePoint](#)**, including
- the reason for the extension
  - the senior manager who authorised it
  - the complainant's response
- 3.20 It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.
- 3.21 The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will be presented to Leadership Group and SPCB on a quarterly basis.

### **Closing the complaint at the frontline resolution stage**

- 3.22 When you have informed the complainant of the outcome, you are not obliged to send them a letter or email, although you may choose to do so. You must ensure that the response to the complaint addresses all areas that the SPCB is responsible for and explains the reasons for the decision. It is also important to keep a full and accurate record of the decision reached and given to the complainant. The complaint should then be closed and the complaints system updated accordingly. (Fill in the 'Date of Resolution' field on the Complaints Recording Log to signify that the complaint has been closed.)

## **When to escalate to the investigation stage**

3.23 You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but the person remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage, or within six months from the date of the initial complaint
- the complainant refuses to take part in frontline resolution and insists on going straight to the investigation stage
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

3.24 When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system. Public Information and Publications (PIP) will log complaints that are escalated to the investigation stage so please contact PIP *as soon as possible* if a complainant indicates that they wish their complaint to proceed to the investigation stage.

3.25 Take particular care to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that need senior management's direct input and should be dealt with automatically at the investigation stage. The SPCB defines potential high-risk or high-profile complaints as those that may:

- involve a death, terminal illness or serious injury
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing media interest
- present issues of a highly sensitive nature, for example concerning:
  - a particularly vulnerable person, for example, a disabled person, an elderly person or a person who is not fluent in English
  - child protection.
- affect the organisation's operations, for example
  - relate to a threat to the security of the building and its occupants

### **Stage two: investigation**

3.26 Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage are typically complex or require a detailed examination before we can state our position. Complaints considered at the investigation stage may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

3.27 An investigation aims to establish all the facts relevant to the points made in the complaint and to give the complainant a full, objective and proportionate response that represents our final position.

### **What to do when you receive a complaint for investigation**

- 3.28 It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the complainant and the appropriate office understand the investigation's scope.
- 3.29 If this is a case of the complaint going straight to investigation stage, then it may be helpful to discuss and confirm these points with the complainant at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the member of the public, consider three key questions:
1. What specifically is the person's complaint or complaints?
  2. What does the person want to achieve by complaining?
  3. Are the person's expectations realistic and achievable?
- 3.30 It may be that the complainant expects more than we can provide. If so, you must make this clear to them as soon as possible.
- 3.31 If this is a complaint escalated from a frontline complaint, then the investigating officer should revisit the original complaint as far as possible and check the facts and progress to date with the complainant.
- 3.32 Where possible you should also clarify what additional information you will need to investigate the complaint. The complainant may need to provide more evidence to help us reach a decision.
- 3.33 **Details of the complaint must be recorded on the Complaints database on Assyst.** Contact PIP to arrange for the details to be logged. Where appropriate, the record will indicate that frontline resolution was initially attempted. The database must be updated when the investigation ends.
- 3.34 If the investigation stage follows attempted frontline resolution, all case notes and associated information must be handed over to the officer allocated the investigation, and a record must be kept on the database that this has been done.

### **Timelines**

- 3.35 The following deadlines are appropriate to cases at the investigation stage:
- complaints must be acknowledged within **three working days** – PIP will issue the acknowledgement
  - a full response should be provided to the complaint as soon as possible and not later than **20 working days** from the time the complaint was received for investigation.

### **Extension to the timeline**

- 3.36 Not all investigations will be able to meet the 20-day deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.
- 3.37 If there are clear and justifiable reasons for extending the timescale, the operational Group Head will set time limits on any extended investigation, as long as the complainant agrees. You must keep the complainant updated on the reason for the delay and give them a revised timescale for completion. If the complainant does not agree to an extension but it is unavoidable and reasonable, then senior management must consider and confirm the extension. The reasons for an extension might include the following:
- The complainant has agreed to mediation as a potential route for resolution.
  - You cannot obtain further essential information within the 20-working day timescale, for example:
    - Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, members of the public or others but they cannot help because of long-term sickness or leave.
    - Operations have been disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- 3.38 These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.
- 3.39 As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics will go to Leadership Group and the SPCB on a quarterly basis.

### **Mediation**

- 3.40 Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.
- 3.41 Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.
- 3.42 If the SPCB and the complainant agree to mediation, revised timescales will need to be agreed.

- 3.43 It is not anticipated that the SPCB will refer many complaints for mediation and decisions to do so must be agreed by the Group Head.

### ***Closing the complaint at the investigation stage***

- 3.44 You must let the complainant know the outcome of the investigation, in writing or by their preferred method of contact. Your response to the complaint must address all areas for which the SPCB is responsible and explain the reasons for our decision.
- 3.45 Your decision and details of how it was communicated to the complainant must be recorded on the complaints database. If your complaints action officer is not trained on the use of the system, please send the details to PIP and they will update the record and close the complaint. You must also make clear to the complainant:
- their right to ask SPSO to consider the complaint
  - the time limit for doing so, and
  - how to contact the SPSO

### ***Independent external review***

- 3.46 Once the investigation stage has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied.
- 3.47 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.
- 3.48 The SPSO recommends that you use the wording below to inform complainants of their right to ask SPSO to consider the complaint.

#### **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland, including complaints about the SPCB. If you remain dissatisfied after receiving our response at the investigation stage, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through SPCB's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

In addition, please note that the SPSO cannot question the merits of a decision taken by the organisation where there is no maladministration, for example, decisions that are reflected in

policies approved by the SPCB acting within its legal powers.

The SPSO's contact details are given below:

In person:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

Postal address:

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

Freephone: **0800 377 7330**

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

The SPSO also provides a leaflet, [The SPSO—complaints, learning and improvement](#), which you may find helpful.

## **4 Governance of the Complaints Handling Procedure**

### **Roles and responsibilities**

- 4.1 Overall responsibility and accountability for the management of complaints lies with the Clerk/Chief Executive and, under their delegated powers, by his Leadership Group colleagues.
- 4.2 Stage 2 Investigation complaints must be signed off by a Group Head and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the complainant that their concerns have been taken seriously.

### **The Clerk/Chief Executive of the Parliament:**

- 4.3 The Clerk/Chief Executive of the Parliament provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. Regular management reports assure the Clerk/Chief Executive of the quality of complaints performance.

### **Assistant Chief Executives of the Parliament:**

- 4.4 On the Clerk/Chief Executive's behalf/or in his absence, Assistant Chief Executives may be responsible for:
  - investigating complaints which relate to their specific strategic responsibilities/projects
  - reporting to SPCB and Leadership Group via the compliance report.

### **Group Heads:**

- 4.5 On the Chief Executive's behalf, Group Heads may be responsible for:
  - managing complaints and the way we learn from them
  - overseeing the implementation of actions required as a result of a complaint
  - investigating complaints
- 4.6 However, Group Heads may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, they should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to complainants, so they should be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

- 4.7 The Group Head will be the complaints investigator for their area and is responsible and accountable for the management of the investigation. They will be involved in the investigation and in co-ordinating all aspects of the response to the complainant. This role may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

#### **Office Heads:**

- 4.8 The office head will be involved in the operational investigation and management of complaints handling. As senior managers they may be responsible for preparing draft letters to complainants, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

#### **Complaints Group**

- 4.9 The complaints group will have day-to-day operational responsibility for the implementation of the CHP and the development and promotion of good practice across the wider Scottish Parliamentary Service. Advice and support can be obtained by contacting [Public Information and Publications](#).

#### **The Scottish Parliamentary Corporate Body's SPSO liaison officer:**

- 4.10 Our SPSO liaison officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

#### **All staff:**

- 4.11 A complaint may be made to any member of staff in the Scottish Parliament, so all staff must be aware of the CHP and how to handle and record complaints at the frontline stage. They should also be aware to whom to refer a complaint, in case they are not able to handle the matter personally. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

#### **Complaints about staff**

- 4.12 Complaints about staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When complaints are raised against staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. A member of staff at an equivalent or higher level in another service area will be required to conduct the investigation. In the event of a complaint against the Clerk/Chief Executive, the Scottish Parliamentary Corporate

Body would undertake any necessary investigation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints. Complaints against staff are always treated confidentially and so are handled differently, though just as thoroughly, as complaints about services.

### **Disciplinary action arising from a complaint**

4.13 A possible result of a complaint being raised is that disciplinary action against one or more SPCB staff members needs to be considered. This could arise during frontline resolution or as a result of formal investigation. The Complaints Handling Procedure is not intended to and must not replace any of the normal disciplinary procedures in place, and any manager considering the need for disciplinary action arising out of a complaint must consult with HR and if appropriate a member of the Complaints Group to discuss handling the two procedures.

### **Recording, reporting, learning and publicising**

4.14 Complaints provide valuable feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the Scottish Parliament. We must record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

### ***Recording complaints***

4.15 To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:

- the complainant's name and contact details (Contact details are required only if the complaint cannot be resolved to the complainant's satisfaction on the spot and will need to be followed up.)
- the date the complaint was received
- the nature or subject-matter of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken.

- 4.16 We have structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy members of the public.
- 4.17 Frontline resolution complaints are recorded on the [Complaints Recording Log on SharePoint](#), which is accessible to all SPCB staff. Complaints that are taken to the investigation stage are recorded on the Complaints database on Assyst. Public Information and Publications staff will log all investigation complaints on Assyst and record where these follow attempted frontline resolution.

### **Reporting of complaints**

- 4.18 Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.
- 4.19 We publish on a quarterly basis the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to show members of the public that we value their complaints.
- 4.20 We must:
- publicise on a quarterly basis complaints outcomes, trends and actions taken
  - use case studies and examples to demonstrate how complaints have helped improve services.
- 4.21 This information will be reported regularly (and at least quarterly) to SPCB and Leadership Group.

### **Learning from complaints**

- 4.22 At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the complainant and staff of the service area involved understand the findings of the investigation and any recommendations made.
- 4.23 Leadership Group will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.
- 4.24 As a minimum, we must:
- use complaints data to identify the root cause of complaints
  - take action to reduce the risk of recurrence
  - record the details of corrective action on the complaint's record, and
  - systematically review complaints performance reports to improve service delivery.
- 4.25 Where we have identified the need for service improvement:

- the action needed to improve services must be authorised by a Group Head
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated 'owner' of the issue must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved eg. record on SPCB/Leadership Group Action Table
- we must ensure that staff learn from complaints.

### **Publicising complaints performance information**

4.26 We also report on our performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

### **Maintaining confidentiality**

4.27 Confidentiality is important in complaints handling. It includes maintaining the complainant's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of complainants' information.

4.28 All personal data provided by a complainant must be kept securely and must not be circulated more widely than is required to resolve the issue raised. In processing personal data, all staff must comply with the eight [data protection principles](#) and handle any personal data in a responsible way. All staff using the complaints database will attend Data Protection Awareness training.

### **Managing unacceptable behaviour**

4.29 People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the member of the public acting in an unacceptable way. Members of the public who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

4.30 A member of the public's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will,

therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from members of the public. Where we decide to restrict a member of the public's access under the terms of our [policy on unacceptable behaviour](#), we have a procedure in place to communicate that decision, notify the person of a right of appeal, and review any decision to restrict contact with us. This will allow the person to demonstrate a more reasonable approach later.

## Supporting the complainant

- 4.31 All members of the public have the right to equal access to our complaints handling procedure. Those who do not have English as a first language may need help with interpreting and translation services and others may have specific needs that we will seek to address to ensure easy access to the CHP.
- 4.32 We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the complainant where appropriate. Information on how to make a complaint is available in a range of formats, including Braille, large print, audio and British Sign Language video. Where appropriate, these formats are available through our website or can be provided by PIP. PIP can also arrange for interpreting or translation if these are needed.
- 4.33 Several support and advocacy groups are available to support members of the public in pursuing a complaint and they should be signposted to these as appropriate.
- 4.34 Members of the public can find out about advocates in their local area by contacting the Scottish Independent Advocacy Alliance:
- Website: [www.siaa.org.uk](http://www.siaa.org.uk)  
Tel: 0131 556 6443

## Time limit for making complaints

- 4.35 This CHP sets a time limit of six months from when the person first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.
- 4.36 We will apply this time limit with discretion. In decision making we will take account of the [Scottish Public Services Ombudsman Act 2002 \(Section 10\(1\)\)](#), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.
- 4.37 If it is clear that a decision not to investigate a complaint outwith the time limit will lead to a request for external review of the matter, the Group Head may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

## Appendix 1 - Complaints

The following table gives specific examples of complaints that may be considered at the frontline stage, and suggests possible actions to achieve resolution.

<b>Complaint</b>	<b>Possible actions to achieve resolution</b>
Rude or unhelpful behaviour	Issue an apology and attempt to resolve initial request
Poor service or service failure	Issue an apology and advise of remedial steps which can be implemented
The member of the public expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.	<ul style="list-style-type: none"> <li>• Tell the member of the public that we value complaints because they help to improve services. Encourage them to submit the complaint.</li> <li>• In terms of improving service delivery and learning from mistakes, it is important that feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the member of the public still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the person that they will not be contacted again about the matter.</li> </ul>

## Appendix 2 - What is not a complaint to be handled through the SPCB CHP

A concern may not necessarily be a complaint. For example, a member of the public might make a routine first-time request for a service, for example, for an interpreter or a headset. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the person has to keep asking for service.

A member of the public may also be concerned about a decision made by the organisation that has its own specific review or appeal procedures. They may also have a concern about an issue that is not handled through the SPCB CHP. Where appropriate, members of the public must be directed to the relevant procedure. Please contact PIP if you require advice on whether or not the SPCB CHP is the appropriate route for handling an issue.

**Example 1:** Complaints about policy on or delivery of local services, transport, housing, health care, education, etc

**Example 2:** Complaints about parliamentary decisions taken by MSPs in the Chamber or in a committee

**Example 3:** Complaints about MSPs (These may fall within the remit of the [Code of Conduct for Members](#).)

**Example 4:** Freedom of Information or Environmental Information request decisions (Information on how we handle [freedom of information and environmental information requests](#) can be found on our website.)

This is not a full list and you should decide the best route for resolution based on the individual case.

### Appendix 3 - The complaints handling procedure

