

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

Scottish Public Services Ombudsman (SPSO)



SPSO Scottish
Public
Services
Ombudsman

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What is the purpose of the briefing note series?

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes will be directly produced by IS staff but we will also make available material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. All briefing notes in the series can be accessed at www.improvementservice.org.uk/elected-member-guidance-and-briefings.html.

Why do complaints matter to elected members?

Supporting the public

As an elected member, you may be asked by a member of the public to help them make a complaint, or to make a complaint on their behalf, about your council. It is therefore important for you to understand your council's complaints handling procedure and when it may be appropriate to refer a complaint to the Scottish Public Services Ombudsman (SPSO).

Supporting improvement

As well as providing an opportunity for service users who are dissatisfied with the council to raise their concerns, complaints offer councils an opportunity to gain an accurate picture of the quality of service they offer from the perspective of the user. They provide valuable feedback on service delivery and provide a means for the user to have an input into the continuous improvement of a council.

Reporting and learning

Complaints may also provide an early warning of more fundamental problems in service design and delivery. Your council is required to analyse complaints performance information to ensure service failures are identified and appropriate action is taken. Regularly reporting the analysis of complaints information to senior management helps to inform where services need to improve.

As an elected member you may find a breakdown of complaints by ward level particularly useful, enabling you to see what local constituents are complaining about.

Learning from complaints is vital to improving services. The council's senior management must review the information gathered from complaints to consider whether services could be improved, or internal policies and procedures updated as a result of the complaint. Learning from complaints should be communicated throughout your council, including to frontline staff. It is also important to tell communities what has changed in their council as a result of complaints.

The SPSO keeps councillors, MSPs and MPs up to date with significant issues through its monthly e-newsletter. To sign up to this, contact communications@spsso.org.uk

What is the SPSO?

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about most organisations that provide public services in Scotland including councils, the NHS, prisons, water providers, universities and colleges, housing associations, the Scottish Government and most NDPBs. Its service is independent, free and confidential.

If a member of the public feels that their council has provided a poor service, delivered a service badly or failed to provide a service, they may complain to the council. The SPSO can usually only consider a complaint after it has gone through the full complaints procedure of the organisation concerned. This ensures that organisations have the opportunity to respond and to resolve the complaint internally. Once the investigation stage of the council's complaints handling procedure has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied.

The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way the council handled the complaint. The SPSO cannot investigate a complaint simply because someone does not like the decision the council has reached.

Public bodies in Scotland have a statutory duty to tell complainants of their right to complain to the SPSO and to publicise this in information they provide to the public on making complaints, so it is important that your council complies with this. The SPSO also encourages organisations to make all staff aware of their own complaints procedures and the role of the SPSO.

Limitations

The SPSO operates within the rules set out by Parliament. It has a broad jurisdiction but there are restrictions on what it can do. The SPSO cannot normally look at complaints:

- where a person has not completed the council's complaints handling procedure
- more than 12 months after the person became aware of the matter they want to complain about
- that have been, or are being considered in court.

It is important (and a legislative requirement) that SPSO's contact details are provided so that a person may raise the issue directly with SPSO to ensure they receive accurate advice.

While the SPSO covers most public services in Scotland, some complaints should go to other organisations for example:

- complaints about the police are dealt with by the Police Investigations and Review Commissioner
- complaints about a breach of a code of conduct should go to the Commissioner for Ethical Standards in Public Life
- The SPSO cannot consider complaints about a wholly reserved function.

If a complaint is outside the remit of the SPSO, it will provide guidance on what to do next or try to find another organisation which can help.

Contacting the SPSO

Members of the public can contact the SPSO:

- by phone on Freephone 0800 377 7330
- by letter to FREEPOST SPSO (no stamp needed)
- online at www.spsso.org.uk/contact-us
- in person at SPSO, 4 Melville Street, Edinburgh, EH3 7NS.

How does the SPSO resolve complaints?

The SPSO conducts independent and impartial complaints investigations.

If the SPSO agrees that a complaint comes under its remit, one of its complaints reviewers will investigate the evidence (such as examining complaints correspondence and speaking to both parties).

In most cases, the SPSO will write up its findings and recommendations in a decision letter. A few cases a year which meet the SPSO's public interest criteria are published as full public investigation reports. The SPSO lays its reports and summaries of decision letters before the Scottish Parliament, and posts the vast majority of these on its website at www.spsso.org.uk/our-findings.

Recommendations for redress and improvement

When the SPSO finds an organisation is at fault, it tries to resolve the issue for the individual and to make recommendations to the organisation to help prevent the problem from happening again. Recommendations can include asking the organisation to:

- apologise
- change its procedures or policies
- carry out staff training
- reimburse actual loss/costs incurred
- return the situation to how it would be had it acted correctly in the first place.

The complaints reviewer will follow up with the organisation to ensure any recommendations have been implemented.

Standardised complaints handling procedures

Effective complaints handling is a key part of good customer service. It is beneficial to your council and your customers to resolve complaints quickly and efficiently.

The SPSO was given the authority to lead on developing standardised complaints procedures under the Public Services Reform (Scotland) Act 2010. Since 2011, the Complaints Standards Authority, a small team within SPSO, has focused on setting standards and supporting public service organisations in complaints handling.

Most public service organisations, including every council in Scotland, are required to comply with a simple two-stage model complaints handling procedure (CHP). The principles of an effective CHP are that it is:

- user-focused
- accessible
- simple and timely
- thorough
- proportionate and consistent
- objective, impartial and fair
- and should seek early resolution and deliver improvement.

Under the model CHP, councils are required to publish annual performance information against a number of indicators including in relation to complaint volumes, outcomes, timeliness, customer satisfaction and learning from complaints.

The indicators are deliberately both quantitative and qualitative. Organisations are required to show how they are learning from complaints by:

- using complaints to identify the root cause of complaints
- taking action to reduce the risk of recurrence
- recording the details of corrective action in the complaints file, and
- systematically reviewing complaints performance reports to improve service delivery.

The Improvement Service supports the national reporting of council complaints performance information. This enables councils to benchmark their performance against each other and identify areas of good practice.

Supporting constituents and learning from complaints

Do you know what to do if a member of the public is unhappy with a service they have received?

People should contact the organisation they are unhappy with first as, often things can be quickly fixed. Dealing with complaints is an important part of providing a service to customers so it is important to ensure that all staff, including those on the frontline, are aware of the importance of resolving complaints at the earliest possible opportunity and that they are empowered to do so.

Your council should have publicly available information about how to complain and it should be possible to make a complaint through a number of methods. A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Organisations are required to take complaints seriously and respond positively. Your council is required to comply with the model complaints handling procedure (CHP). This is available at www.valuingcomplaints.org.uk.

Do you know if action is being taken to address the root cause of complaints?

Given your governance and public accountability responsibilities, it is important that you are aware of the number and types of complaints to your council and ensure they are managed in keeping with the CHP. You will also be interested in the action taken to resolve complaints. A key role for elected members is to ensure that common issues that are causing complaints are dealt with in order to improve services and prevent repeat complaints.

You may find it helpful to monitor complaints and action being taken, in your ward, or other geographical locations that you have a particular interest in.

Do you know how to support a constituent to make a complaint?

A member of the public may ask for your help in bringing a complaint to the SPSO. There are two options for this depending on what your constituent would prefer. You can represent them and deal with the SPSO direct - the SPSO complaints form provides a section where the complainant can give consent for this to happen. Alternatively, they may prefer to deal with SPSO but want to know that you are being kept informed because this reassures them or it allows them to discuss this with you easily - in which case they can provide consent for the SPSO to copy you in to all correspondence.

Complaints can be made to the SPSO in writing via the SPSO's website (www.spsso.org.uk) using an online form, in person, or to a freepost address.

If you are not sure what to do

Call the SPSO's Freephone number 0800 377 7330. They can usually give advice on what the best options are or will know of another organisation that can help.

Key questions for elected members to consider

This checklist contains essential questions for you to ask about your council's complaints culture and governance arrangements. You should ask for assurance and/or evidence that appropriate arrangements are in place.

Essential Questions	Yes/No
1. Does the organisation welcome and respond positively to complaints?	
2. Is it clear from the leadership team, strategic plan, mission and/or vision statement that the organisation values complaints?	
3. Are you satisfied that your organisation is learning from complaints?	
4. Does the organisation analyse complaints to identify trends, themes or patterns and use this information to inform service improvements, or make changes to policies and procedures?	
5. Is action taken to address the root causes of complaints to improve services for customers and prevent future complaints?	
6. Do senior managers have clearly defined roles in ensuring that service failures are remedied and improvements implemented as a result of complaints?	
7. Does the organisation look for opportunities to learn from complaints outcomes in other organisations and sectors, and share learning within the organisation.	
8. Does the organisation report its complaints handling performance to you and is it responsive to feedback from this level of scrutiny?	
9. Does the organisation learn from complaints processes, structures and working practices in other organisations and sectors.	
10. Does the organisation ensure that all staff have knowledge of the complaints process, are trained and empowered to deal with complaints and difficult customers, and their training needs are updated on a regular basis?	

Summary

- Dealing with complaints effectively is key to providing good customer service.
- Complaints provide an important source of feedback from your customers on how your services are being provided and things that need to improve.
- Your council has a legislative duty to comply with the local authority model Complaints Handling Procedure.
- You have a key role to play in ensuring that complaints are used to identify problems or issues with service design and delivery. Identifying and addressing the root causes of complaints can help to prevent repeat failings and repeat complaints.
- The SPSO is the final stage for complaints about most providers of public services in Scotland. It will usually only consider complaints after they have been through the council's full complaints process.

Further support and contacts

Further information and advice is available from the SPSO website: www.spsso.org.uk
and at www.valuingcomplaints.org.uk

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The Improvement Service (IS) is the national improvement organisation for local government in Scotland. Our purpose is to help councils and their partners to improve the health, quality of life and opportunities of all people in Scotland through community leadership, strong local governance and the delivery of high quality, efficient local services.

