

Report to:	MSMTM
Report by:	Helen Gardner-Swift, Head of Corporate Services (HOCS)
Meeting Date:	19 September 2023
Subject/ Title:	Review of key documents: C1 Complaint Handling Procedures C1 How to Make a Complaint VC192645
Attached Paper	Complaint Handling Procedures – Draft VC192248

Purpose of report

1. To seek SMT approval following the review of a key document.

Recommendation and actions

2. I recommend that the SMT:
 - subject to any further comments or suggested changes, approve the draft Complaint Handling Procedures
 - agree the key document actions set out in paragraph 24
 - agree the publication arrangements set out in paragraph 27.

Executive summary

Background

3. The Complaints Handling Procedures (CHP) have been reviewed in line with the Model Complaints Handling Procedure issued by the Scottish Public Services Ombudsman (SPSO).
4. The aim of our CHP is to have quick, simple and responsive complaints handling with local and early outcomes, if possible.

Review of the CHP

Structure of the CHP

5. This Complaints Handling Procedure (CHP) explains to staff how they should handle complaints. The reviewed CHP consists of:
 - Part 1 - Structure and Overview
 - Part 2 - When to use the procedure – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes and what to do if the CHP does not apply
 - Part 3 - The complaints handling process – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact

- Part 4 - Governance of the procedure – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
- Part 5 - Service users – information for service users on how we handle complaints

Overview of the CHP

6. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
7. We will try to determine complaints to the satisfaction of the person making the complaint wherever this is possible. Where this isn't possible, we will give a clear response to each of the points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
8. The complaints procedure has two main stages.
 - It is expected that the majority of complaints will be handled at Stage 1
 - If the person making the complaint remains dissatisfied after stage 1, they can request that we look at it again, at stage 2
 - if the complaint is complex enough to require an investigation, we will put the complaint into Stage 2 straight away and skip Stage 1
9. A complaint can also be resolved when both the organisation and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without a decision about whether the complaint is upheld or not upheld.
10. With the introduction of a resolved category there are now four outcome categories
 - resolved
 - upheld
 - partially upheld
 - not upheld
11. Our target complaint response timescales are set out in the CHP and also included in the Key Document C7 Performance and Quality Framework 2023-24.
12. Complaints will be recorded in Workpro and guidance for staff on how to do this is set out in the CHP.
13. The HOCS will report quarterly to the SMT on:
 - performance statistics, in line with the complaint key performance indicators
 - as appropriate, provide an analysis of the trends and outcomes of complaints (this may include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).
14. Complaint information will also be published quarterly and in the Annual Report.

15. We should learn from the information gathered from complaints (the SMT will review this) and consider whether our services could be improved or internal policies and procedures updated.

C1 How to Make a Complaint

16. If the CHP is approved, the Customer guide set out in Part 5 will replace the key document C1 How to Make a Complaint and this document should be discontinued and removed from Class 1.

Risk impact

17. Failure to respond to complaints is likely to have an adverse impact on the reputation of the Scottish Information Commissioner (the Commissioner).
18. Governance and operational risks are mitigated if there is an appropriate CHP in place.
19. An appropriate CHP will also help to ensure that services provided are as effective as possible.

Equalities impact

20. There are no direct equalities impacts arising as a result of the recommendations in this report.

Privacy impact

21. There is no direct privacy impact arising from this committee report or from the document submitted for approval.

Resources impact

22. None directly arising from this report.

Operational/ strategic plan impact

23. The review of the CHP is an project included in the Operational Plan 2023-24.

Records management impact (including any key documents actions)

24. If the draft CHP is approved, the following records management actions should be undertaken:
 - the document is a key document and published in Class 1 of the Commissioner's Register of Key Documents
 - the HOCS is the Responsible Manager for the document
 - the review date will be 3 years from approval
 - the relevant templates and Workpro processes will be updated and all members of staff will be made aware of the reviewed CHP and additional training provided, where required

- the Customer guide set out in Part 5 will replace the key document C1 How to Make a Complaint and the key document C1 How to Make a Complaint should be discontinued and removed from Class 1.

Consultation and Communication

25. The revised draft has been considered by the SMT.
26. QSMTM 1 minute and ASM.

Publication

27. The following publication arrangements are recommended
 - the CR is published
 - the draft document is withheld on the basis that it is exempt from disclosure under section 27(1) of FOISA (information intended for future publication).