SCOTTISH PUBLIC SERVICES OMBUDSMAN

People Centred | Improvement Focused

SPSO Statement of Complaints Handling Principles



About these principles

The Scottish Public Services Ombudsman Act 2002 (the Act), as amended, states at Section 16A(1) that the Ombudsman must publish a statement of principles concerning complaints handling procedures of listed authorities.

The statement sets out the principles that underpin an effective complaints procedure. They are the foundation for the Model Complaints Handling Procedures in place across most public services in Scotland. All public services and organisations within the Ombudsman's jurisdiction must have complaints procedures which comply with the principles.

Public services should foster a complaints handling culture of respect, transparency and accountability, to enhance relationships with citizens. Key to this complaints culture is learning, in order to drive improvement in public service delivery. Embedding the principles into complaints handling creates an environment where people feel safe and empowered to exercise their right to complain.

Person-centred and rights-based complaints handling welcomes complaints, and ensures that people feel heard, respected, and valued throughout the complaints process. It supports public services in taking an approach which is compassionate, robust and considerate of the wellbeing of everyone involved.

These principles do not stand alone, and must be read together with the SPSO's child-friendly complaints handling principles, and the resources and guidance on good complaints handling available on the SPSO's website.

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Person-centred

- People are at the heart of the complaints process. The complaints process should reflect and respect their rights in how it is explained and applied.
- Complaints handling should be based on human rights principles, and should respect people's rights in line with relevant law, standards and guidance.
- Complaints handling should recognise and respect the different needs of people and be flexible and responsive to those needs as far as possible and appropriate.
- People complaining should be listened to with empathy and respect, and treated with dignity and compassion. Public service staff complained about, and those handling complaints, have the same right. If they are not, public services should have policies in place to address such actions or behaviour, fairly and proportionately.
- People should feel supported in making a complaint.
- Confidentiality should be observed where necessary and appropriate.



Accessible

- The complaints procedure should be clearly communicated, easily understood and available to all, giving people access to justice through everyday rights.
- Complaints should be handled by informed, well trained and empowered staff who are given the support, resources and capacity to handle the volume and complexity of complaints received by a public service.
- The complaints procedure and how to access it should be actively promoted and publicised.
- The complaints procedure and how to access it should be easily understood without any specialist knowledge.
- The complaints procedure should follow the principle of universal design. It should be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.
- The complaints procedure should be accessible to, and meet the needs of, minority and vulnerable groups.
- Resources, materials and support to help people access and use the procedure should be made easily available, including information on advocacy services.



Simple and timely

- The complaints procedure should be flexible, with as few steps as necessary.
- Complaints should be responded to promptly, within published and realistic timescales. Where timescales cannot legitimately be adhered to, complainants should be kept informed, reasons explained to them, and they should be told how long their complaint will take.
- Quality and thoroughness of investigation should not be compromised by attempts to meet timescales.



Thorough, proportionate, consistent and effective

- The complaints procedure should achieve the best possible outcomes for people in the circumstances.
- Clear quality standards for complaints handling should be publicised and promoted to service users and staff. These should be supported by a clear explanation of what action will be taken if these standards are not met.
- The complaints procedures and quality standards should be reviewed regularly.
- The investigation and resolution of complaints should be proportionate and appropriate to the circumstances of each case.
- Investigations, outcomes and redress should be broadly consistent from one complaint to another, whilst being flexible in considering the needs of the individual person complaining.



Objective, impartial and fair

- The complaints process should be objective and led by evidence-based investigation, and findings and decisions should be based on facts and established circumstances, not assumptions. This should be demonstrated clearly in the final decision issued.
- All relevant facts should be gathered and established impartially and objectively. Complaints handlers should act as fact finders and verifiers, not in defence of their public service.
- People should receive an honest and clear explanation of the investigation findings. They should be told what actions will be taken, and about any changes that will be made as a result of their complaint.
- Complaints handling should be impartial and accountable. Complaints handlers should not be involved in investigating where they have been the subject of the complaint or involved in the issues complained about (unless unavoidable).
- The complaints procedure and how it is applied should be fair to people who complain, those handling complaints and those who are the subject of a complaint. This is demonstrated by how people are treated, achievement of person-centred outcomes, and showing respect for people's rights.



Resolution

- A key aim of the complaints procedure is that complaints are resolved at the earliest opportunity, starting with the first point of contact with people who complain. The outcomes a person is seeking should be clarified at the outset.
- A good resolution is where the person complaining and the public service agree the outcomes, and what action will be taken to provide full and final resolution.
- Staff should be trained and empowered to resolve complaints.



Learn and improve

- The complaints procedure should drive learning, improvement and efficiency in both the service delivered and how complaints are handled, the overall purpose being continuous improvement of service delivery
- The complaints procedure should reflect and enhance the culture of good service delivery.
- Data from complaints should be collated and used to measure performance and impact, identify trends and highlight problems so they can be solved before they have a chance to escalate or recur.
- Complaint performance data, and changes made as a result of complaint outcomes, should be reported to senior leaders and proactively be made publicly available to demonstrate transparency, impact and improvement and share best practice in service delivery.