

## **Complaints Handling Procedure**

**Owner: ILF Scotland**

**Subject: Handling Complaints**

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### **Foreword**

The complaints handling procedure reflects ILF Scotland's commitment to serving the public. ILF Scotland seeks to resolve issues at the point of service delivery, and where necessary to conduct thorough, impartial and fair investigations of complaints.

The procedure introduces a standardised approach to handling complaints across ILF Scotland activity, which complies with the Scottish Public Services Ombudsman (SPSO) guidance on complaints handling procedures. 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 ILF Scotland staff.

Complaints give us valuable information to improve customer satisfaction. Our complaints handling procedure will enable us to address dissatisfaction and should also prevent the problems that led to the complaint from occurring again. For our staff, complaints provide a first-hand account of the customer's views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.



The complaints handling procedure will help us do our job better, improve relationships with the people we serve and aid the work of the Independent Living Fund Scotland (ILF Scotland).

*Peter Scott Chief Executive Officer*

**How to use this Complaints Handling Procedure (CHP).....5**

**What is a complaint?.....5**

**Handling anonymous complaints.....7**

**What if the customer does not want to complain? .....8**

**Who can make a complaint? .....9**

**Complaints involving more than one service or organisation .....9**

**The complaints handling process.....10**

**Stage one: frontline resolution .....11**

*What to do when you receive a complaint ..... 12*

*Timelines ..... 14*

*Extension to the timeline..... 15*

*Closing the complaint at the frontline resolution stage..... 16*

*When to escalate to the investigation stage ..... 16*

**Stage two: investigation .....18**

*What to do when you receive a complaint for investigation ..... 18*

*Timelines .....20*

*Extension to the timeline.....20*

*Mediation .....22*

*Independent external review.....23*

**Governance of the Complaints Handling Procedure (CHP).....25**

**Roles and responsibilities.....25**

**Complaints about senior staff.....27**

**Recording, reporting, learning and publicising.....28**

*Recording complaints .....28*

*Reporting of complaints .....29*

*Learning from complaints.....30*

*Publicising complaints performance information.....31*

<b>Maintaining confidentiality .....</b>	<b>32</b>
<b>Managing unacceptable behaviour .....</b>	<b>32</b>
<b>Supporting the customer.....</b>	<b>33</b>
<b>Time limit for making complaints .....</b>	<b>33</b>
<b>Appendix 1 Complaints .....</b>	<b>34</b>
<b>Appendix 2 What is not a complaint.....</b>	<b>35</b>
<b>Appendix 3 Timelines .....</b>	<b>36</b>
<b>Appendix 4 - The complaints handling procedure.....</b>	<b>Error! Bookmark not defined.</b>

## **How to use this Complaints Handling Procedure (CHP)**

This document explains to ILF Scotland staff how to handle complaints. [Our website](#) provides information for customers on the CHP. Together, these form our complaints handling procedure.

It is designed to be adopted as an internal document, and also be available in the public domain. 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.

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>

## **What is a complaint?**

The Scottish Public Sector Ombudsman's definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.'

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with ILF Scotland policy
- treatment by or attitude of a member of ILF Scotland staff, or those acting on our behalf
- disagreement with a decision where the customer cannot use another procedure (for example a decision review ) to resolve the matter
- an ILF Scotland failure to follow the appropriate administrative process.

**This list does not cover everything.**

**Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- a routine first-time request for a service
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal

- 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.

You must not treat these issues as complaints, and should instead direct customers to use the appropriate procedures.

**Appendix 2** gives more examples of 'what is not a complaint' and how to direct customers appropriately.

An observation, however passionately felt or personally motivated, on our policy or its implementation is not a complaint that can be dealt with under this process (although a failure to respond, courteously, adequately and in a timely way, to such an observation may legitimately give rise to complaint). Those dissatisfied with decisions of the Independent Living Fund Scotland should normally follow our formal decision review processes. The complaints handling process is designed to deal with those cases where no other route for addressing a concern is available within ILF Scotland.

## **Handling anonymous complaints**

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. If, however, an

anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by the CEO.

If an anonymous complaint makes serious allegations, we will refer it to the ILF Scotland Head of Appeals and Reviews immediately.

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 customer does not want to complain?**

If a customer 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, and that complaints offer us the opportunity to improve services where things have gone wrong. Encourage the customer to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If, however, the customer insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that the customer'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.

Please refer to the examples in **Appendix 1** for further guidance.

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

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

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

If a complaint relates to the actions of two or more aspects of the Independent Living Fund Scotland's services, you must tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

If a customer complains to the Independent Living Fund Scotland about the service of another agency or public service provider, but the Independent Living Fund Scotland has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where a complaint relates to a service provided by the Independent Living Fund Scotland **and** the service of another agency or public service provider, (for example a support organisation, payroll provider, care agency or local authority), and ILF Scotland has a direct interest in the issue, you must handle the complaint about ILF Scotland 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 our customer's personal information. The

Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Such complaints might for example include:

- additional costs to a service user in regard to the level of financial monitoring undertaken by the local authority or payroll provider **and** the Independent Living Fund Scotland
- dissatisfaction with a service provided by an ILF Scotland Assessor **and** the local authority Social Worker and the handling of a complaint under the local authorities own complaint process. Example: missed joint visit appointments; delays in processing joint applications; non provision of information.

### **The complaints handling process**

Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints process provides two opportunities to resolve complaints internally:  **frontline resolution**, and  **investigation**.



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

### Stage one: frontline resolution

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

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 or telephone discussion with the customer, or asking an appropriate member of staff to deal directly with the complaint.

**Appendix 1** gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer, either by the member of staff receiving the complaint or other identified staff.

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.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. You must always consider frontline resolution, regardless of how you have received the customer's complaint. This may arrive via the ILF Scotland Assessor, phone, email, text message, letter, office contact or via a partner agency (e.g. local authority) .

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

1. On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see Appendix 2).

2. If you have received and identified a complaint, contact the ILF Scotland Head of Appeals and Reviews to arrange for the details to be on our complaints system.
  
3. Next, decide whether or not the complaint is suitable for frontline resolution. Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the customer's complaint (or complaints)?
  
  - What does the customer want to achieve by complaining?
  
  - Can I achieve this, or explain why not?
  
  - If I cannot resolve this, who can help with frontline resolution?
  
4. Some complaints will need to be fully investigated before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.

<p><b>What exactly is the customer's complaint (or complaints)?</b></p> <p>It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer for more information and probe further to get a full picture.</p>
<p><b>What does the customer want to achieve by complaining?</b></p> <p>At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.</p>
<p><b>Can I achieve this, or explain why not?</b></p> <p>If you can achieve the expected outcome by providing an on-the-spot apology or</p>

explain why you cannot achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject:

### **SPSO guidance on apology**

The customer may expect more than we can provide. If so, you must tell them as soon as possible. An example would be where the customer is so dissatisfied with the payment mechanism or cycle provided under an ILF Scotland award that they seek a cash system, but we are only willing to operate by BACS.

You may have to have to convey the decision face to face or on the telephone. If you do so face to face or by telephone, it is recommended that you confirm the position in writing. It is important that you keep a full and accurate record of the decision reached and this is passed to the customer.

### **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 attempt to resolve it.

## **Timelines**

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

You may need to get more information from other services to resolve the complaint at this stage. However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.

### **Extension to the timeline**

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 customer. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When you ask for an extension, you must get authorisation from the ILF Scotland Head of Appeals and Reviews, who will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include staff or contractors being temporarily unavailable. 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 customer about the reasons for the delay, and when they can expect your response.

If the customer does not agree to an extension but it is unavoidable and reasonable, the ILF Scotland Head of Appeals and Reviews must decide on the extension. You must then tell the customer about the delay and explain the reason for the decision to grant the extension.

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.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics.

These statistics must go to the ILF Scotland Board in line with agreed reporting procedures.

**Appendix 3** provides further information on timelines.

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

It is recommended that you inform the customer of the outcome in writing. You must ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision reached and given to the customer. The complaint should then be closed and the complaints system updated accordingly.

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

A complaint must be escalated to the investigation stage when:

- frontline resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint. This may be immediately on communicating the decision at the frontline stage or could be some time later
- the customer refuses to take part in the frontline resolution process
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.

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 ILF Scotland Senior Management Team's direct input.

The SPSO defines potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide a service
- generate significant and ongoing press interest
- pose a serious risk to ILF Scotland operations

- present issues of a highly sensitive nature, for example concerning:
- a particularly vulnerable person
- child or adult protection

## **Stage two: investigation**

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 of the complaints handling procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

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

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

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the customer and the service understand the investigation's scope.

It may be helpful to discuss and confirm these points with the customer 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 customer, consider three key questions:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide. If so, you must make this clear to the customer as soon as possible.

Where possible you should also clarify what additional information you will need to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

Contact ILF Scotland to arrange for details of the investigation to be recorded on the system for recording complaints. Where appropriate, this will be done as a continuation of frontline resolution. The details must be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, you must hand over all case notes and associated information to the ILF Scotland manager/officer responsible for the investigation, and record that you have done so.

## Timelines

The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within **three working days**
- you should provide a full response to the complainant as soon as possible but not later than **20 working days** from the time you received the complaint for investigation.

## Extension to the timeline

Not all investigations will be able to meet this 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.

If there are clear and justifiable reasons for extending the timescale, ILF Scotland senior management will set time limits on any extended investigation, as long as the customer agrees. You must keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer 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:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they cannot help because of long-term sickness or leave.
- You cannot obtain further essential information within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action, IT/banking failure, severe weather conditions.
- The customer has agreed to mediation as a potential route for resolution.

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.

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 must go to the ILF Scotland Head of Operations on a quarterly basis.

**Appendix 3** provides further information on timelines.

## **Mediation**

Some complex complaints, or complaints where customers 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.

Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.

If you and the customer agree to mediation, revised timescales will need to be agreed.

It is not anticipated that ILF Scotland will require to refer many complaints for mediation, and decisions to do so must be agreed by the CEO.

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

You must let the customer know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. Contact ILF Scotland to arrange for the decision, and details of how it was communicated to the customer, to be recorded on the system for registering complaints. You must also make clear to the customer:

- The right to ask SPSO to consider the complaint
- The time limit for doing so, and how to contact SPSO

### **Independent external review**

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.

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.

The SPSO recommends that you use the wording below to inform customers 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. This includes complaints about ILF Scotland, NDPBs, Agencies and other government sponsored organisations. If you remain dissatisfied with an organisation after its complaints process, 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 the Independent Living Fund Scotland'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.
- The SPSO's contact details are:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

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)  
Mobile site:  
<http://m.spsso.org.uk>

Freephone: **0800 377 7330**

## **Governance of the Complaints Handling Procedure (CHP)**

### **Roles and responsibilities**

Overall responsibility and accountability for the management of complaints lies with the ILF Scotland CEO and Board of Directors.

- Our final position on the complaint must be signed off by the Investigating Officer/ILF Scotland Head of Appeals and Reviews in agreement with the CEO 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 customer that their concerns have been taken seriously.

**The CEO and Directors:** The CEO and Directors provide leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The CEO and Directors may take a personal interest in all or some complaints, or may delegate responsibility for the complaint handling procedure to senior staff. Regular management reports assure the CEO and Directors of the quality of complaints performance.

**ILF Scotland Directors:** Through the CEO they are responsible for overseeing the Complaints Handling Procedures (CHP). This includes:

- the management of complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint

- supporting investigating officers and ensuring that adequate resource is available

They will usually delegate elements of complaints handling (such as investigations and the drafting of response letters) to ILF Scotland Head of Appeals and Reviews/Investigating Officers. Where this happens, they should **retain ownership and accountability** for the management and reporting of complaints.

ILF Scotland Head of Appeals and Reviews/investigator: The complaints investigator is responsible and accountable for the management of the investigation. They may will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This 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 Independent Living Fund Scotland.

All staff: A complaint may be made to any member of staff in the Independent Living Fund Scotland. So **all staff must be aware of the complaints handling procedure** and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. 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.

Independent Living Fund Scotland's SPSO liaison officer/Head of Appeals and Reviews: 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.

## **Senior Management Team (SMT)**

The SMT will have operational responsibility for the implementation of the CHP and the development and promotion of good practice across all of the activity of the Independent Living Fund Scotland. Advice and support can be obtained by contacting the Head of Appeals and Reviews.

## **Complaints about senior staff**

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. These cases should be referred to the Head of Appeals and Reviews to determine the next steps.

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

A possible result of a complaint being raised is that disciplinary action against one or more ILF Scotland staff needs to be considered. This could arise during Front-line Resolution or as a result of Formal Investigation. The CHP 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 should consult with a member of the Senior Management Team to discuss handling the two procedures.

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

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across ILF Scotland. 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**

The Complaints Tracker will take the form of a spreadsheet accessible to members of the SMT (see below). All updating will be carried out by members of that Group who can be contacted through ILF Scotland, although in the case of formal investigations a separate copy of that record will be available to the Head of Appeals and Reviews for them to update and maintain.

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

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received

- the service or matter 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 (including any allegations of harassment or misconduct) and any remedial action taken

## Reporting of complaints

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.

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 evidence to our customers / users that we value their complaints.

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.

This information should be reported regularly (and at least quarterly) to our ILF Scotland Board.

### **Learning from complaints**

At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the customer and staff of the section/department involved understand the findings of the investigation and any recommendations made.

The ILF Scotland Board will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

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 in the complaints file, and systematically review complaints performance reports to improve service delivery.

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- an ILF Scotland officer/section (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 individual 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
- we must ensure that staff learn from complaints.

## **Publicising complaints performance information**

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**

Confidentiality is important in complaints handling. It includes maintaining the customer'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 customers' information.

## **Managing unacceptable behaviour**

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

A customer'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 customers 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 customers. Where we decide to restrict access to a customer under the terms of an unacceptable actions policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.

## **Supporting the customer**

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to disability, equality and diversity. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

## **Time limit for making complaints**

This complaints handling procedure sets a time limit of 6 months from when the customer 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.

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.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we 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

In the following table gives examples of complaints that may be considered at the frontline stage, and suggest possible and probable actions to achieve resolution.

Complaint	Possible actions to achieve resolution
Rude or unhelpful behaviour	Issue an apology and attempt to resolve initial request
Failure to keep a scheduled appointment	Issue an apology and explanation of the reasons why
Poor service or service failure	Issue an apology and advise of remedial steps which can be implemented

## **Appendix 2 What is not a complaint**

### **Example 1:**

Complaints about local authorities, Benefits Agency/DWP, Scottish Government etc.

### **Example 2:**

Issues that are covered by a right of decision review. For example, award value, financial assessment, allowable purchase, available income etc.

### **Example 3:**

Threshold sum limits, local authority accounting policies, residence requirements etc.

### **Example 4:**

Legal proceedings or judgements

This list is not exhaustive and you should always decide on the best route to resolution on a case by case basis



### Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response must take no longer than 10 working days from the date of receiving the complaint.



#### Day 1:

Day complaint received by ILF Scotland, or next working date if day of receipt is a non-working day.

In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when the complaint was received. You must conclude the frontline resolution stage within 10 working days from the date of receipt, either by resolving the complaint or by escalating it to the investigation stage.

#### Day 10:

Frontline resolution achieved or complaint escalated to the investigation stage.

### Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the customer wants to escalate the complaint to the investigation stage, the case must be passed for

investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### **Timelines at investigation**

You may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### **Acknowledgement**

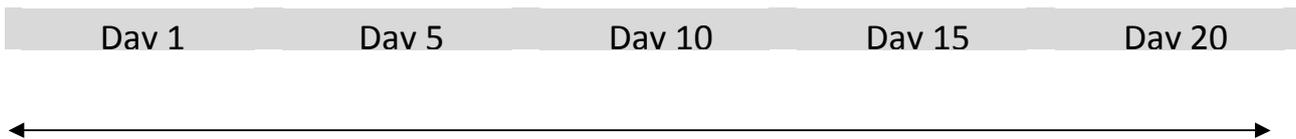
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Investigation

You should respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



### Day 1

Day complaint received at ILF Scotland with Investigation stage, or next working day date of receipt is a non-working day. Acknowledgement issued within three days.

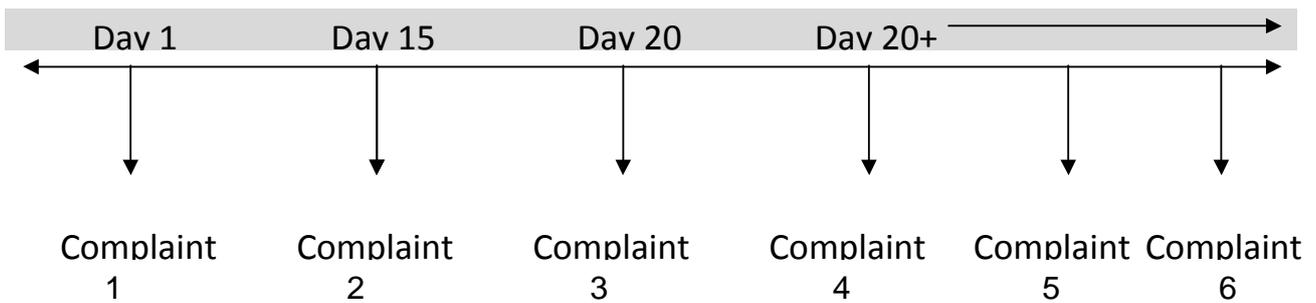
### Day 20:

ILF Scotland’s decision issued to customer or agreement reached with customer to extend deadline

Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the customer, and agree with them a revised timescale.

**Timeline examples**

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.



The circumstances of each complaint are explained below:

**Complaint 1**

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

### ***Complaint 2***

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

### ***Complaint 3***

Complaint 3 refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

### ***Complaint 4***

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the customer within the 20-day limit.

### ***Complaint 5***

We considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage the customer was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

## ***Complaint 6***

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

## Appendix 4 – Complaint Handling Procedure

