



# **Complaints Handling Procedure Community Justice Scotland**

Reviewed: May 2019



## Foreword

As an organisation, Community Justice Scotland wants to learn and improve wherever it can, and consider and respond to complaints. As a result, we value complaints. Our Complaints Handling Procedure seeks to resolve stakeholder dissatisfaction as early as possible and lays out how we will conduct thorough, impartial and fair investigations of stakeholder complaints so that we can make evidence-based decisions on the facts of the case.

We have adopted a standardised approach to handling complaints which complies with the Scottish Public Services Ombudsman's guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want quick, simple and streamlined complaints handling, and we want our staff to resolve complaints early and capably.

Complaints give us valuable information about our stakeholders, and help us to prevent problems from recurring. For our staff, complaints provide a first-hand account of our stakeholders' views and experiences, and can highlight problems we may otherwise miss. Handled well, complaints not only give our stakeholders a form of redress when things go wrong, but can also help us continuously improve our services.

Complaints that we do not resolve swiftly can add greatly to our workload. We are a small organisation and resolving complaints early, quickly and effectively saves public money. Done well, it will also enhance the public perception of Community Justice Scotland.

Karyn McCluskey  
Chief Executive



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## **How to use this Model Complaints Handling Procedure**

This document explains to staff how to handle complaints. Another document provides information for stakeholders on the complaints procedure. Together, these form our complaints handling procedure (CHP).

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. The language used reflects its status as an internal document. So 'we' refers to Community Justice Scotland, not the SPSO.

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?

Community Justice Scotland (CJS) defines a complaint as:

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

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with CJS's policy
- treatment by or attitude of a member of staff
- disagreement with a decision where the stakeholder cannot use another procedure (for example an appeal) to resolve the matter
- CJS's 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 stakeholders to use the appropriate procedures.

[Appendix 2](#) gives more examples of 'what is not a complaint' and how to direct stakeholders appropriately.

## 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 a senior manager.



If an anonymous complaint makes serious allegations, we will refer it to a senior officer 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 stakeholder does not want to complain?**

If a stakeholder 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 stakeholder to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the stakeholder is updated on the action taken and gets a response to their complaint.

If, however, the stakeholder insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that the stakeholder'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 example 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 stakeholder may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the stakeholder has given their personal consent.

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

If a stakeholder complains to CJS about the service of another agency or public service provider, but CJS has no involvement in the issue, the stakeholder should be advised to contact the appropriate organisation directly. However, where a complaint relates to a service provided by CJS and the service of another agency or public service provider, (for example a regulator, commissioner or a government department), and CJS has a direct interest in the issue, you must handle the complaint about CJS 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 stakeholder's personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

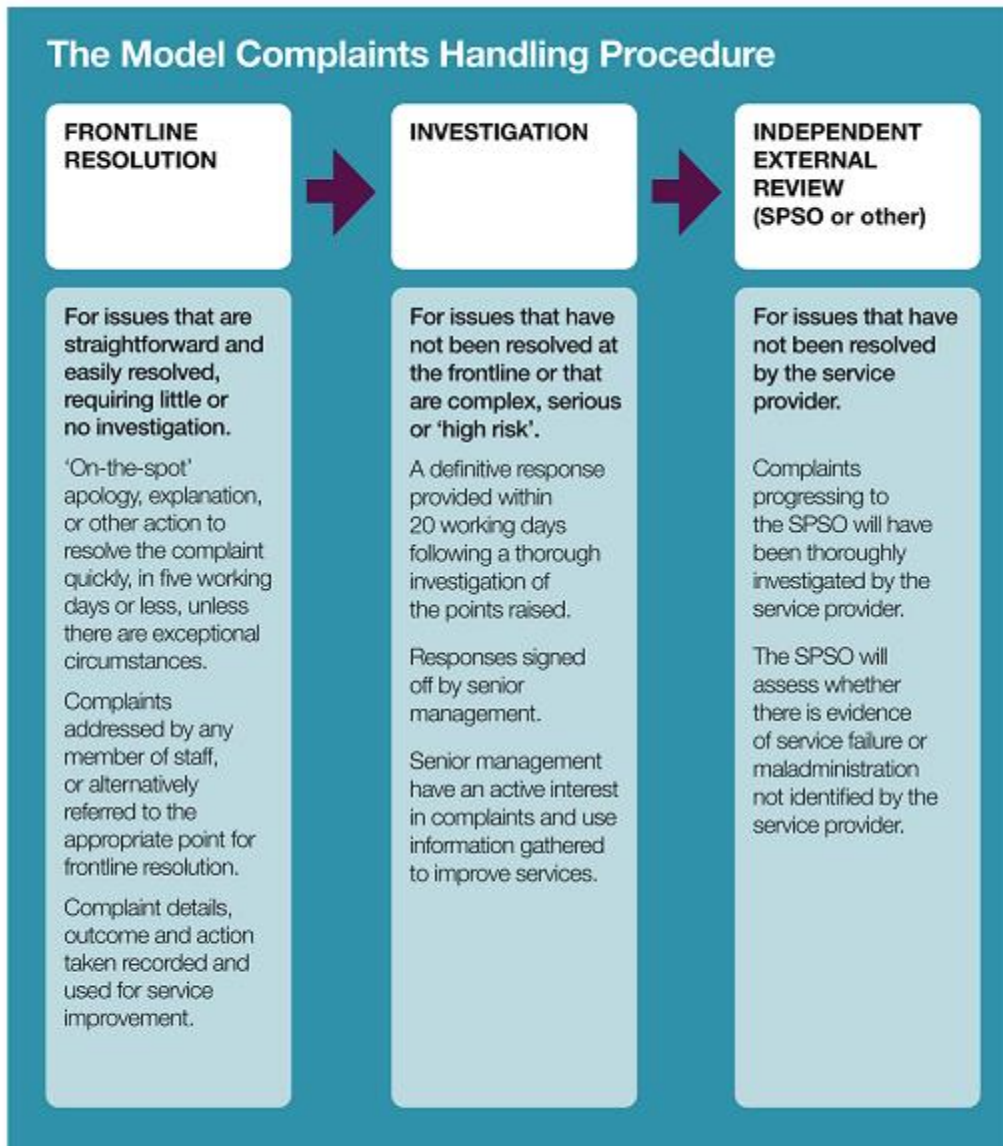
An example might be a complaint about a statutory Community Justice Partner in regards to a community justice matter.

## The complaints handling process

The CHP 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 within Community Justice 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 stakeholder 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 discussion with the stakeholder, 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 stakeholder, 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 stakeholder 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 stakeholder's complaint.

### **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 stakeholder may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the stakeholder to pursue another element through an alternative route (see **Appendix 2**).
- 2 If you have received and identified a complaint, record the details on our complaints log.
- 3 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 stakeholder a suitable response. You must escalate these complaints immediately to the investigation stage.
- 4 Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the stakeholder's complaint (or complaints)?
  - What does the stakeholder want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I cannot resolve this, who can help with frontline resolution?

#### **What exactly is the stakeholder's complaint (or complaints)?**

It is important to be clear about exactly what the stakeholder is complaining. You may need to ask the stakeholder supplementary questions to get a full picture.

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

At the outset, clarify the outcome the stakeholder wants. Of course, the stakeholder 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 stakeholder may expect more than we can provide. If the stakeholder's 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 are likely to 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 write to the stakeholder 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 stakeholder.

**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.

**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 departments to resolve the complaint at this stage. However, it is important to respond to the stakeholder within five working days, either resolving the matter or explaining that the Community Justice Scotland will investigate their complaint.

**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 stakeholder. 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 Director of Operations or Chief Executive, 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 stakeholder about the reasons for the delay, and when they can expect your response.

If the stakeholder does not agree to an extension but it is unavoidable and reasonable, the Director of Operations or Chief Executive must decide on the extension. You must then tell the stakeholder 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 our senior management team on a quarterly basis.

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

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

When you have informed the stakeholder of the outcome, you are not obliged to write to the stakeholder formally, although you may choose to do so. 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 stakeholder. The complaint should then be closed and the complaints log updated accordingly.

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

You must escalate a complaint to the investigation stage when:

- you tried frontline resolution but the stakeholder remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage, or some time later
- the stakeholder refuses to take part in frontline resolution
- 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 senior management'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 on-going press interest
- pose a serious risk to an organisation's objectives as described in our Corporate Plan
- present issues of a highly sensitive nature, for example concerning:
  - a particularly vulnerable person
  - child 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 stakeholder 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 stakeholder and the service understand the investigation's scope.

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

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

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

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

Details of the complaint must be recorded on the complaints log. 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 officer responsible for the investigation, and record that you have done so. The investigation cannot be conducted by the same member of staff who attempted frontline resolution.

### **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 complaint 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, The Director of Operations or Chief Executive will set time limits on any extended investigation, as long as the stakeholder agrees. You must keep the stakeholder updated on the reason for the delay and give them a revised timescale for completion. If the stakeholder does not agree to an extension but it is unavoidable and reasonable, the Director of Operations 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, stakeholders 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 or severe weather conditions.
- The stakeholder 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 our senior management team on a quarterly basis.

[Appendix 3](#) provides further information on timelines.

### **Mediation**

Some complex complaints, or complaints where stakeholders 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 stakeholder agree to mediation, revised timescales will need to be agreed, the cost of any mediation would require to be approved by the Director of operations.



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

You must let the stakeholder 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. You must record the decision, and details of how it was communicated to the stakeholder, on the complaints log. You must also make clear to the stakeholder:

- their right to ask SPSO to consider the complaint (see wording below)
- the time limit for doing so, and
- how to contact the SPSO.

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

Once the investigation stage has been completed, the stakeholder 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 stakeholders of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, [The Ombudsman and your organisation](#), which you may find helpful in deciding how and when to refer someone to the SPSO.

#### **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 the Scottish Government, 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 organisation'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  
Bridgeside House,  
99 McDonald Road,  
Edinburgh,  
EH7 4NS  
SPSO  
Freepost

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)

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

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

### **Roles and responsibilities**

Overall responsibility and accountability for the management of complaints lies with the Chief Executive.

Our final position on the complaint must be signed off by the Chief Executive or Director of Operations 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 stakeholder that their concerns have been taken seriously.

### **The Chief Executive**

The Chief Executive 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. The Chief Executive may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the Chief Executive of the quality of complaints performance.

### **Director of Operations**

On the Chief Executive's behalf, the Director of Operations 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
- deputising for the Chief Executive on occasion.

However, the Director of Operations may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other staff. Where this happens, the Director of Operations should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to stakeholders, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

### **Complaints Investigator:**

The complaints investigator 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 stakeholder. 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 organisation.

### **All staff:**

A complaint may be made to any member of staff in CJS. 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 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.

**CJS's SPSO liaison officer:**

The Office Manager will be SPSO liaison officer – this role may 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.

### **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. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints. Where complaints are made against senior staff they will be handled by the Chief Executive. Where complaints are raised against the Chief Executive, investigation will be conducted by the Chair of the Board, or another Board member, as the Chair sees fit.

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

Complaints provide valuable stakeholder feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across CJS. 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**

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

- the stakeholder's name and address
- the date the complaint was received
- the nature 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.

Our complaints log records complaints, their outcomes, any resulting action and lessons learned. These provide a detailed record of services that have failed to satisfy stakeholders.

### **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 show our stakeholders 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 senior management team.

### ***Learning from complaints***

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

The Director of Operations is responsible for reviewing 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 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 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 stakeholder'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 stakeholders' 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 stakeholder acting in an unacceptable way. Stakeholders who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

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

### **Supporting the stakeholder**

All members of the community have the right to equal access to our complaints handling procedure. Stakeholders may have specific needs, e.g. who do not have English as a first language, or stakeholders who have trouble expressing themselves on paper. We will ensure we support them to access the complaints handling procedure.

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

Several support and advocacy groups are available to support stakeholders in pursuing a complaint and stakeholders should be signposted to these as appropriate. *(see appendix)*

### **Time limit for making complaints**

This complaints handling procedure sets a time limit of six months from when the stakeholder 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 stakeholder'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 – Examples of Complaints

In the following table organisations should give organisational specific examples of complaints that may be considered at the frontline stage, and suggest possible actions to achieve resolution.

<b>Complaint</b>	<b>Possible actions to achieve resolution</b>
<p>A stakeholder applied unsuccessfully for a vacancy at CJS and feels they should have been invited to interview for a post at CJS.</p>	<p>Tell the stakeholder that we value complaints because they help to improve services. Explain how the candidate sifting process is conducted; refer the candidate to the appropriate recruitment policy; offer to give feedback on why their application did not score highly enough to warrant invitation to an interview.</p>
<p>A stakeholder recently called CJS for information, and feels that the service they received was of poor quality.</p>	<p>Tell the stakeholder that we value complaints because they help to improve services. The Complaints Investigator identifies which member of staff the call was with and investigates. They might give an apology that the call did not meet the expected standard.</p>
<p>The stakeholder 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.</p>	<p>Tell the stakeholder that we value complaints because they help to improve services. Encourage them to submit the complaint. In terms of improving service delivery and learning from mistakes, it is important that stakeholder feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the stakeholder 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 stakeholder that they will not be contacted again about the matter.</p>



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

A concern may not necessarily be a complaint. For example, a stakeholder might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the stakeholder has to keep on asking for service.

A stakeholder may also be concerned about a decision made by the organisation. These decisions may have their own specific review or appeal procedures, and, where appropriate, stakeholders must be directed to the relevant procedure.

**Example 1:** A stakeholder writes to Community Justice Scotland to express their views on the justice system in Scotland, and their disagreement with Community Justice as an effective approach to making Scottish communities safer. This concern will be met with correspondence or a phone call, referring the stakeholder to available evidence underpinning community justice as an appropriate tool for reducing reoffending.

**Example 2:** A stakeholder wishes to know how much CJS has spent on IT equipment in the past year. This should be handled as an FOI request.

**Example 3:** A former employee would like to know what personal data CJS holds on them. This should be handled as a Subject Access Request.



If it is clear that frontline resolution has not resolved the matter, and the stakeholder 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 stakeholder 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

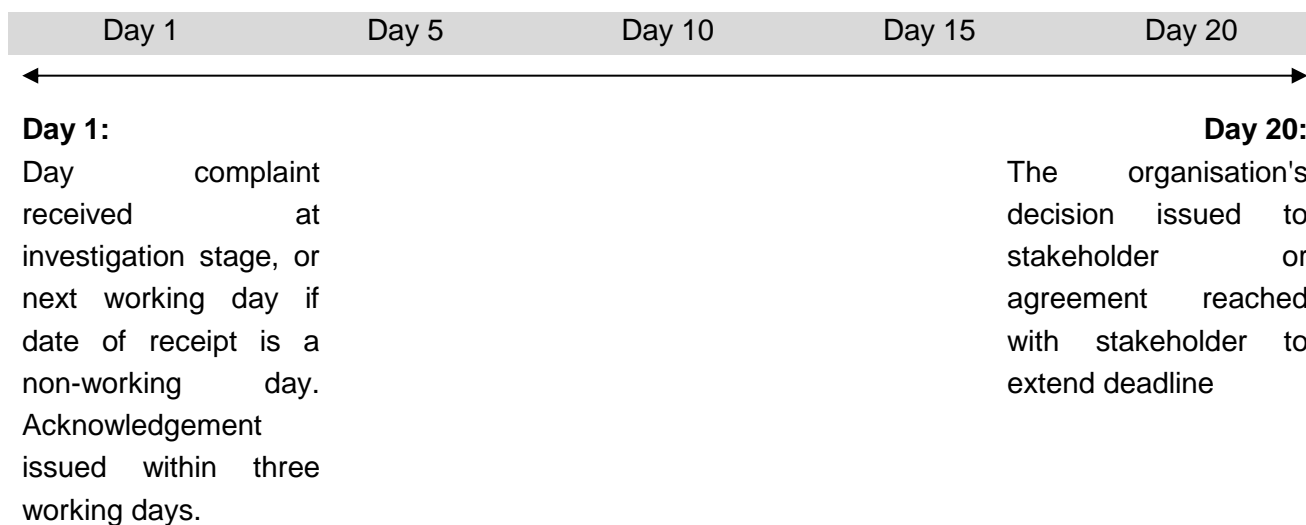
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- 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 stakeholder asks for an investigation after a decision at the frontline resolution stage. You should note that a stakeholder 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.

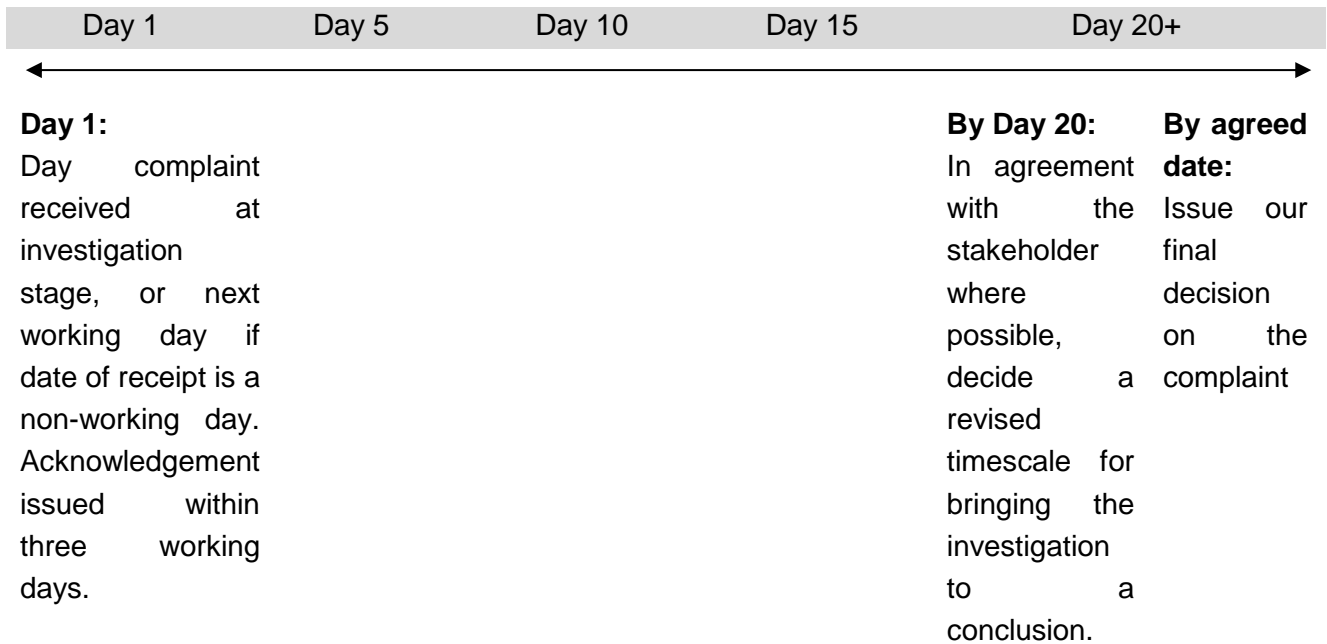
### Investigation

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.

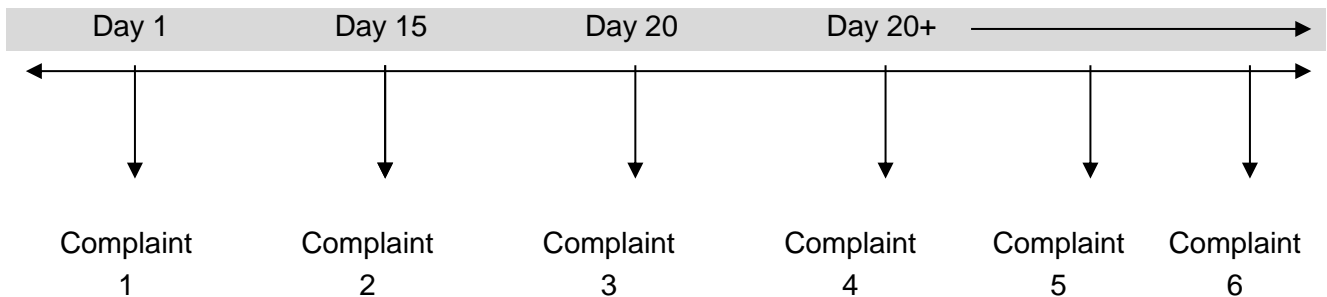


Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the stakeholder, and agree with them a revised timescale.



**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 stakeholder 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 stakeholder 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 stakeholder for concluding the investigation beyond the 20-day limit.

**Appendix 4 - The complaints handling procedure Appendix 4**

