



The Scottish Parliament
Pàrlamaid na h-Alba

The Complaints Handling Procedure for the Scottish Parliamentary Corporate Body (SPCB)

Part 1:

Introduction and overview

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Foreword

Valuing the people of Scotland

On behalf of the Scottish Parliamentary Corporate Body, I am pleased to be able to share with you our updated Complaints Handling Procedure.

Our vision is that all our staff contribute to making a positive difference to the lives of the people of Scotland. As a staff group, we are committed to this and our values drive not only what we do, but how we do it:

1. Stewardship – focusing on the longer term to leave things better than we found them and putting shared interests ahead of any individual or team.
2. Inclusiveness – understanding the big picture and seeking out alternative perspectives, helping people make a valued contribution and deliver their best work.
3. Excellence – taking care to enhance our reputation in everything we do and using our skills and resources efficiently and effectively to deliver high-quality sustainable results.
4. Respect – appreciating difference, building cohesive teams and fostering the values and experiences of diversity.

Our staff deliver in the spirit of our values and to meet the commitments of our procedures. Where there is learning to be had, we want to capture it and share it across our staff group.

The Scottish Parliamentary Corporate Body's commitment to valuing complaints is represented in our Complaints Handling Procedure, keeping the user at the heart of the process. Those we deliver services for and to can expect us to take complaints seriously, to try and resolve them when they occur, and when something is complex, be confident that impartial and fair investigations that deliver learning and improvements take place.

Newest edition

The Scottish Public Services Ombudsman (SPSO), in consultation with relevant stakeholders, revised the Model Complaints Handling Procedures (MCHPs) in 2019.

This new edition of our Complaints Handling Procedure complies with the SPSO's guidance on a MCHP. It offers quick, simple and streamlined processes with local, early responses by capable, well-trained staff. I hope this document helps people understand what they can expect and will receive from our staff.

David McGill

Chief Executive

April 2021

Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:
 - Overview and structure (part 1) – this document
 - When to use the procedure (part 2) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
 - The complaints handling process (part 3) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
 - Governance of the procedure (part 4) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
 - The customer-facing CHP (part 5) – information for customers on how we handle complaints
2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO: www.spso.org.uk

Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. We will try to resolve complaints to the satisfaction of the customer wherever this is possible. Where this isn't possible, we will give the customer a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
5. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

Stage 1: Frontline response	Stage 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in five working days or less (unless there are exceptional circumstances)</p> <p>Complaints addressed direct by any appropriate member of staff, or referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to stage 2</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within three working days</p> <p>We will contact the customer to clarify the points of complaint and outcome sought; or, where these are already clear, we will confirm them in the acknowledgement.</p> <p>Complaint resolved or a definitive response provided within 20 working days, following a thorough investigation of the points raised</p>	<p>Where the customer is not satisfied with the stage 2 response from the SPCB</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the SPCB.</p>

6. For detailed guidance on the process, see Part 3: The complaints handling process.

Expected behaviours

7. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask those bringing a complaint to treat our staff with respect. We ask them to engage actively with the complaint handling process by:
 - telling us their key issues of concern and organising any supporting information they want to give us (We understand that some people will require support to do this.)
 - working with us to agree the key points of complaint when an investigation is required; and
 - responding to reasonable requests for information.
8. We have a policy in place for when these standards are not met. This is our [Unacceptable Actions Policy](#), which is published on our website.
9. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.
10. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers 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 actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict a customer's access under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us. This is set out in our [Unacceptable Actions Policy](#).
11. If we decide to restrict a customer's contact with us, we will be careful to follow the process set out in our policy and to minimise any restrictions on their access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter/email or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (see Part 3: Signposting to the SPSO).
12. The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

Maintaining confidentiality and data protection

13. Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
14. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
15. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information. Information about how we handle personal data is available on our [website](#) or by emailing foi.officer@parliament.scot.
16. In certain circumstances, our response to a complaint may be limited by confidentiality. For example:
 - where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but we will not share specific details affecting staff members, particularly where disciplinary action is taken.
 - where a concern about a child or an adult's safety has been raised and the complainant is unhappy about how that has been dealt with – we will look into this to check whether the safety concern had been properly dealt with, but we will not share any details of our findings in relation to the safety concern.