



Commissioner for Ethical Standards in Public Life in Scotland

Complaint Handling Procedures

April 2014

Statement from the Commissioner

Our complaints handling procedure reflects our commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point at which it arises and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure reflects the introduction of a standardised approach to handling complaints across government, which complies with the SPSO's guidance on a model complaints handling procedure. 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 staff.

Complaints give us valuable information we can use to improve the satisfaction of people who come into contact with our organisation. Our complaints handling procedure will enable us to address a person's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the views and experience of people who come into contact with us, and can highlight problems we may otherwise miss. Handled well, complaints can help us continuously improve the functions that we fulfil.

Resolving complaints early saves money and creates better relations. Sorting them out as close to the point of interface as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

The complaints handling procedure will help us do our job better, improve relationships with the people who come into contact with us and enhance public perception of the work of the Commissioner. It will help us to better understand how to improve what we do by learning from complaints.

A handwritten signature in black ink, appearing to read 'D. STA Allan', written on a light-colored background.

Stuart Allan
Commissioner for Ethical Standards in Public Life in Scotland

31 March 2014

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Using the Complaints Handling Procedure

This document explains to staff how to handle complaints. Another document provides information for people who come into contact with us on the complaints procedure. Together, these form our complaints handling procedure (CHP).

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.

What is a complaint?

The Commissioner's definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the way an individual has been treated by us.'

It should be noted that this complaints procedure does not apply to the way in which the Commissioner fulfils some of his statutory functions such as any decision made by the Commissioner in connection with the conduct or outcome of investigations carried out in accordance with the provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000. Neither does it apply to complaints about the ministerial public appointments as described in the Public Appointments and Public Bodies etc. (Scotland) Act 2003. More detail is provided under the sections describing what is and what is not a complaint for the purposes of this CHP.

A complaint may relate to:

- inadequate standards eg unreasonable delay in dealing with a complaint;
- treatment by or behaviours of a member of staff;
- the failure of staff to follow the appropriate administrative process or guidelines that we undertake to work to.

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 information on what we do;
- a request for compensation only;
- issues that are in court or have already been heard by a court or a tribunal or are investigations under consideration by the Commissioner as a quasi-judicial authority in terms of the Ethical Standards in Public Life etc. (Scotland) Act 2000;
- in relation to the outcome of an investigation that an MSP, member of a public body or councillor has not adhered to the relevant Code of Conduct, the Commissioner's decision on that outcome, as this is a statutory function of the Commissioner;
- in relation to the conduct of such an investigation, the Commissioners decision on whether, when or how to proceed with an investigation as this is a statutory function of the Commissioner;

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- in relation to public appointments, a decision by the Commissioner on the outcome of a complaints investigation, unless new evidence is provided that has not been considered, as this is a statutory function of the Commissioner;
 - in relation to public appointments, the Commissioner's interpretation of the Code of Practice for Ministerial Appointments to Public Bodies in Scotland, as this is a statutory function of the Commissioner;
 - disagreement with any part of an investigation where the Commissioner's statutory discretion has been exercised;
 - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where the Commissioner has already given a final decision.

We will not treat these issues as complaints, and will instead direct those who contact us to use the appropriate procedures for appeals where these exist.

[Appendix 2](#) gives examples of 'what is not a complaint'.

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 it 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 person does not want to complain?

If a person has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve the work that we do where things have gone wrong. We will encourage the person concerned to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the person concerned is updated on the action taken and gets a response to their complaint.

If, however, the person concerned insists they do not wish to complain, we will record the issue as an anonymous complaint. This will ensure that the person'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 comes into contact with us can make a complaint. Sometimes someone may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the person with the complaint has given their personal consent.

Complaints involving more than one function or organisation

If a complaint relates to the actions of two or more of the functions of the Commissioner, we will tell the complainant 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 person complains to us about the service of another agency or public service provider, but we have no involvement in the issue, the person will be advised to contact the appropriate organisation directly. However, where, a complaint relates to a function fulfilled by the Commissioner and the service of another agency or public service provider, (for example another regulator, commissioner or a government department), and the Commissioner has a direct interest in the issue, we will handle the complaint through the CHP. If we need to make enquiries to an outside agency in relation to the complaint we will always take account of data protection legislation and our guidance on handling personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice that we will take cognisance of.

Such complaints may include:

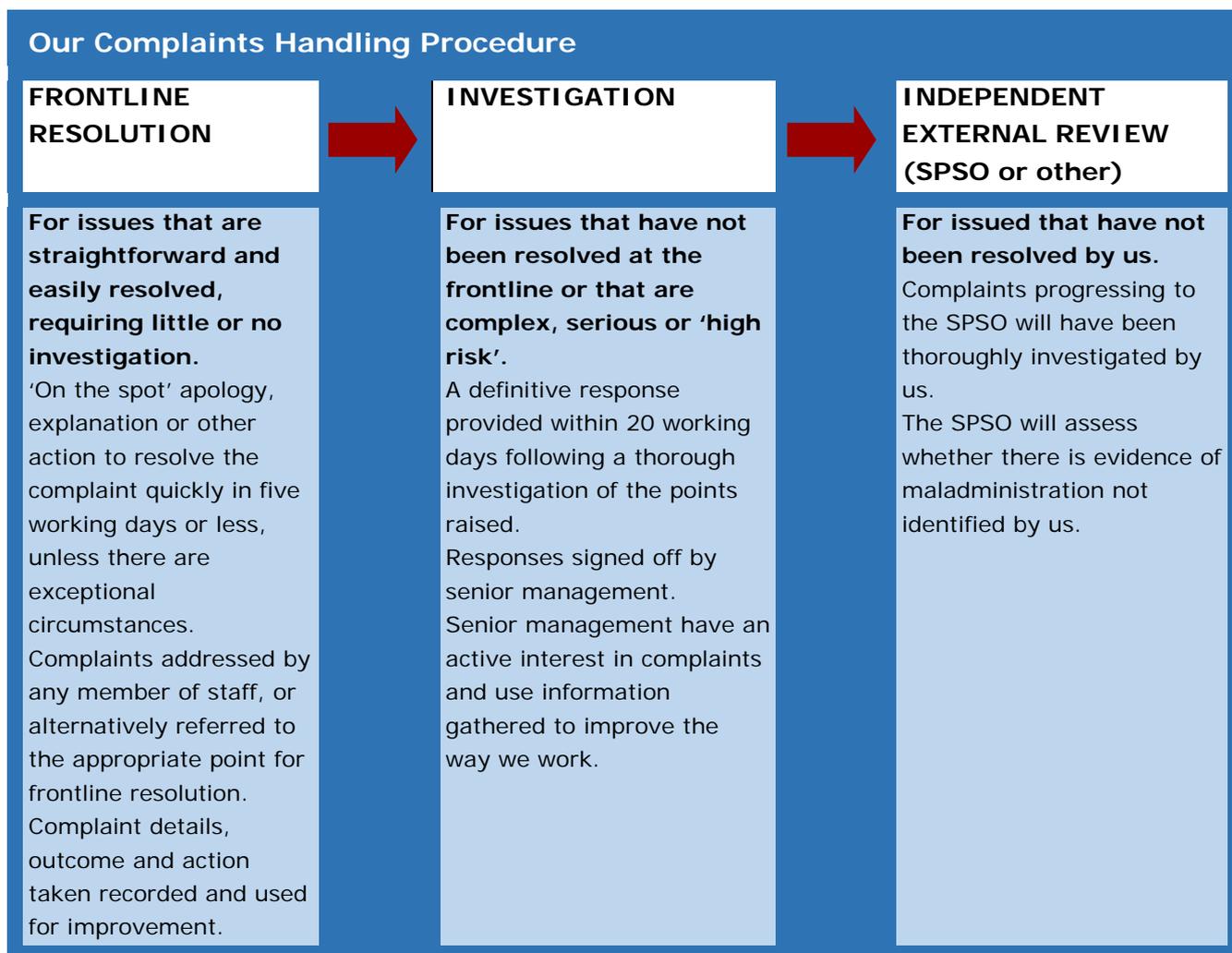
- a complaint that we have not responded appropriately to an FOI request and that the staff member who handled the original request was obstructive.
- a complaint that someone mistakenly made a repeat request for feedback in relation to a public appointment and our staff failed to direct them to the Scottish Government officials responsible for the provision of that feedback.

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 the Commissioner's office 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 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 concern as possible. This may mean a face-to-face discussion with the person concerned, 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 person concerned, either by the member of staff receiving the complaint or other identified staff.

In either case, we 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. We may also explain that, as an organisation that values complaints, we may use the information given when we review our standards in the future.

A person can make a complaint in writing, in person, by telephone, by email or via our website, or by having someone complain on their behalf. We will always consider frontline resolution, regardless of how we have received the complaint.

What we do when we receive a complaint

- 1 On receiving a complaint, we will first decide whether the issue can indeed be defined as a complaint. The person may express dissatisfaction about more than one issue. This may mean we treat one element as a complaint, while directing the person to pursue another element through an alternative route (see [Appendix 2](#)).
- 2 If we have received and identified a complaint, we will record the details on our complaints system.
- 3 Next, we will decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before we can give the person a suitable response. We must escalate these complaints immediately to the investigation stage.
- 4 Where we think frontline resolution is appropriate, we will consider four key questions (explained in more detail overleaf):
 - What exactly is the complaint (or complaints)?
 - What does the person 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 person's complaint (or complaints)?

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

What does the person want to achieve by complaining?

At the outset, we will endeavour to clarify the outcome the person wants. Of course, the person may not be clear about this, so we 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 we can achieve the expected outcome by providing an on-the-spot apology or explain why we cannot achieve it, we will do so.

The complainant may expect more than we can provide. If their expectations appear to exceed what we can reasonably provide, we will tell them as soon as possible in order to manage expectations about possible outcomes.

We will endeavour to convey the decision face to face or on the telephone. If we do so face to face, by telephone or by email, we are not required to write to the person as well, although will do so on request. We will, in any case, keep a full and accurate record of the decision reached and passed to the complainant.

If I can't resolve this, who can help with frontline resolution?

If a staff member cannot deal with the complaint because, for example, he or she is unfamiliar with the issues or area of work involved, they will 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.

Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, we may agree an extension of no more than five working days with the complainant. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

Staff must get authorisation from the appropriate senior manager, who will decide whether such an extension is needed 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. We will tell the complainant about the reasons for the delay, and when they can expect our response.

If the complainant does not agree to an extension but it is unavoidable and reasonable, a senior manager will decide on the extension. We will then tell the complainant 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 we receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will 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 we have informed the complainant of the outcome, we are not obliged to write to the complainant, although we may choose to do so. We will ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. We will keep a full and accurate record of the decision reached and given to the complainant. The complaint should then be closed and the complaints system updated accordingly.

When to escalate to the investigation stage

We will escalate a complaint to the investigation stage when:

- we tried frontline resolution but the person remains dissatisfied and requests an investigation. This may happen immediately when we communicate the decision at the frontline stage, or some time later
- the person 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.

We will 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
- generate significant and ongoing press interest
- pose a serious risk to an organisation's operations
- 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. Some may be 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 complainant a full, objective and proportionate response that represents our final position.

What we do when we receive a complaint for investigation

We will be clear from the start of the investigation stage exactly what we are investigating, and ensure that the complainant and any others involved understand the investigation's scope.

We will usually discuss and confirm these points with the complainant at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with them, we will consider three key questions:

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

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

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

Details of the complaint will be recorded on the system for recording complaints. Where appropriate, this will be done as a continuation of frontline resolution. The details will be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, the staff member will hand over all case notes and associated information to the officer responsible for the investigation, and record that he or she has done so.

Timelines

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

- complaints must be acknowledged within **three working days**
- we will provide a full response to the complaint as soon as possible but not later than **20 working days** from the time we 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 we will 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, senior management will set time limits on any extended investigation, as long as the complainant agrees. We will keep the complainant updated on the reason for the delay and give them a revised timescale for completion. If the complainant 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 or others but they cannot help because of long-term sickness or leave.
- We 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 complainant has agreed to mediation as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception and we will 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 will go to our senior management team on a quarterly basis.

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

Mediation

Given the nature of the statutory responsibilities discharged by the Commissioner, including the requirement of confidentiality, it is unlikely mediation would be appropriate. However, some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, we 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 can help both parties to understand what has caused the complaint, and so be more likely to lead to mutually satisfactory solutions.

If we and the complainant agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

We will let the complainant know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint will address all areas that we are responsible for and explain the reasons for our decision. We will record the decision, and details of how it was communicated to the complainant, on the system for recording complaints. We will also make clear to the complainant:

- their right to ask SPSO to consider the complaint
- the 12 month time limit for doing so, and
- how to contact the SPSO.

Independent external review

Once the investigation stage has been completed, the complainant will be advised of their 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.

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;
- from a third party without authorisation for the complaint;
- where on the face of it maladministration has not occurred;
- without evidence of injustice and hardship suffered by the complainant (in line with section 5(3) of the SPSO Act 2002).

It should be noted that this complaints procedure does not apply to any decision made by the Commissioner in connection with the conduct or outcome of investigations carried out in accordance with the provisions of the Ethical Standards in Public Life etc. (Scotland) Act 2000.

The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

SPSO
Freepost EH641
Edinburgh
EH3 0BR

Freephone: **0800 377 7330**

Online contact www.spsso.org.uk/contact-us

Website: 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 Commissioner.

No member of staff or of the management team will ever investigate complaints about their own actions. The Commissioner will always be consulted if it appears as though someone tasked with investigating a complaint may have a conflict of interest that would render their activity inappropriate.

Our final position on the complaint will be signed off by an appropriate senior officer 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 complainant that their concerns have been taken seriously. The roles and responsibilities of the Commissioner and staff are set out on our website.

The Commissioner

The Commissioner provides leadership and direction in ways that guide and enable us to perform effectively in all that we do. 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 Commissioner 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 Commissioner of the quality of complaints performance.

Management

The current management team consists of:

Brenda McKinney, Investigations Manager

David Sillars, Senior Investigating Officer

Helen Hayne, Investigations Manager

Ian Bruce, Public Appointments Manager

Karen Elder, Business Manager

Any one of the management team may be involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to complainants, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

All staff:

A complaint may be made to any member of our staff. All staff are aware of the CHP and how to handle and record complaints at the frontline stage. They are also 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 contact as possible, and quickly to prevent escalation.

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, we will ensure that the investigation is conducted by an individual who is independent of the situation. We have strong governance arrangements in place that set out clear procedures for handling such complaints.

Recording, reporting, learning and publicising

Complaints provide valuable feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve the way in which we fulfil our role. We will 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 improvements.

Recording complaints

To collect suitable data we will record all complaints in line with SPSO minimum requirements, as follows:

- the complainant's name and address (or email address) unless anonymous
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the issue 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.

We have structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of issues that have failed to satisfy complainants.

Reporting of complaints

Complaints details are analysed quarterly for trend information to ensure we identify failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where our activities need to improve.

We publish on an annual basis the outcome of complaints and the actions we have taken in response in our Annual Report. This demonstrates the improvements resulting from complaints and shows that complaints can influence our activities. It also helps ensure transparency in our complaints handling and will help to demonstrate that we value complaints.

We will:

- publicise on an annual basis complaints outcomes, trends and actions taken
- use case studies and examples, where we have these, to demonstrate how complaints have helped us to improve.

This information will 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 will always make sure that the complainant and staff involved understand the findings of the investigation and any recommendations made.

Senior management will review the information gathered from complaints regularly and consider whether our activities could be improved or internal policies and procedures updated.

As a minimum, we will:

- 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.

Where we have identified the need for improvement:

- the action needed to improve must be authorised
- an officer (or team) will be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date will be set for the action to be taken

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- the designated individual or team will follow up to ensure that the action is taken within the agreed timescale
 - where appropriate, performance in the area will be monitored to ensure that the issue has been resolved
 - we will ensure that staff learn from complaints.

Publicising complaints performance information

We 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 complainant's confidentiality and explaining to them the importance of confidentiality generally. We will always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on the use of personal data.

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 complainant acting in an unacceptable way. Complainants who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A person's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we will treat all complaints seriously and properly assess them. However, we also recognise that the actions of people 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 people. Where we decide to restrict access to a person, we have a procedure in place to communicate that decision, notify the complainant of a right of appeal, and review any decision to restrict contact with us. This will allow the complainant to demonstrate a more reasonable approach later.

Supporting the complainant

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

We will always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to help people where appropriate.

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

Time limit for making complaints

This complaints handling procedure sets a time limit of six months from when the person 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 person'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

Here are some specific examples of complaints that may be considered at the frontline stage, along with possible actions to achieve resolution.

Complaint	Possible actions to achieve resolution
A person expresses dissatisfaction that a member of staff spoke rudely to them during a telephone conversation.	<ul style="list-style-type: none">• Consider the complaint carefully;• Tell the person what action we have taken or propose to take.• Apologise where appropriate.
A person expresses dissatisfaction that we cannot immediately make available a hearing loop during a telephone conversation.	<ul style="list-style-type: none">• Consider the complaint carefully;• Tell the person what action we have taken or propose to take.• Apologise where appropriate.
A person 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.	<ul style="list-style-type: none">• We will tell the person that we value complaints because they help us to improve. We will encourage them to submit the complaint.• In terms of improving and learning from mistakes, it is important that feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the person still insists that they do not want to complain, we will record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. We will reassure the person that they will not be contacted again about the matter.

Appendix 2 - What is not a complaint

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

A person may also be concerned about a decision made by the Commissioner. These decisions have their own specific review or appeal procedures, and, where appropriate, people will be directed to the relevant procedure.

A complaint is **not**:

- In relation to Standards, dissatisfaction with any decisions of the Commissioner whether, when or how to proceed with an investigation (as this is a quasi-judicial matter);
- In relation to Standards, dissatisfaction with any conclusions of the Commissioner following an investigation, as this is a quasi-judicial matter (and would also be prejudicial to the respondent);
- In relation to Standards, a review of the Commissioner/IOs work or decisions during the enquiries/investigation as this is a quasi-judicial matter;
- In relation to Standards, dissatisfaction with a matter related to an investigation that would require production of legally confidential information (section 12(2) of the 2000 Act) as this is a quasi-judicial matter;
- dissatisfaction about a typographical error (as this does not equate to maladministration).
- in relation to public appointments, a decision by the Commissioner on the outcome of a complaints investigation, unless new evidence is provided that has not been considered, as this is a statutory function of the Commissioner;
- in relation to public appointments, the Commissioner's interpretation of the code of practice for ministerial appointments to public bodies in Scotland, as this is a statutory function of the Commissioner.

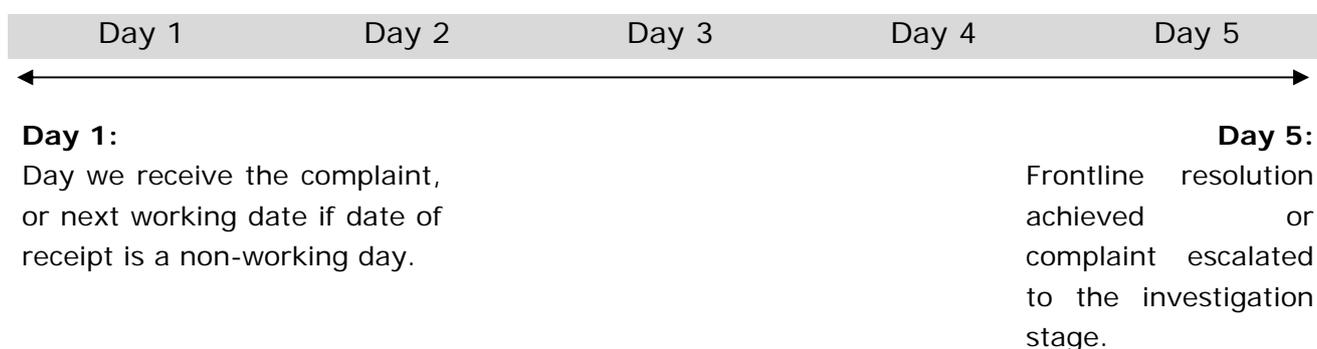
Appendix 3 - Timelines

General

References to timelines throughout the complaints handling procedure relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our work has been interrupted.

Timelines at frontline resolution

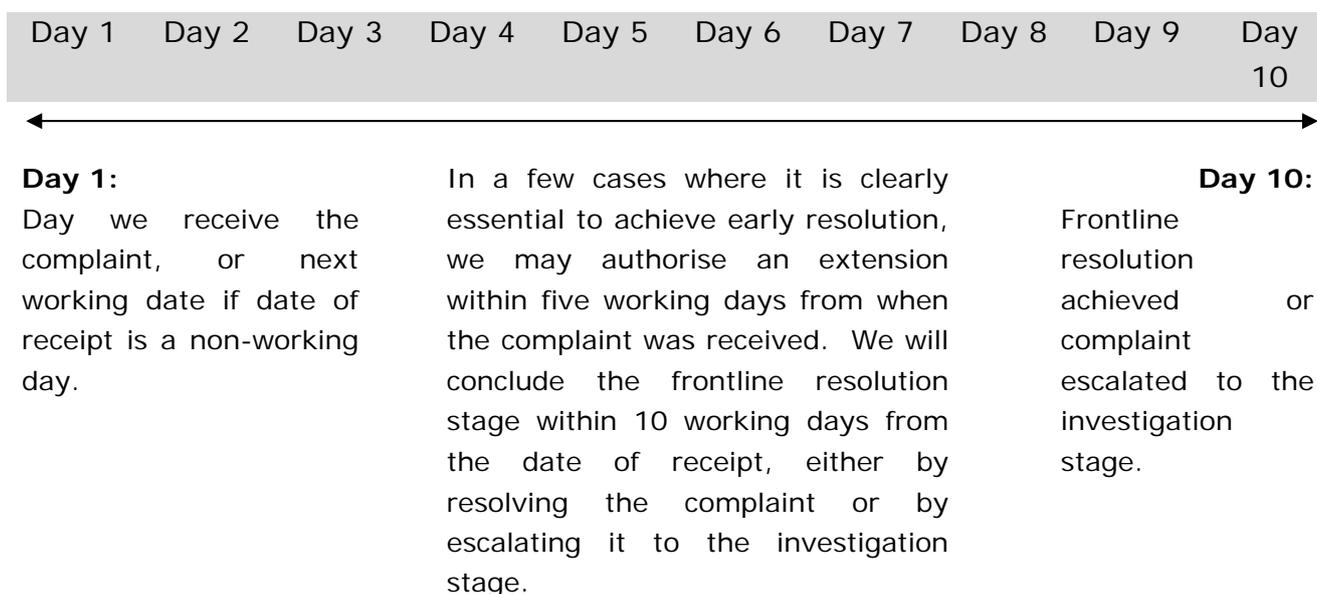
We aim to achieve frontline resolution within five working days. The day we receive the complaint is day 1. Where we receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



Note – emails received after 4pm will be logged as received on the next working day.

Extension to the five-day timeline

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



Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the complainant wants to escalate the complaint to the investigation stage, the case will be passed for investigation without delay. In practice this will mean on the same day that the person is told this will happen.

Timelines at investigation

We may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if we 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 will 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 person asks for an investigation after a decision at the frontline resolution stage.
- the date we receive the complaint, if we think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Investigation

We will try to 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 we have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



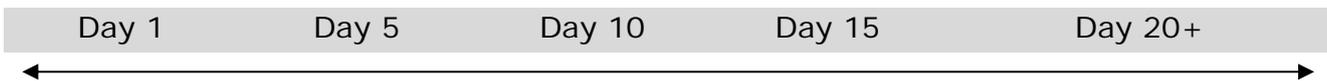
Day 1:

Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.

Day 20:

The organisation's decision issued to person or agreement reached with person to extend deadline

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



Day 1:

Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.

By Day 20:

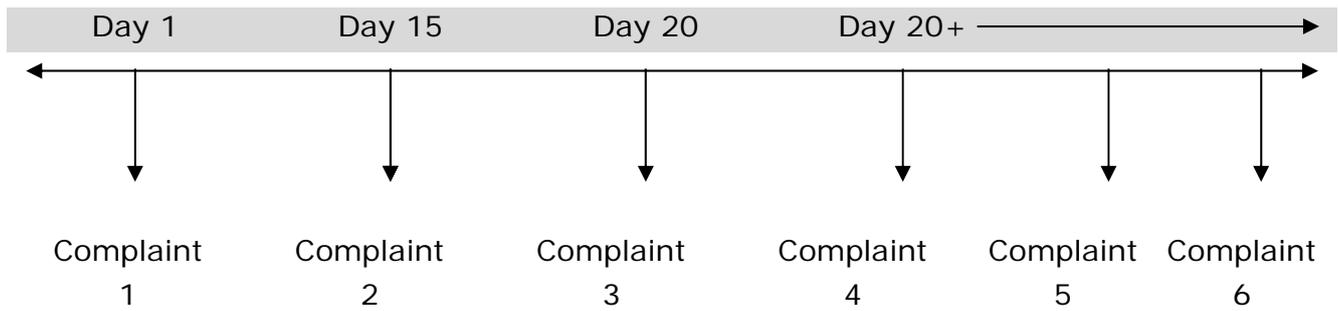
In agreement with the complainant where possible, decide a revised timescale for bringing the investigation to a conclusion.

By

agreed date: Issue our final decision on the complaint

Timeline examples

The following illustration (overleaf) 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 complainant 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 complainant 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 complainant for concluding the investigation beyond the 20-day limit.

Appendix 4 - The complaints handling procedure flowchart

