

INTERNAL COMPLAINTS HANDLING PROCEDURE

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SECTION 1. INTRODUCTION

Our complaints handling procedure reflects the Water Industry Commission for Scotland's (the Commission) commitment to valuing complaints. It seeks to resolve dissatisfaction 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 introduces a standardised approach to handling complaints across the Commission, which complies with the Scottish Public Services Ombudsman's (SPSO) guidance on a model complaint 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 customer satisfaction. Our complaints handling procedure will enable us to address any 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 customer's views and experience and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve our services.

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

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.

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SECTION 2. RECOGNISING A COMPLAINT

2.1 Definition of a complaint

A complaint is an expression of dissatisfaction by one or more members of the public about the Commission's action or lack of action, or about the standard of service provided by or on behalf of the Commission.

Although this list is not exhaustive, a complaint may relate to:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

2.2 Specific examples of complaints

Examples of the types of complaints the Commission may receive are outlined below:

Example 1: A member of the public has called to complain that he has called previously and the person who answered the call was rude to him.

Example 2: A retail customer (of a Licensed Provider) is dissatisfied with the Commission's lack of response, within the indicated timescales, to their request to open a formal investigation for an alleged license breach by a retailer.

You should follow the flow chart in the appendix for assistance in dealing with each complaint.

2.3 What cannot be defined as a complaint

There are some things we can't deal with through our complaints handling procedure. These include:

- a routine first-time request for a service,
- requests for compensation,
- things that are covered by a right of appeal.

A concern may not necessarily be a complaint. For example, a customer might call the office expressing concern about something that is published on our website. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively.

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

You must not treat these issues as complaints and should instead direct customers to use the appropriate procedures. Examples of queries that we might receive that are not complaints are as follows:

Example 1: A retail customer is dissatisfied with their Licensed Provider and claims that their bill is incorrect. Employees should advise the customer that they need to contact their Licensed Provider and follow its formal complaints procedures. Employees can also mention to customers that if they are unhappy with the final response they have received from the Licensed Provider, they can contact the SPSO for further advice and action.

Example 2: A disagreement with a decision where a statutory right of appeal exists.

Example 3: An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

Example 4: An issue that is in court or has already been heard by a tribunal.

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2.4 Source of complaints

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

2.5 Anonymous complaints

We should treat all complaints, including anonymous complaints, seriously and should act 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 discussed and documented internally.

2.6 Customers who do not want to complain

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to make improvements. Encourage the customer to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If, however, the customer insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that their details are not recorded on the complaints log 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.

2.7 Complaints involving more than one service or organisation

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

If a customer complains to the Commission about the service of another agency or public service provider, but the Commission has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.

However, where, a complaint relates to a service provided by the Commission and the service of another agency or public service provider, and the Commission has a direct interest in the issue, you must handle the complaint about the Commission through the CHP. If you need to make enquiries to an outside agency in relation to the complaint always take account of data protection legislation and our guidance on handling our customer's personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

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SECTION 3. DEALING WITH A COMPLAINT

3.1 Receiving a complaint

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

3.2 Key questions to consider

Once you have identified that you are dealing with a complaint, you should consider the following:

- What exactly is the complaint (or complaints)? It is important to be clear about exactly why the complaint is being made, and what it is. You may need to ask supplementary questions to get a full picture.
- What does the customer want to achieve by complaining? At the outset, clarify the desired outcome. Of course, the customer 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 I cannot resolve this, is there someone else that I could ask? If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or function involved, pass details of the complaint to someone who can try to resolve it.
- Is the complaint suitable for frontline resolution? Some complaints need to be fully investigated before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.

3.3 First stage resolution

The first stage of the CHP 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**. This may mean a face-to-face discussion with the customer or asking an appropriate member of staff to deal directly with the complaint.

In basic terms the first stage of the process is to deal with the complaint at the first point of contact, either by the member of staff receiving the complaint or another identified member of 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 our performance in the future.

A customer can make a complaint in writing, in person, by telephone, by email, or by having someone complain on their behalf. Regardless of how a complaint is received, you must always consider this first stage of resolution.

Regardless of whether you may need to get more information from other departments to resolve the complaint at this stage, it is important to respond within **5 working days**, either resolving the matter or explaining that the Commission will investigate the complaint.

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than 5 working days with the customer. An extension must be appropriately authorised by a senior manager, who will decide whether an extension is required to effectively resolve the complaint. This must only happen when an extension will make it more likely that the complaint will be resolved at this initial resolution stage. If, however, the issues are so complex that the complaint cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage.

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When you inform the customer of the outcome, you are not obliged to do this in writing, 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 final response. This information should be recorded in the 'complaints log' by the employee handling the complaint.

3.4 Second stage resolution: investigation

Some complaints will need to be fully investigated before you can give a suitable response. You must escalate these complaints immediately to the investigation stage. You must escalate a complaint to the investigation stage under the circumstances noted below.

- You have tried first stage resolution, but the customer remains dissatisfied and requests an investigation. This may happen immediately when you communicate the decision at the frontline stage, or sometime later.
- The customer refuses to take part in the first stage resolution process.
- The issues raised are complex and require detailed investigation.
- The complaint relates to serious, high-risk or high-profile issues. Such complaints 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:
 - (i) involve a death or terminal illness;
 - (ii) involve serious service failure;
 - (iii) generate significant and ongoing press interest;
 - (iv) pose a serious risk to an organisation's operations;
 - (v) present issues of a highly sensitive nature, for example concerning a particularly vulnerable person or child protection.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give a full, objective and proportionate response that represents our final position. It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that the customer understands the investigation's scope. It may be helpful to discuss and confirm these points at the outset. It may be that the customer 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.

If the investigation stage follows attempted first stage 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 in the complaints log. This should be recorded as a continuation of frontline resolution. The details must be updated again when the investigation ends.

Complaints that require to be investigated must be acknowledged within **3 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.

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**.

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If there are clear and justifiable reasons for extending the timescale, these must be expressed and agreed with the customer. You must keep the customer updated on the reason for the delay and give them a revised timescale for completion. Example of justifiable reasons for requiring an extension to the timescale include:

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

These are only a few examples, and you must judge the matter in relation to each complaint.

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.

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further. Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions. If you and the customer agree to mediation, revised timescales will need to be agreed.

You must let the customer know the outcome of the investigation, in writing and by their preferred contact method. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. Details of the final decision and how it was communicated, should be recorded in the 'complaints log' by the employee handling the complaint. You must also make clear to the customer:

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

3.5 Independent external review

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaint procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint. The SPSO recommends that you use the wording below to inform customers of their right to ask the SPSO to consider the complaint.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about 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 Commission'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.

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You can contact the SPSO:

In Person:

SPSO, Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

By Post:

Freepost SPSO (you don't need to use a stamp)

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SECTION 4. GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE

4.1 Roles and responsibilities

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

On the Chief Executive's behalf, senior employees 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; and
- investigating complaints.

Senior employees may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other staff. However, regardless of who may be involved in investigations, the Chief Executive remains overall responsible and accountable for the management of complaints.

Our final position on the complaint must 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 customer that their concerns have been taken seriously.

All staff must be aware of the CHP and how to handle and record complaints at the first 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 quickly to prevent escalation. Any member of staff could be involved in the operational investigation and management of complaints handling.

The Information Management and Corporate Planning team will respond to SPSO reports by providing complaints information in an orderly, structured way, within requested timescales. They will provide comments on factual accuracy, confirming and verifying that recommendations have been implemented.

4.2 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.

4.3 Recording information about complaints

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

- the customer's name and contact information;
- 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 first 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.

This information should be recorded in the 'complaints log'.

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4.4 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. This information will be reported regularly (and at least quarterly) to our senior management team.

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 our customers see that we value their complaints.

4.5 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.

4.6 Learning from complaints

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

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

As a minimum, we must:

- use complaints data to identify the root cause of complaints;
- act to reduce the risk of recurrence;
- record the details of corrective action in the complaints log, and
- systematically review complaints performance reports to make improvements.

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.

4.7 Maintaining confidentiality

Confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies.

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4.8 Managing unacceptable behaviour

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

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our unacceptable actions policy, we have a procedure to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.

4.9 Supporting the customer

All members of the community have the right to equal access to our complaints handling procedure. Where English is not a first language, assistance may be required with interpretation and translation services, and others may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always consider our commitment and responsibilities to equality. This includes making reasonable adjustments to help where appropriate.

4.10 Time limit for making complaints

This complaint handling procedure sets a time limit of **6 months** from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is **1 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 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.

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APPENDIX 1: FLOW CHART FOR COMPLAINTS HANDLING PROCEDURE

