

**HALF-YEAR ANNUAL REPORT
OF THE
INDEPENDENT CUSTOMER COMPLAINTS REVIEWER
OF THE
SCOTTISH PUBLIC SERVICES OMBUDSMAN**

- Report covers 6 month period from 1 October 2018 to 31 March 2019 -

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FOREWORD

As the Independent Customer Complaints Reviewer (ICCR) of the Scottish Public Services Ombudsman (SPSO), a fundamental attribute of my position, and the core of my work ethic, is that I am independent and impartial in all my work and adjudications. Being the ICCR is not a campaigning job: it is not my role to wag a finger at a party nor is it my job to come up with a binary answer (yes/no, guilty/innocent, etc.). Simply put, I am neither an advocate nor an apologist and no customer drives my independent complaints review process.

I carry out the duties of the ICCR position single-handedly, and on a part-time basis, with emphasis on compliance, efficiency and effectiveness. Being solitary in my role I professionally develop my skills to deliver high quality customer service in my role.

I wish to acknowledge my professional relationship with the SPSO. Whilst I am independent and have clear boundaries, I would like to commend the work of the SPSO who continually facilitate my requests for complaint files and documentation to be made available to me and for my random review purposes on an ongoing basis throughout the year.



Carol Ann Casey
Independent Customer Complaints Reviewer

26 April 2019

Section 1

Background and scope of the ICCR

The Independent Customer Complaints Reviewer (ICCR) service has the responsibility of independently reviewing customer service complaints about the Scottish Public Services Ombudsman (SPSO).

The SPSO takes any complaint about its service very seriously and aims to address any areas where it had not met the standards it expects of itself. It also strives for the highest levels of complaints handling. In line with the standards it sets for public bodies under its jurisdiction, it responds to customer service complaints through a two-stage internal process with final investigation of stage 2 complaints by a manager or by a member of its Leadership Team. If a customer remains unhappy about the SPSO response to their formal service complaint they have the right to approach the ICCR to review their complaint.

The ICCR is a non-statutory role established voluntarily by the SPSO in 1 October 2007 to confirm that it has robust arrangements for ensuring that customer service complaints are dealt with well and that customers have the opportunity for review by someone outside of the organisation. It is also designed to help the SPSO learn lessons from complaints and to help it improve its service provision.

The ICCR is responsible for investigating and responding to complaints about the service provided by the SPSO in the carrying out of its statutory functions: <https://www.spsso.org.uk/customer-service-standards>

The ICCR role is limited to complaints about the service the SPSO provides, including failure to meet SPSO's service standards. Matters related to the SPSO's decisions or basis for those decisions (including evidence gathered to make that decision) are not issues within the ICCR remit. There is a separate review process for disagreements with the SPSO decisions.

The ICCR will usually only handle complaints where the SPSO itself has attempted resolution and responded to the customer through its internal customer service complaints procedure. Where a customer approaches the ICCR with a complaint which has not been handled through the SPSO's internal arrangements they must be directed to the SPSO for handling, unless SPSO agrees that there are factors involved which make it unreasonable to do so.

In addition to considering complaints about the service provided, the ICCR will also consider the manner in which the complaint has been handled, including whether SPSO has handled the complaint in line with its complaints handling procedure. Information on the SPSO's complaints handling can be found on the SPSO website at <https://www.spsso.org.uk/customer-service-standards>

The ICCR will be accountable to the Ombudsman for the service provided, without compromising the independence of the ICCR's assessment of, and decisions about, complaints about the SPSO.

Section 2

Key responsibilities of the ICCR

The ICCR is responsible for investigating and responding to complaints about the service provided by the SPSO.

The ICCR aims to acknowledge complaints within 3 days of receipt and reply in full within 40 working days of receipt of the complaint. Where this is not possible the ICCR will explain this to the customer and set a clear timescale for further progress with the case.

For the purpose of the ICCR's work, the ICCR has access to all relevant files. The review of complaints may involve analysing internal and external correspondence and interviewing customers and relevant staff where this is appropriate. The ICCR needs to be able to demonstrate that she can comply with Data protection legislation, and ATI legislation as well as SPSO policies on information security.

The ICCR is required to issue a final report to the customer and the Ombudsman. Where appropriate the ICCR will make recommendations relating to SPSO service provision, including, for example, improvements to processes and procedures.

Each year (in April) the ICCR is required to produce a formal report about their work on complaints in the previous year which is published on the SPSO website.

The ICCR may be asked by the Ombudsman to undertake further work in relation their findings. The scope of this would be determined by the Ombudsman.

Section 3

Breakdown of complaint referrals to the ICCR

For the 6 months to 31 March 2019

Within the 6 months from 1 October 2018, when this ICCR contract commenced, to 31 March 2019, being the closing of SPSO annual reporting year, 9 complaint referrals were received by the ICCR. One of the 9 customers withdrew his complaint and the remaining 8 were independently reviewed and adjudicated upon by the ICCR.

Of the 8 complaints examined by the ICCR, there was no evidence of a service failure or maladministration by the SPSO, or a failure by the SPSO to effectively handle a service complaint.

All SPSO decisions are posted on the SPSO website: <https://www.spsso.org.uk/decision-reports>. ICCR decisions are reflected in the SPSO's quarterly and annual reporting.

In addition, the ICCR conducted a random review of customer service complaint files in January 2019 that consisted of 8 files closed by the SPSO (but not escalated to the ICCR). This ICCR service provided an independent scrutiny on aggregate complaints, and will continue to form part of her annual independent customer service complaints review process.

For the year 2017 to 2018

In the 12-month period to 31 March 2018, the previous ICCR received 14 referrals and completed two full investigations and two short reviews.

For the year 2016 to 2017

In the previous 12-month period to 31 March 2017, the previous ICCR received 7 requests for review.

Section 4

ICCR comments

ICCR comments relating to ICCR work

- 4.1 Customer services complaint referrals to the ICCR are increasing as set out in the previous section with 9 complaint referrals within the last 6 months.
- 4.2 There were two FOI requests within the first 6 months of this contract, one of whom had not made a complaint referral to the ICCR.
- 4.3 Customers can chose their mode of communication, most often by email, which can be voluminous due to its ease of submission. One email had over 100 pages within an attachment to the ICCR.
- 4.4 The ICCR took the view that if there was a minor handling delay by the SPSO that was already apologised for and which was recorded by the SPSO as 'upheld' then that in itself did not mean that she further upheld the complaint as it had already been addressed. For the next annual review year, the ICCR will adopt an upheld approach if such an issue might arise.
- 4.5 The ICCR is both a professional and statutory complaints reviewer for other organisations and used to dealing with querulous matters. She has however been surprised at the level of displaced aggressive behaviour and impolite emails received. She remains resolute to each and every matter to stick to her brief independently reviewing the customer service complaint.

ICCR comments relating to SPSO

- 4.6 The SPSO did not previously share its draft decisions with customers and the relevant body concurrently however I understand effective from March 2019 both parties now have the opportunity to respond on any factual inaccuracies before the decision is finalised by the SPSO.
- 4.7 The SPSO service is free to customers. If a customer choses to use a solicitor that is a cost for the individual.
- 4.8 The SPSO takes learning points such as sharing findings at Leadership Team Level and with all staff involved in particular matters which help to inform its future handling of complaints.
- 4.9 The SPSO has stringent, high quality recruitment processes which test the competencies of applicants and their experience of complaints handling, investigative and analytical work.
- 4.10 The SPSO staff must adhere to its customer service standards during their contact and communications with customers.
- 4.11 SPSO stage 2 complaints are investigated within 20 working days from those matters independently reviewed.

- 4.12 A customer service complaint can be raised at any stage in a customer's engagement with the SPSO, separate to the complaint decision itself.
- 4.13 The SPSO has a full and ongoing training programme for its staff, which covers a broad range of topics and helps to raise awareness and understanding about vulnerable groups, including those with illnesses and disabilities. The ICCR understands that such training sessions has been with bodies such as Stonewall, prison service, etc. 2 of the 9 complaints referred to the ICCR within the 6 month reporting period made allegations relating to their treatment as an EU citizen, diversity and equality, which the ICCR did not uphold with regard to the SPSO's customer service.
- 4.14 There may have been some handling delays in 2017 which led to complaints being upheld yet additional resources have since been hired, so this does not appear to be a trend. The ICCR understands that there is an internal process to ensure leave, planned and unplanned, does not affect set SPSO timelines to respond to customers.

Section 5

ICCR recommendations

- 5.1 The ICCR is happy that the SPSO is sharing draft decisions since March 2019 with customers and the relevant body concurrently so they have the opportunity to respond on any factual inaccuracies before the decision is finalised by the SPSO. This would have been a recommendation by the ICCR who is happy to understand that this is now happening.
- 5.2 The ICCR believes that some demanding customers can take a disproportionate amount of SPSO resource time. It is important that the SPSO time manages so as not to undermine the organisation's ability to provide a reasonable level of services for all customers.
- 5.3 The SPSO should paginate its correspondence.
- 5.4 An SPSO signatory should be considered, which would be more personal to the customer, instead of an "Advice Team" sign-off and refer to the date of correspondence received.

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