

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

- from 1 April 2019 to 31 March 2020 -

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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 reviews. Being 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 party 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 SPSO. Whilst I am independent and have clear boundaries, I would like to commend the work of the SPSO Secretariat 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

16 April 2020

## **Section 1**

### **Background and scope of ICCR**

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

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 service complaint they have the right to approach ICCR to review their complaint.

ICCR is a non-statutory role established voluntarily by SPSO on 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 SPSO learn lessons from complaints and to help it improve its service provision.

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

ICCR role is limited to complaints about the service SPSO provides, including failure to meet SPSO's service standards. Matters related to 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 SPSO decisions.

ICCR will usually only handle complaints where SPSO itself has attempted resolution and responded to the customer through its internal customer service complaints procedure. Where a customer approaches ICCR with a complaint that has not been handled through SPSO's internal arrangements they will be directed to 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, 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 SPSO's complaints handling can be found on SPSO website at <https://www.spsso.org.uk/customer-service-standards>

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

## **Section 2**

### **Key responsibilities of ICCR**

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

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 ICCR will explain this to the customer and set a clear timescale for further progress with the case.

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

Having examined a matter, ICCR is required to issue a final report to the customer and the Ombudsman after first seeking comments relating to the factual inaccuracies of her findings. Where appropriate ICCR will make recommendations relating to SPSO service provision, including, for example, improvements to processes and procedures.

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

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

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 ICCR 2019 to 2020**

Within the 12 months to 31 March 2020, 19 complaint referrals were received by ICCR, 14 of which she has decided and closed, 2 customers withdrew their referrals, and 3 matters are in progress at draft review stage.

ICCR wrote to SPSO with enquiries or feedback on 4 of the matters referred to above. Such matters included her opinions cited in this report.

ICCR upheld one customer services complaint of the 14 she decided and closed, that was not previously upheld by SPSO. Within this upheld complaint matter 3 of the 4 complaints put to ICCR were upheld by her as not meeting SPSO's customer service standards.

In 13 of the 14 complaints examined by ICCR there was no evidence of a service failure or maladministration by SPSO, or a failure by SPSO to effectively handle a service complaint.

Of the 19 matters, ICCR currently has received 3 FOI requests and 1 request for documentation from a Member of Scottish Parliament during the year.

#### **Random review of files**

ICCR conducted 2 physical random reviews of customer service complaint files during the year, namely in July 2019 and January 2020. The random reviews consisted of 20 files in aggregate that were closed by SPSO, and were not escalated by the customers to ICCR.

ICCR believes her random reviews provides an independent scrutiny on aggregate complaints, and will continue to form part of her annual independent customer service complaints review process.

Feedback on ICCR's random reviews was communicated after her reviews and relevant commentary is included in this Report. In aggregate, from her random reviews this year, ICCR noted

- there is continuous improvement in SPSO customer service file management that ICCR could see from her random reviews to date;
- SPSO customer service communications randomly reviewed came across as accurate, plain and clear; and
- SPSO's customer service decisions were fairly handled by SPSO.

## Section 4 ICCR comments

### ICCR comments relating to her work during the year

- 4.1 ICCR noted increasingly good processes were in situ this year, proving SPSO's customer service ever-evolves to deliver good practices for its customers.
- 4.2 Unpleasant customer communications, which have been viewed by ICCR, appeared to be appropriately managed by SPSO in evidenced documentation reviewed by ICCR.
- 4.3 From the matters before ICCR she believes that in some cases comments about or relating to SPSO staff might not have arisen if the customers' aggregate complaints were upheld by SPSO.
- 4.4 ICCR noted an increase in displaced aggression complaints to her office that did not relate to the customers' net complaints about which they originally complained to SPSO.
- 4.5 SPSO does not currently record calls so it is unable to provide any audio recordings, which ICCR can be asked about also. ICCR does not record calls either. ICCR understands that is SPSO is reviewing this matter.
- 4.6 Customers can chose their mode of communication, most often by email, which can be voluminous, and repetitive due to its ease of submission. One customer sent ICCR 27 emails about the same matter in different guises for her to consider in her review.
- 4.7 Where there was a minor handling delay by SPSO that was already apologised for and which was recorded by SPSO as 'upheld', then that in itself would mean that that part of the complaint referred to ICCR would be upheld also, assuming she believes this to be the case.
- 4.8 Customers have a right to refer their customer services complaint to ICCR within one month of SPSO issuing its service decision to them. ICCR is the final stage of the service complaints procedure. She can only look at the service provided by SPSO in regard to the particular customer service complaint. ICCR cannot look at SPSO's decision on a complaint that a customer asked it to consider or at the evidence taken into account in reaching that decision.
- 4.9 ICCR deems it appropriate for SPSO to write that there is little point in it proceeding with an investigation if a customer has no confidence in its processes, and believes it is reasonable for it to no longer proceed with investigating their complaint. It should be noted that SPSO set a time limit of six months from when a customer first knew of the problem, within which they may ask it to consider the customer services complaint, unless there are special circumstances for considering beyond this time.
- 4.10 SPSO confirms the heads of complaint that it is investigating asking for a customer's signature and date to the following statement: *"I agree that the complaint I want the Ombudsman to look at and the outcome I am looking for, as set out above, is correct"*. This shows there is no ambiguity on SPSO's terms of reference for investigating a complaint, which can be questioned when a customer service complaint is referred to ICCR alleging it did not investigate the requisitioned complaint.

- 4.11 SPSO aims to deal with the majority of its investigations within 70 working days, which complexity and the requirement for specialist advice can elongate. In complex cases, it aims to complete its investigations within 12 months. ICCR aims to examine the SPSO customer service handling complaints within 40 working days.
- 4.12 ICCR is satisfied that SPSO aims to be as accurate, plain and clear as it can be in its communications. As complaint investigators and adjudicators it is important that we all communicate professionally at all times, even if taxed by our customers.
- 4.13 SPSO and ICCR services are free to customers. If a customer chooses to use a paid service provider that will be a cost for the individual.
- 4.14 A customer service complaint can be raised at any stage in a customer's engagement with SPSO, separate to the service complaint matter.
- 4.15 SPSO has stringent, high quality recruitment processes which test the competencies of applicants and their experience of complaints handling, investigative and analytical work.
- 4.16 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.
- 4.17 SPSO has an 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.

## Section 5 ICCR recommendations

- 5.1 ICCR proposed SPSO consider its flexibility in its timelines such as when it writes "*We acknowledge receipt the same day*" as if it does not do this then it will automatically be a customer service failing. She proposed that it could consider acknowledging within 2 or 3 days.
- 5.2 SPSO should keep its out of office notifications in real time as to when complaints reviewers will be back to the office. She asked whether SPSO should have a standard out of office notification for all SPSO staff to use, and a default process and procedure for when a complaint reviewer is on unexpected leave that their work can be carried forward, and within the set SPSO timelines.
- 5.3 ICCR proposed that complaint responses for stage 2 decisions should be in letter format, not as an email unless attaching the scanned letter. She believes that this ideally should be the case for stage 1 decisions also. ICCR however acknowledges that SPSO ask complainants for their preferred method of communication and also notes that there is a balance between good practice and professionalism. She had commented during the year that care in the emailed decisions is important so that the data reads with correct layout, format, spacing, etc. and that decisions are sent at appropriate times.
- 5.4 ICCR proposed a more personalised acknowledgement to its Stage 1 "*Thank you for your complaint*" wording specific to the individual referring to the date, email/letter or call (generally on correspondence).
- 5.5 ICCR believes that some demanding customers could take a disproportionate amount of SPSO resource time. It should not be a case of those who shout the loudest get heard and more so that all get heard in a fair timeline. It is important that SPSO time manages so as not to undermine the organisation's ability to provide a good level of service for all its customers in a streamlined manner.
- 5.6 SPSO should paginate all its correspondence when more than 2 pages.
- 5.7 If an email address is referenced in a phone call it should be recorded on SPSO's phone attendance, so there is a record of how it attained such personal information.
- 5.8 ICCR suggested that its service complaints form be updated for a signature and date which was done during the year.

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