

# Why do complaints matter to Board Members?

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## Introduction

As a Board Member, you have a responsibility to ensure that complaints are considered as part of your organisation's overall governance and assurance arrangements.

The Board has a collective responsibility - and Board Members, the Chair and the Chief Executive are also individually responsible - for ensuring that your organisation has an effective and efficient, customer-focused approach to complaints resolution.

You should be aware of the issues and concerns people are raising and how well your organisation handles complaints. Your scrutiny of these issues will help to ensure that service users receive a high quality service and that taxpayers receive value for money.

## Setting the right culture

A key contribution you can make is in setting the right culture; one that truly values complaints and recognises the role they play in improving public services. Promoting a 'valuing complaints' culture – with a proactive approach to effective resolution, monitoring and learning from complaints – is an essential part of effective governance of public services.

Effective complaints handling is a key part of good customer service. Your organisation is required to gather and analyse information about complaints to check that your complaints handling arrangements are meeting the required performance and quality standards. This information should be regularly reported to senior management and the Board so that you are aware of any problems.

Your senior management team should also review the information gathered from complaints to identify trends, themes or patterns and use it to inform service improvements. As well as providing valuable feedback about the quality of services, complaints can also provide an early warning of more fundamental problems in service design and delivery. Processes should be in place to identify and respond immediately to critical or systemic service failures identified from complaints.

Dealing with complaints can be costly and time consuming. You should seek assurance, that action is taken to address the root causes of complaints, improve services for customers, and prevent repeat complaints.

## Understanding what the problems are

Under the Model Complaints Handling Procedure (MCHP), public authorities are required to publish annual performance information against a number of indicators including: complaint volumes; outcomes; timeliness; and learning from complaints. In addition, organisations are required to show how they are learning from complaints by:

- identifying the root cause of complaints
- taking action to reduce the risk of recurrence
- recording the details of corrective action, and
- systematically reviewing complaints performance reports to improve service delivery.

The Improvement Service supports the national reporting of council complaints performance information which enables councils to benchmark their performance against each other and identify areas of good practice.

## Performance reporting

Reporting on complaints data and learning from complaints is part of the suite of information that your organisation can use to monitor its overall performance and should be routinely considered as part of your management information. You should provide the necessary challenge and hold senior officers to account for your organisation's performance in complaints handling.

Complaints data and information should also be used to inform other corporate governance processes, such as risk, audit, quality assurance and legal.

## Key questions for Board Members to consider

This checklist contains essential questions for you to ask about your organisation's complaints culture and governance arrangements. You should seek assurance and/or evidence that appropriate arrangements are in place.

Essential questions		Yes/no
1.	Does your organisation welcome and respond positively to complaints?	
2.	Is it clear from the leadership team, strategic plan, mission and/or vision statement that your organisation values complaints?	
3.	Are you satisfied that your organisation is learning from complaints?	
4.	Does your organisation analyse complaints to identify trends, themes or patterns and use this information to inform service improvements, or make changes to policies and procedures?	
5.	Is action taken to address the root causes of complaints to improve services for customers and prevent similar complaints?	
6.	Do senior managers have clearly defined roles in ensuring that service failures are remedied and improvements implemented as a result of complaints?	
7.	Does your organisation look for opportunities to learn from complaints outcomes in other organisations and sectors, and share learning within the organisation?	
8.	Does your organisation report its complaints handling performance to you and is it responsive to feedback from this level of scrutiny?	
9.	Does your organisation learn from complaints processes, structures and working practices in other organisations and sectors?	
10.	Does your organisation ensure that all staff have knowledge of the complaints process, are trained and empowered to deal with complaints and difficult customers, and their training needs are reviewed on a regular basis?	

## What is the SPSO?

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about most organisations that provide public services in Scotland including councils, the NHS, prisons, water providers, universities and colleges, housing associations, the Scottish Government and most Non Departmental Public Bodies. Our service is independent, free and confidential.

If a member of the public feels that a public authority has provided a poor service, delivered a service badly or failed to provide a service, they may complain to the authority. The SPSO can usually only consider a complaint after it has gone through the full complaints procedure of the organisation concerned. This ensures that organisations have the opportunity to respond and resolve the complaint internally.

Once the investigation stage of the organisation's complaints handling procedure has been completed, the complainant has the right to approach the SPSO if they remain dissatisfied.

The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way the complaint has been handled. We cannot investigate a complaint simply because someone does not like the decision the organisation has reached.

Public authorities in Scotland have a statutory duty to tell complainants of their right to complain to the SPSO and to publicise this in information they provide to the public on making complaints, so it is important that your organisation complies with this. We encourage organisations to make all staff aware of their own complaints procedures and the role of the SPSO.

### Limitations

The SPSO operates within the rules set out by Parliament. We have a broad jurisdiction but there are restrictions on what we can do. We cannot normally look at complaints:

- where a person has not completed the organisation's complaints handling procedure
- more than 12 months after the person became aware of the matter they want to complain about
- that have been, or are being considered in court.

While the SPSO covers most public services in Scotland, some complaints should go to other organisations for example:

- complaints about the police are dealt with by the Police Investigations and Review Commissioner
- complaints about a breach of a code of conduct should go to the Commissioner for Ethical Standards in Public Life
- the SPSO cannot consider complaints about a wholly reserved function.

## Recommendations for redress and improvement

When we find an organisation is at fault, we try to resolve the issue for the individual and make recommendations to the organisation to help prevent the problem from happening again. Recommendations can include asking the organisation to:

- apologise
- change its procedures or policies
- carry out staff training
- reimburse actual loss/costs incurred
- return the situation to how it would be had it acted correctly in the first place.

We follow up with the organisation to ensure any recommendations have been implemented.

## Reporting in public

We lay investigation reports and summaries of decision letters before the Scottish Parliament and post the vast majority of these on our website at [www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings)

## Summary

- Dealing with complaints effectively is key to providing good customer service.
- Complaints provide an important source of feedback from your customers on how your services are being provided and things that need to improve.
- Public authorities have a statutory duty to comply with the relevant MCHP.
- You have a key role to play in ensuring that complaints are used to identify problems or issues with service design and delivery. Identifying and addressing the root causes of complaints can help to prevent repeat failings and repeat complaints.
- The SPSO is the final stage for complaints about most providers of public services in Scotland. It will usually only consider complaints after they have been through the organisation's full complaints process.

## Further support and contacts

Further information and advice is available from the SPSO website:

[www.spsso.org.uk](http://www.spsso.org.uk).

Alternatively you can contact us at:

**SPSO**

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

Tel: 0800 377 7330

The SPSO can keep you up to date with significant issues through our monthly e-newsletter. To sign up to this, contact [communications@spsso.gov.scot](mailto:communications@spsso.gov.scot).