

# **SSSC Complaints Handling Procedure**

Guidance for staff  
April 2024

**Document governance and management**

Document owner/author/lead	Director of Strategy and Performance
Version number	4.1
Current version referred for approval to	EMT
Date of next review	March 2027
Date of equality impact assessment (mandatory)	December 2023
Date of data protection impact assessment (if required)	March 2024
Date of environmental impact assessment (if required)	N/A

**Change log – for minor changes to spellings, sentences etc. Use when procedure is not being put forward for approval.**

Officer name	Date of change	Description of change	Confirm upload of revised document
Anna Fairweather	16.07.2024	Amendments to the “who can make a complaint?” and “particular circumstances” sections to make reference to our responsibilities under SPSO’s new child friendly complaints handling procedure.	

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# 1. Chief Executive's Foreword

We work hard to meet our values as an organisation. That is to listen, learn and then do the right thing.

How we manage and respond to feedback and complaints is a key part of this.

We value feedback and complaints and use information from them to help us improve our services. Handled well, complaints give our customers a form of redress when things go well and help us continuously improve our services.

This complaints handling procedure helps us resolve issues and dissatisfaction as quickly as possible. It guides how we conduct thorough, impartial and fair investigations into complaints so that we can make evidence-based decisions.

The procedure aims to keep the customer at the heart of the process and 'get it right first time'.

It allows us to handle complaints in a simple and streamlined way by capable and well-trained staff. We use a standardised approach that complies with the Scottish Public Services Ombudsman's (SPSO) guidance on a [model complaints handling procedure](#).

We also use this procedure to help prevent the same problems that led to the complaint from happening again and to improve customer satisfaction. Complaints give us valuable information and insight into customers' experience which can highlight problems we may otherwise miss.

While updating this procedure we took care to make sure that we have options and resources in place to support vulnerable customers regardless of their reasons for requiring support. This includes a specific section covering options for those who need help or support to make their complaint.

All customers can make a complaint in whichever way and format suits them best. This includes online, by phone and in person.

Our complaints handling procedure will help us do our job better, improve relationships with our customers and better understand how to improve our services by learning from complaints.



Maree Allison  
Chief Executive

## 2. Introduction and overview

### 2.1 The Scottish Public Services Ombudsman Model Complaints Handling Procedure

We are a listed authority within the Public Services Ombudsman Act 2002. As a listed authority we have a statutory duty to comply with the SPSO's [Model Complaints Handling Procedure](#).

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services.

Our Complaints Handling Procedure (CHP) adopts the SPSO Model Complaints Handling Procedure and is made up of:

- internal procedures which explain to staff how to handle complaints
- customer facing procedure.

This is our staff procedure. Our customer facing procedure is available [here](#).

When using the CHP, please also refer to the SPSO [Statement of Complaints Handling Principles](#) and [good practice guidance](#) on complaints handling from the SPSO.

### 2.2 Overview of the complaints handling procedure

Our 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 standard of service provided by or on behalf of the SSSC**'.

Anyone can make a complaint to us. We can accept complaints verbally, in writing, through our online complaints form, in person or via a third party.

We try to resolve complaints to the satisfaction of the customer wherever possible. Where this isn't possible, we will give the customer a clear response to each of their points. We will try to respond as quickly as we can (and on the spot where possible).

Our Complaints Handling Procedure (CHP) has three stages. The majority of complaints will be handled at stage one. If the customer remains dissatisfied after stage one, they can ask us to look at it at stage two. If the complaint is complex enough to require an investigation, we will put the complaint into stage two straight away and skip stage one. If the customer remains dissatisfied with the outcome of a stage two complaint, they should be signposted to SPSO who will carry out an independent review. This is stage three of the CHP.

<b>Stage one: Frontline response</b>	<b>Stage two: Investigation</b>	<b>Stage three: Independent external review (SPSO or other)</b>
<p>For issues that are straightforward and simple, requiring little or no investigation.</p> <p>'On the spot' apology, explanation, or other action to put the matter right.</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances).</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response.</p> <p>Response should normally be through the same medium the complainant has contacted us, eg if the complaint is made by telephone we would respond in the same call (though sometimes we will need to put the decision in writing).</p> <p>Where the customer has specified a preferred method of contact, we should use this method wherever possible. Again, if they have requested contact by telephone, we may also need to put the decision in writing.</p> <p>We will tell the customer how to escalate their complaint to stage two.</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'.</p> <p>Complaint acknowledged within <b>three working days</b>.</p> <p>We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement).</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised.</p> <p>We will tell the customer how to escalate their complaint to the SPSO.</p>	<p>Where the customer is not satisfied with the stage two response from us.</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by us.</p>

For detailed guidance on the process see [The complaints handling process](#).

## 2.3 Expected behaviours

We expect our staff to behave professionally and treat customers with courtesy, respect and dignity. Our [Code of conduct](#) sets out our expected staff behaviours.

We also expect those who complain about our service to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required
- responding to reasonable requests for information.

We recognise people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.

We will protect our staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour.

Our [Expected behaviour procedure](#) explains what we consider unacceptable behaviour and the steps we will take to manage it. If we restrict a customer's contact, we will try to minimise restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer.

In limited circumstances we can restrict access to the complaint process entirely. This would be as a last resort and will be as limited as possible (for a limited time, or about a limited set of subjects) and requires approval from a member of Operational Management Team (OMT) or Executive Management Team (EMT). Where access to the complaint process is restricted, we will signpost the customer to the SPSO (see [Signposting to the SPSO](#)).

The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

## 2.4 Maintaining confidentiality and data protection

Confidentiality is important in complaints handling. This includes maintaining confidentiality in relation to information about customers, staff, contractors or any third parties involved in the complaint. Staff are expected to handle complaints in accordance with departmental data protection procedures. Complaints records should only be accessed when necessary to carry out specific related tasks.

Confidentiality will not prevent us from being transparent in how we handle complaints. We will share as much information with the complainant (and where appropriate, affected staff members) as we can. When sharing information, we will be clear about why the

information is being shared and our expectations on how the recipient will use the information.

We will comply with legal requirements, for example, data protection legislation and our Data Protection Policy and internal Data Security Procedures, available on the [intranet](#). The [Information Commissioner's Office](#) has detailed guidance on data sharing and has issued a data sharing code of practice. If you would like advice about information sharing ask your Data Protection Champion. If your Data Protection Champion needs advice they can email [informationgovernance@sssc.uk.com](mailto:informationgovernance@sssc.uk.com).

Sometimes we may limit our complaint response to maintain confidentiality, for example:

- where a complaint about a staff member has been upheld, we will advise the customer their complaint is upheld, but would not share details affecting staff members
- where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

## 3. When to use this procedure

### 3.1 What is a complaint?

Our 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 standard of service provided by or on behalf of the SSSC**'.

Where an employee also receives a service from the SSSC as a member of the public, for example as a registered worker, they may complain about that service.

A complaint may relate to the following but is not restricted to:

- failure or refusal to provide a service
- inadequate service quality or an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves, see [Complaints about contracted services](#))
- disagreement with a decision (except where there is a statutory procedure for challenging that decision or an established appeals process followed throughout the sector).

[Appendix one](#) provides a range of examples of complaints we may receive and how these may be handled.

We will not handle the following as a complaint:

- contesting a legal decision taken as part of a process covered within our rules – such as a panel decision or a removal from our Register
- a concern raised about the conduct or practice of a registered social services worker – these must be referred to fitness to practise
- a routine first-time request for a service, see [Complaints and service requests](#)
- a request for compensation only, see [Complaints and compensation claims](#)
- issues that are in court or have already been heard by a court or a tribunal, see [Complaints and legal action](#)
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests) or an established appeals process followed throughout the sector
- a request for information under data protection or Freedom of Information legislation
- a staff member grievance or grievance relating to staff employment or recruitment.
- a complaint about a member of our Council
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision. If a customer is unhappy with the decision on a previous stage one complaint, this should be escalated as a stage two complaint. If a customer is unhappy with the outcome of a

stage two complaint, they should be signposted to SPSO who will carry out an independent review. This is a “stage three” complaint.

- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our [Expected behaviour procedure](#)
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf, see [Complaints about contracted services](#)).

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively. A customer may also be concerned about a decision we have made. These decisions may have their own specific review or appeal procedures and, where appropriate, customers must be directed to the relevant procedure.

For example, a worker may want to complain about having a sanction imposed at a Fitness to Practise (FtP) hearing. We do not handle this under this complaints procedure, because there are alternative routes of appeal open to the worker. In this example, you should inform the worker of their right of appeal against the decision to impose the sanction, which can be done at the Sheriff Court in Dundee.

We will not treat these issues as complaints. Instead, we will direct customers to the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not. We will assess each situation on a case-by-case basis.

If a matter is not a complaint or not suitable to be handled under the CHP we will explain this to the customer and tell them what (if any) action we will take, and why. See [What if the CHP does not apply](#).

## 3.2 Who can make a complaint?

Anyone who receives, requests, or is affected by our services can make a complaint. In this procedure these people are termed ‘customers’, regardless of whether they are or were using a service.

We also accept complaints from the representative of a person who is dissatisfied with our service. See [Complaints by \(or about\) a third party](#).

### **Supporting the customer**

Everyone has the right to equal access to our complaints procedure. Some customers may face barriers to complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns.

Customers who need support to make a complaint can find resources and databases of organisations who provide support at one of the following websites.

Scottish Council for Voluntary Organisations: <https://getinvolved.scot/organisations>  
ALISS Community Health and Wellbeing Information: <https://www.aliss.org/>

We have legal duties to make our complaints service accessible. We have equality impact assessed our complaints process. The equality impact assessment is available on our [website](#).

We will offer reasonable adjustments wherever possible to help our customers to access and use our services. If customers have trouble putting their complaints in writing, or want information in another language or format, such as large font or Braille, this can be provided on request. BSL users can contact us via [contactSCOTLAND-BSL](#), the online British Sign Language interpreting service. We always consider our commitment and responsibilities to equality and accessibility.

Where a complaint is made by a child (anyone under the age of 18), or where a complaint is made by an adult on behalf of a child, we will follow the [SPSO's Child Friendly Complaints Handling Principles](#).

Each complaint should be dealt with on a case-by-case basis. The child will be supported to make their complaint in a way that empowers them to make their views heard and make their own decisions on how they wish their complaint to be handled. This may include (but is not limited to) using the child's preferred method of communication, or communicating with an advocate the child has identified.

Full details on how a complaint from a child will be handled can be found in the [SPSO's Child Friendly Complaints Handling Process Guidance](#).

## 3.3 How complaints may be made

Complaints may be made via our [webform](#), verbally or in writing, face to face, by phone or social media.

We accept complaints made via our social media or other digital platforms. However, while we will acknowledge complaints made in this way, we will not enter into public correspondence with the complainant. If the complainant chooses not to provide contact details, we will manage this as an [anonymous complaint](#).

We may become aware of a complaint raised on a digital channel not managed by us (such as YouTube). In such cases we may respond, where we consider it appropriate, by telling the person how they can complain.

We will always comply with data protection obligations when responding to issues online or in a public forum. See [Maintaining confidentiality and data protection](#).

All complaints or expressions of dissatisfaction will be [recorded on Dynamics 365](#). We will ensure we understand and agree all points of the complaint with the customer before starting an investigation.

## 3.4 Time limit for making complaints

Customers must raise their complaint within six months of when they first knew of the problem unless there are special circumstances for considering complaints beyond this time. For example, where a person was not able to complain due to serious illness or recent bereavement.

If a customer has received a stage one response and wishes to escalate to stage two, unless there are special circumstances they must request this either:

- within six months of when they first knew of the problem or
- within two months of receiving their stage one response (if this is later).

We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or learning for us.

We will also take account the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO has discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## 3.5 Particular circumstances

### **Complaints by vulnerable customers**

We recognise that we may receive complaints from vulnerable customers who may need additional support. Customers can make a complaint in whichever way suits them best. We can offer a number of reasonable adjustments to allow complainants to make a complaint themselves – see [Who can make a complaint?](#) Customers can also arrange for a third party, such as a family member or an advocate, to make a complaint on their behalf – see below.

Where the complainant is a child, or complaining on behalf of a child, we will follow the [SPSO's Child Friendly Complaints Handling Principles](#) – see [Who can make a complaint?](#)

We may also receive complaints from customers who are undergoing gender reassignment or have transitioned and we recognise that we may receive complaints from a customer under a different name or pronoun than is held on our records. These complaints should be handled sensitively in line with any relevant departmental procedures.

### **Complaints by (or about) a third party**

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, where we are sure the customer has authorised the person to act on their behalf. You must make sure the customer understands their personal information will be shared as part of the complaints handling process and you should highlight this may include sensitive personal information. This can include complaints brought by parents on behalf of their child if the child is considered to have capacity to make decisions for themselves.

We consider children over the age of 12 to be of sufficient age and maturity to have this capacity and understanding, unless shown otherwise. If a child is unable to consent, we will take steps to verify parental consent. For more information on how to handle a complaint made on behalf of a child, see [Who can make a complaint?](#)

Complaints received by third party representatives such as MPs, legal advisors or union representatives, will be managed in the same way as any other complaint. However, staff should use their professional judgement on whether the complaint should be passed to a manager to provide a response.

A complaint from a third party may be on behalf of a customer who has already complained to us. In these cases, the complaint should be treated as an escalation to stage two or stage three of the complaints process and handled accordingly.

There are some differences in the way a complaint from a third party should be recorded. You can find more information about this in [Appendix two](#).

In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

See also [Maintaining confidentiality and data protection](#).

### **Serious, high-risk or high-profile complaints**

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. Serious, high-risk or high-profile complaints should normally be handled immediately at stage two. See [Stage two: Investigation](#).

We define potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- 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 or child protection.

### **Anonymous complaints**

We value all complaints, including anonymous complaints, and will consider them where there is enough information to make further enquiries. A decision not to pursue an anonymous complaint must be authorised by an OMT member.

We record all anonymous complaints.

If an anonymous complainant makes serious allegations, these will be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

### **What if the customer does not want to complain?**

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure the customer is updated on the action taken and gets a response to their complaint.

If the customer insists they do not want to complain we will record and handle the complaint as an anonymous complaint.

Please refer to the example in [Appendix one](#) for further guidance.

### **Complaints involving more than one area or organisation**

If a complaint relates to more than one SSSC area, we will tell the customer who will lead, and explain they will get one response covering all issues.

If a customer complains about another organisation, where we are not involved, we will signpost the customer to the organisation.

If a complaint relates to our service and the service of another organisation, and we have a direct interest in the issue, we will handle the complaint about us through the CHP. If we need to contact an outside body about the complaint, we will comply with our data protection obligations. Our Data protection and privacy notice sets out how we process personal data about people who make a complaint about the SSSC. You can read it on our website here: [Data protection and privacy notice](#). See also [Maintaining confidentiality and data protection](#).

An example of such a complaint is:

- a customer was unhappy about how they received our communication. Our Rules state that hearing papers must be served in person, we use Scott & Co's Sheriff Officers for this. The customer had social distancing concerns during the coronavirus pandemic.

### **Complaints about contracted services**

Where a contractor delivers a service on our behalf, we remain accountable for ensuring the services provided meet our standards (including in relation to complaints). We will do this by:

- ensuring the contractor complies with this procedure or
- ensuring the contractor's procedures meet the standards in this procedure.

At the end of the investigation stage the contractor will signpost to the SPSO.

We will make sure our customers understand how to complain about contracted services. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

We maintain discretion to investigate complaints about organisations contracted to deliver services on our behalf.

### **Complaints about senior staff**

We define senior staff as any member of staff in our Operational Management Team (OMT), Executive Management Team (EMT), Chief Executive or Convener.

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for investigating staff.

The Quality and Improvement team will determine the person best placed to investigate a complaint about a senior member of staff to ensure they are independent of the situation.

## Complaints and other processes

Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### Complaints and service requests

If a customer asks us to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

Service requests can lead to complaints if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

### Complaints and disciplinary or whistleblowing processes

If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process we still need to respond to the complaint.

Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures or outcomes for individual staff members). It should focus on whether we failed to meet our standards and what we have done to improve things in general terms.

Staff investigating such complaints will need to take extra care to ensure:

- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process)
- we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).

The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

### Complaints and compensation claims

Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

## Complaints and legal action

Where a customer says that legal action is being actively pursued, this is not a complaint.

Where a customer indicates they are thinking about legal action, but have not yet started this, we will explain that if they take such action, they should notify the investigating officer and/or the complaints inbox ([complaints@sssc.uk.com](mailto:complaints@sssc.uk.com)) and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.

If an issue has been, or is being considered by a court, we will not consider the same issue under the CHP.

### What to do if the CHP does not apply

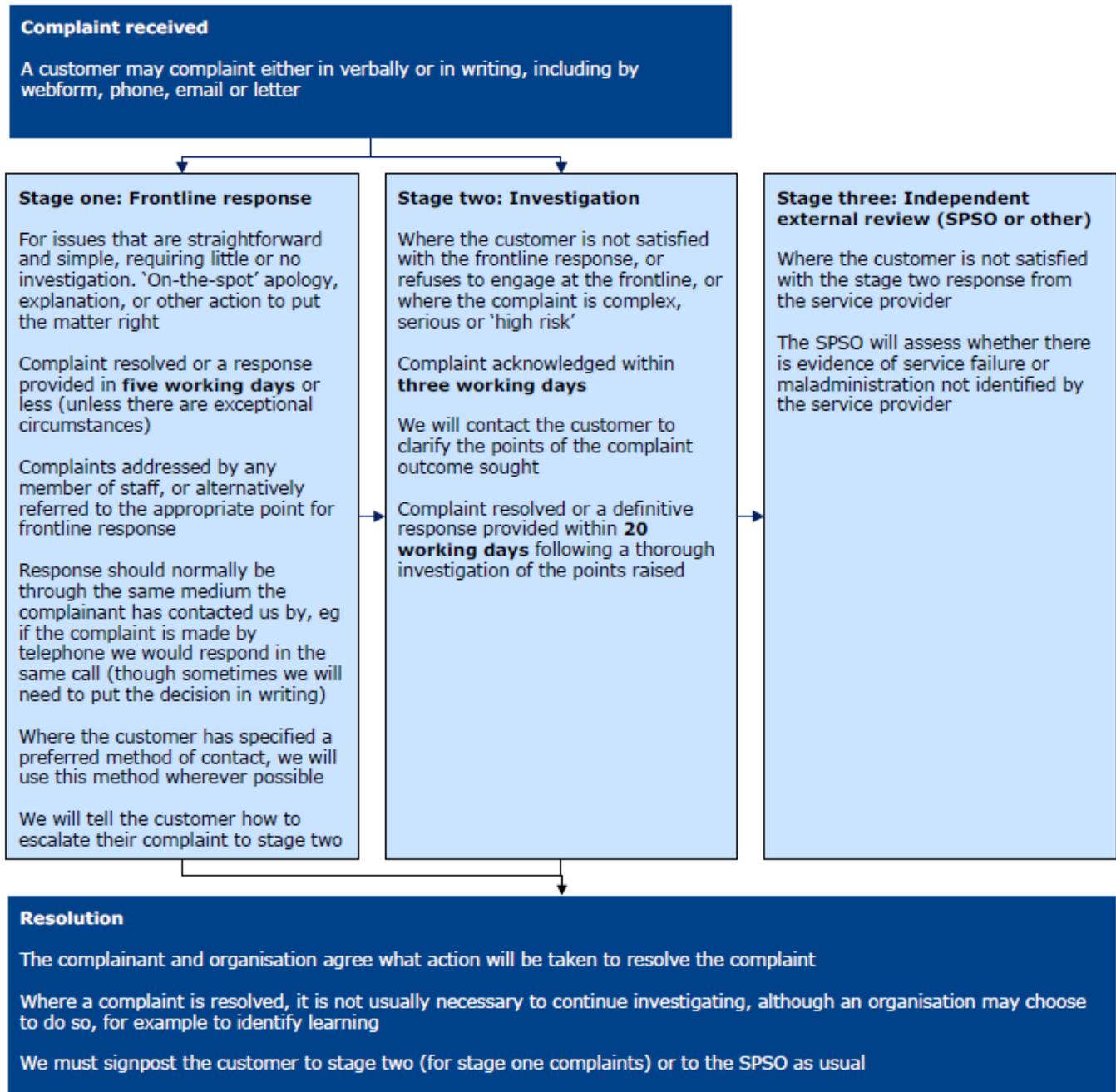
If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will tell the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies) and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.

Where a customer continues to contact us about the same issue, we will explain we have already given them our final response and signpost them to the SPSO. We may also consider if we need to act under our [Expected Behaviour Procedure](#).

The SPSO has issued a [template letter for explaining when the CHP does not apply](#).

## 4. The complaints handling process

Our complaints handling procedure (CHP) provides a simple process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the customer's satisfaction. Where this is not possible, we will give the customer a clear and reasoned response to their complaint.



**Reporting, recording and learning**  
Action is taken to improve services on the basis of complaint finding, where appropriate  
We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends  
Senior management have an active interest in complaints and use complaints data and analysis to improve services  
Learning is shared throughout the organisation

## 4.1 Complaint outcomes

There are four possible outcomes to a complaint:

- resolved – we have agreed a resolution with you that does not require any further investigation or review of our processes.
- upheld – we have reviewed or investigated the issues in our complaint and found that we were at fault or could have done better. We will look at making changes or improvements to our processes.
- partially upheld – there were multiple points to the complaint. We have reviewed or investigated the issues and found some points should be upheld and some should not.
- not upheld – we have reviewed or investigated the issues in the complaint and found no fault on our part.

A complaint is resolved when both the SSSC and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.

We try to resolve complaints where possible but accept this is not always possible.

A complaint may be resolved at any point in the process. Resolving complaints is particularly important where there is an ongoing customer relationship or where the complaint may result in future complaints if not resolved.

It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See [Alternative complaint resolution approaches](#).

Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. We will record how the complaint was resolved, what action was agreed and the customer's agreement with the outcome. In some cases we may still look into the issue, for example if there is evidence of a wider problem or potential for useful learning. We will use professional judgment to decide if we should continue looking into a resolved complaint.

In all cases we must record the complaint outcome and any action taken and signpost the customer to stage two (for stage one complaints) or to the SPSO as usual. See [Signposting to the SPSO](#).

If the customer and the SSSC are not able to agree a resolution, we must follow this CHP to provide a clear and reasoned response to each of the issues raised.

## 4.2 What to do when you receive a complaint

You should consider four key questions. This will help you to either respond to the complaint quickly (at stage one) or determine whether the complaint is more suitable for stage two.

### **1. What exactly is the customer's complaint (or complaints)?**

It is important to be clear about what the customer is complaining about. We may need to ask the customer for more information to get a full understanding.

We will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint, such as the time limit for making complaints, confidentiality, anonymity or the need for consent. We should also consider whether the complaint is serious, high-risk or high-profile.

If the matter is not suitable for handling as a complaint, we will explain this to the customer and signpost them to SPSO. There is detailed guidance on this step in [When to use this procedure](#).

In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage two. See [Stage two: Investigation](#).

## **2. What does the customer want to achieve by complaining?**

At the outset we will ask the customer what outcome they want. If the customer is not clear, we will probe to find out what they expect and if they can be satisfied.

## **3. Can I achieve this, or explain why not?**

If a staff member handling a complaint can achieve the expected outcome, for example by providing an apology or explaining why they cannot achieve it, they should do so.

If the customer expects more than we can provide, we will tell them as soon as possible.

Complaints which can be resolved or responded to quickly should be managed at stage one. See [Stage one: Frontline response](#).

## **4. If I cannot respond, who can help?**

If the complaint is straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the subject, they should pass the complaint to someone who can respond quickly.

If it cannot be closed within five working days (or ten, if an extension is required), it should be handled immediately at stage two. If the customer refuses to engage at stage one, insisting that they want their complaint investigated, it should be handled immediately at stage two. See [Stage two: Investigation](#).

We will log all complaints received on Dynamics 365. A how-to guide is available in [Appendix two](#).

The Quality and Improvement team manage the complaints inbox ([complaints@sssc.uk.com](mailto:complaints@sssc.uk.com)) which is monitored daily. Customers can email this address directly and complaints received via our webform are also sent to this inbox. When we receive a complaint, it is recorded in Dynamics 365 before forwarding to the relevant department.

## **4.3 Stage one: Frontline response**

Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

Any member of staff may deal with complaints at this stage, including the staff member complained about, for example with an explanation or apology. Where the complainant is a third party such as an MP/MSP or a representative from a Legal Clinic, you should use your professional judgement to decide whether it is appropriate for you to respond or if this should be referred to a manager to provide a response. The main principle is to respond at the earliest opportunity and as close to the point of service delivery as possible.

We may respond to the complaint by providing an on-the-spot apology, 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 service standards in the future. If we consider an apology is appropriate, we may wish to follow the SPSO guidance on apology.

The response should normally be through the same medium the complainant has contacted us, eg if the complaint is made by telephone we would respond in the same call (though sometimes we will need to put the decision in writing).

Where the customer has specified a preferred method of contact, we should use this method wherever possible. Again, if they have requested contact by telephone, we may also need to put the decision in writing.

[Appendix one](#) gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them. Complaints which are not suitable for frontline response should be identified early and handled immediately at [Stage two: investigation](#).

### **Notifying staff members involved**

If the complaint is about the actions of a staff member, the complaint should be shared with them, where possible, before responding, although this should not prevent us responding to the complaint quickly, for example if an apology is warranted.

### **Timelines**

Frontline response must be completed within five working days, although in practice we will often respond sooner. 'Day one' is always the date of receipt of the complaint, or the next working day if the complaint is received after office hours or on a weekend or public holiday.

### **Extension to the timeline**

In exceptional circumstances, if an extension is necessary, extensions must be agreed with the OMT member for the department handling the complaint. We will tell the customer about the reasons for the extension and when they can expect a response. The maximum extension that can be granted is five working days, that is no more than ten working days in total from the date of receipt.

If a complaint will take more than five working days to look into, it should be handled at stage two immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately, for example due to the absence of a key staff member. In such cases, the complaint may still be handled at stage one if it is clear that it can be handled within the extended timeframe of up to ten working days.

If a complaint has not been closed within ten working days, it should be escalated to stage two for a final response.

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

### **Closing the complaint at the frontline response stage**

If we convey the decision face to face or on the telephone, we are not required to write to the customer as well (although we may choose to). We must:

- tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
- explain the reasons for our decision (or the agreed action taken to resolve the complaint. See [Resolving the complaint](#))
- explain that the customer can escalate the complaint to stage two if they remain dissatisfied and how to do so. We should not signpost to the SPSO until the customer has completed stage two
- [record on Dynamics 365](#).

We will record the decisions given to the customer. If we are not able to contact the customer by phone, where the original complaint was in writing (including via webform), or where the customer has requested a response in writing, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

The template for written stage one complaint responses can be found here: [Stage one response letter template](#).

If the complaint is about the actions of a particular staff member(s), we will share with them any part of the complaint response which relates to them (unless there are compelling reasons not to).

The complaint should then be closed and Dynamics 365 updated accordingly.

At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See [Learning from complaints](#).

## **4.4 Stage two: Investigation**

Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage two is appropriate where:

- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage, insisting they wish their complaint to be investigated. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the stage one response, whichever is later. See [Time limits for making a complaint](#)
- the complainant is a third party such as an MP/MSP or a legal clinic, and is directly in relation to a stage one complaint we have previously received from the person they are complaining on behalf of

- the complaint is not simple and straightforward, for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened
- the complaint relates to serious, high-risk or high-profile issues. See [Serious, high-risk or high-profile complaints](#).

An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint, for example, a line manager or a manager from a different area.

We will log the complaint on Dynamics 365. Where appropriate, we do this as a continuation of frontline response. If the investigation stage follows a frontline response, the investigating officer will have access to all case notes and associated information.

The beginning of stage two is a good time to consider whether complaint resolution approaches other than investigation may be helpful. See [Alternative complaint resolution approaches](#).

### **Acknowledging the complaint**

Complaints must be acknowledged within three working days of receipt at stage two.

If a complaint is received at stage two, forward it to [complaints@sssc.uk.com](mailto:complaints@sssc.uk.com). A member of the Quality and Improvement team will record the complaint in Dynamics 365 and send the [Stage two acknowledgement](#).

We must issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact. For example, if a complaint is received via email, we should acknowledge via email, unless the complainant has specifically requested an alternative method of contact.

The acknowledgement will:

- restate the date we received the complaint and therefore which date we are treating as the first day of the process
- restate the points of complaint as we understand them
- identify who will be progressing the complaint (name and title)
- invite the complainant to contact us at any point if more information is needed
- state the 20<sup>th</sup> working day so the complainant knows when to expect a response
- provide a link to the customer facing complaints guidance.

Where the points of complaint and expected outcomes are clear, we will set these out in the acknowledgement and ask the customer to tell us quickly if they disagree.

Where the points of complaint and expected outcomes are not clear, we will tell the customer we will contact them to discuss this.

## **Agreeing the points of complaint and outcome sought**

It is important to be clear from the start of stage two about the points of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.

If the points of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint.

Where the points of complaint and outcome sought are not clear, we must contact the customer to confirm these. Speaking to the customer is the best way to do this, but we can do this in writing too. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer, we will respect their preferred method of contact. We will record all customer discussions.

## **What are the points of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures shared understanding and avoids the complaint changing or confusion arising. The points of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the points of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In rare cases, it may not be possible to agree the points of complaint, for example, if the customer insists on an unreasonably large number of complaints being separately investigated or on framing their complaint in an abusive way. We will manage this through our [Expected behaviour procedure](#). We will continue to investigate the complaint (as we understand it) wherever possible.

## **Is there anything we can't consider under the CHP?**

We must explain if there are any points that are not suitable for handling under the CHP. See [What to do if the CHP does not apply](#).

## **What outcome does the customer want to achieve by complaining?**

Asking what outcome the customer is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

## **Are the customer's expectations realistic and achievable?**

It may be that the customer expects more than we can provide or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

## **Notifying staff members involved**

If the complaint is about the actions of a particular staff member(s), we will tell the staff member(s) involved. This includes where the staff member is not named but can be identified from the complaint. We will:

- share the complaint information with the staff member(s) unless there are compelling reasons not to

- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable)
- signpost the staff member(s) to a contact person who can provide support and information on what to expect from the complaint process. This must not be the person investigating or signing off the complaint response.

If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met. Our [grievance](#) procedure and [disciplinary](#) policy provide detail on this. See also [Complaints and staff disciplinary or whistleblowing processes](#).

## Investigating the complaint

Complaints at stage two will be investigated by a member of OMT. The complaint response will be sent from the Director of Strategy and Performance (or another member of EMT in their absence). For Fitness to Practise-related complaints, the investigation will be by a manager from another team within the Fitness to Practise department and the response will be sent from the Director of Regulation.

It is important to plan the investigation before beginning. The [Investigation plan template](#) can be used to identify the points of the complaint, information we have about the issues outlined in the complaint, and information we need to complete the investigation.

The OMT member investigating the complaint should consider what information they have and what they need about:

- what happened - this could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails
- what should have happened - this should include any relevant policies or procedures that apply
- is there a difference between what happened and what should have happened and is the SSSC responsible?

In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue. For example, we may need to contact a former employee, if possible, where they hold key information about a serious complaint.

If we need to share information within or out with the organisation, we will comply with our data protection obligations. See [Maintaining confidentiality and data protection](#).

The SPSO has resources for conducting investigations including:

- [Decision-making tool for complaint investigators](#)

## Alternative complaint resolution approaches

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different resolution approach. We may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to resolve. Where mediation is used, we will use a qualified mediator. Alternative complaint resolution approaches may help both parties to

understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

Alternative resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.

The SPSO has [guidance on alternative complaint resolution approaches](#).

When an alternative complaint resolution approach is taken, the complaint should still be recorded as normal. If the alternative complaint resolution approach is successful in resolving the complaint, then the outcome of the complaint would be recorded as resolved.

If the alternative complaint resolution approach is not successful in resolving the complaint, then the complaint investigation would happen/resume as normal and the relevant outcome reached (upheld, partially upheld or not upheld) and recorded.

If we agree to use an alternative complaint resolution approach with a customer and any other parties involved, an extension to time may be needed. This should not discourage the use of these approaches.

The following websites provide further information on third parties who we may contact to discuss mediation.

- <https://www.lawscot.org.uk/members/career-growth/specialisms/accredited-mediators/>
- <https://www.scottishmediation.org.uk/>

### **Meeting with the customer during the investigation**

It may be necessary to meet with a customer to effectively investigate a complaint. We will still aim to investigate complaints within 20 working days. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

We will provide a written record of the meeting to the customer within an agreed timescale or agree an alternative format.

### **Timelines**

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

- Complaints must be acknowledged within **three working days**.
- A full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

The first working day is the day we receive the complaint. We will log complaints received out with our working hours as being received the next working day. For example, a complaint received at 9pm on a Thursday will be treated as received on the Friday. A complaint received at 9pm on a Friday will be treated as received on the following Monday. This also applies to complaints received on a weekend, public holiday or other period of office closure.

### **Extension to the timeline**

Sometimes complaints need more than 20 working days to investigate. We will tell the customer as soon as possible if we are unable to meet the 20 day timeframe and why. We should bear in mind that extended delays may have a detrimental effect on the customer.

The investigator decides if an extension is needed. Any extensions must be approved by the Director of Strategy and Performance (or another member of EMT in their absence). For Fitness to Practise-related complaints, any extensions must be approved by the Director of Regulation.

We will keep the customer and any member(s) of staff complained about updated on the reason for the delay and give them a revised timescale for completion. We will contact the customer and any member(s) of staff complained about at least once every 20 working days to update them on the progress.

An extension should be used as an exception rather than the rule.

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

### **Closing the complaint at the investigation stage**

The complaint response will be in writing (or by the customer's preferred contact method) and signed by the Director of Strategy and Performance (or another member of EMT in their absence). Responses to Fitness to Practise complaints should be signed by the Director of Regulation.

We will tell the customer the outcome of the complaint whether it is resolved, upheld, partially upheld or not upheld. All written complaints should be created using the [Stage Two response letter template](#). The complaint response will:

- be easy to understand, written in a person centred, non-confrontational way
- avoid technical terms, but where they must be used, they will be explained
- address all the issues raised and demonstrate each element has been investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see [the SPSO's guidance on apologies](#))
- highlight any area of disagreement and explain why no further action can be taken
- provide a named member of staff available to clarify any aspect of the letter
- explain they may seek an SPSO review if not satisfied See [Signposting to the SPSO](#).

Where a complaint has been resolved, the response does not need to provide a decision on all points of complaint but will confirm the resolution agreed. See [Complaint outcomes](#).

If the complaint is about a particular staff member(s), we will share the relevant part of the complaint response with them, unless there are compelling reasons not to.

We will record the decision, and details of how it was communicated to the customer, on Dynamics 365 - see [Appendix two](#).

The SPSO has guidance on responding to a complaint.

- [Apology guidance](#)

We have also created some "best practice" example letters to guide investigators on how to respond to complaints. These can be found here: [Complaints and expected behaviour procedure templates](#).

When we close a complaint, we will consider whether any learning has been identified. See [Learning from complaints](#).

### **Post-closure contact**

If a customer contacts us for clarification about our final response we may clarify or answer questions. However, if the customer is dissatisfied or does not accept our findings we will explain that we have given them our final response and signpost them to the SPSO.

### **Signposting to the SPSO**

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. In our response to a stage two complaint, we must make clear to the customer:

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

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO considers service failures and maladministration (administrative fault) and the way we have handled the complaint. This is a “stage three” complaint.

There are some subject areas that are out with the SPSO’s jurisdiction, but it is the SPSO’s role to decide if an individual complaint is one they can consider (and to what extent).

We will use the SPSO’s recommended ‘Information about the SPSO’ wording when we signpost customers to them in complaint responses.

## Information about the SPSO

The SPSO is the final stage for complaints about public services in Scotland. This includes complaints about the SSSC. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service but there are other organisations who can help you with advocacy or support.

If you remain dissatisfied when you have had a final response from the SSSC, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through the SSSC's complaints handling procedure
- it is less than 12 months after you became aware of the matter you want to complain about
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at [www.spsso.org.uk/complain](http://www.spsso.org.uk/complain) or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- [Citizens Advice Scotland](#)
- [Scottish Independent Advocacy Alliance](#)

The SPSO's contact details are:

### **SPSO**

**Bridgeside House**  
**99 McDonald Road**  
**Edinburgh**

**EH7 4NS** (if you would like to visit in person, you must make an appointment first).

Their freepost address is: **FREEPOST SPSO**

Freephone: **0800 377 7330**

Online: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

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

## 5. Governance

### 5.1 Roles and responsibilities

All staff will be aware of:

- the complaints handling procedure (CHP)
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Training on this procedure will be part of the induction process for all new staff. Refresher training will be provided for current staff on a regular basis.

Senior management will ensure that:

- our final position on a stage two complaint investigation is signed off by the Director of Strategy and Performance, or in their absence, a member of the EMT, in order to provide assurance that this is the definitive response of the SSSC and that the complainant's concerns have been taken seriously. In the case of Fitness to Practise-related complaints, these will be signed off by the Director of Regulation.
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP, although not necessarily involved in the decision-making process of complaint handling
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the SSSC
- complaints information is used to improve services, and this is evident from regular publications.

#### **Chief executive**

Our chief executive provides leadership and direction. This includes ensuring there is an effective complaints handling procedure. The chief executive delegates responsibility for the CHP to senior staff. Regular management reports assure the chief executive of the quality of complaints performance.

The chief executive is also responsible for ensuring there are governance and accountability arrangements in place in relation to contractor complaints including:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between the SSSC and contractors
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide the SSSC with an overview of how the contractor is meeting its objectives.

## **Directors – our Executive Management Team**

On the chief executive's behalf, directors are responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints.

They may also be responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, directors may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, directors should retain ownership and accountability for the management and reporting of complaints. The Director of Strategy and Performance is responsible for the final sign-off of responses at stage two.

## **Heads of departments – our Operational Management Team**

Heads of departments will investigate and manage stage two complaints. They may prepare decision letters, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

## **Complaints investigator**

The complaints investigator is responsible and accountable for the management of the stage two investigation. The complaints investigator will ordinarily be the head of department.

The investigator leads the investigation and coordinates all aspects of the response to the customer. This can include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

The person allocated the complaint to investigate will have:

- sufficient knowledge of the subject
- be as far removed as possible to maintain impartiality.

In smaller departments/teams it will be necessary to allocate the investigation to someone from within that team.

Fitness to practise or qualifications complaints will be investigated by managers from within those teams to ensure a sufficiently knowledgeable person undertakes the investigation. In practice this is most likely to relate to complaints about:

- procedures and processes related to fitness to practise investigations
- qualifications and related guidance
- procedures and processes during hearings.

## **SPSO liaison officer**

The Head of Performance and Improvement is our SPSO liaison officer. This role includes providing complaints information in an orderly, structured way within requested timescales,

providing comments on factual accuracy on our behalf in response to SPSO reports and confirming and verifying that recommendations have been implemented.

## 5.2 Recording, reporting, learning from and publishing complaints

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve our services. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

We also have arrangements in place to ensure complaints about contractors are recorded, reported on and published in line with this CHP.

### Recording complaints

It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, we will record:

- the customer's name and contact details
- the date the complaint was received
- the nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline response stage
- date the complaint was closed at the frontline response stage
- date the investigation stage was initiated (if applicable)
- action taken and outcome at investigation stage (if applicable)
- date the complaint was closed at the investigation stage (if applicable)
- the underlying cause of the complaint and any remedial action taken
- the outcome of the SPSO's investigation (where applicable).

If the customer does not want to provide any of this information we will reassure them that it will be managed appropriately and record what we can.

Correspondence relating to complaints is retained for five years in line with our corporate retention schedule. Skeleton details about complaints are held on our system indefinitely. The retention schedule can be found here: [Retention schedule](#).

### Learning from complaints

We have a clear system in place to act on issues identified in complaints. We:

- seek to identify the cause of complaints
- take action to reduce the risk of recurrence
- review complaints performance reports to improve our service.

Learning may be identified from individual complaints, regardless of whether the complaint is upheld or not, and from analysis of complaints data.

Where we have identified the need for service improvement in response to an individual complaint we will take appropriate action. If an improvement need is identified we will:

- ensure that an appropriate manager or senior member of staff authorises the required actions
- record the improvement requirement(s) and associated actions centrally with the Quality and Improvement team
- identify a lead person to act as the action owner, who will have responsibility for ensuring the action is taken
- set a target date for completion for each improvement action
- ensure that the named action owner follows up to confirm that the action is taken within the agreed timescale
- ensure that Quality and Improvement team staff are available to assist where required, for example, in facilitating improvement sessions
- monitor, where appropriate, performance in relevant areas to ensure that the issue has been resolved
- share any learning points with relevant staff.

SPSO has guidance on [learning from complaints](#).

OMT and EMT will review the information reported on complaints regularly to ensure trends or wider issues not obvious from individual complaints are identified and addressed. Where we identify the need for service improvement, we will take action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

[Appendix four](#) summarises our complaints reporting and publicising schedule.

## Appendix one – Types of complaint

Complaint	Possible actions
<p>The customer 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.</p>	<p>Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint.</p> <p>If a customer has expressed dissatisfaction but has not said outright they want to make a complaint, this should be recorded. Customers are not required to complete a complaint form or submit a “formal” complaint in order for their dissatisfaction to be recorded.</p> <p>In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still insists that they do not want to complain, record the matter as an <a href="#">anonymous complaint</a>. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</p>
<p>A registered student submits a complaint about the quality of their course.</p>	<p>We cannot deal with this complaint until they have exhausted the complaints procedure at their university. Advise them to do so.</p>
<p>A worker is unhappy with the way we have carried out our investigation.</p>	<p>Explain our duty as a regulator and summarise what and why we have done throughout our investigation. Empathise with any upset caused and indicate if there have been any failings on our part, such as undue delays. Provide an up-to-date position and what happens next.</p> <p>This would be considered a complaint or expression of dissatisfaction and should be recorded in line with our stage one complaints process. If there have been failings on our part, the outcome would be “upheld” or “partially upheld” if there were other points of the complaint where there had not been any failing on our part.</p>
<p>A worker’s application with a separate body is delayed due to us not</p>	<p>Apologise and explain the reason for any undue delay, provide an update on what</p>

<p>responding to their requests for information.</p>	<p>we will do and reassure them our response will be submitted as soon as possible.</p> <p>This would be considered a complaint or expression of dissatisfaction and should be recorded in line with our stage one complaints process. If there have been failings on our part, the outcome would be "upheld" or "partially upheld" if there were other points of the complaint where there had not been any failing on our part.</p>
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## Appendix two – Recording complaints in D365

We record all complaints in D365. When recording a complaint the first step is to search D365 to see if there is already an existing record of the complainant.

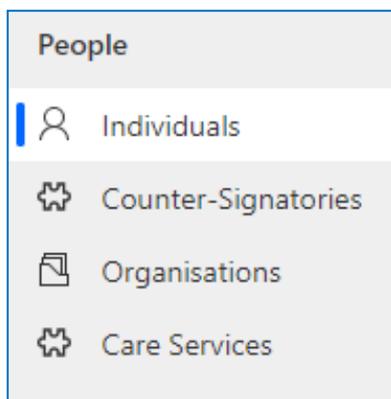
Make sure you record the complaint against the individual record of the complainant, not the worker (for example, if an employer is complaining about the length of time an investigation is taking this should be recorded on the employer's individual record, not the record of the worker who is being investigated).

Where the complainant is a third party such as an MP/MSP or representative from a legal clinic, the complaint should be recorded against their name. However, you **must** check the record of the person they are complaining on behalf of in case there has previously been a stage one complaint from this person. If there has been a related stage one complaint, the third party complaint should be treated as a stage two complaint.

### Locating the individual record

#### To search for and select an individual who exists in D365

Click on 'Individuals' under 'People' on the side panel:



Enter the person's full name in the search box. You may need to put a \* in between the first name and last name if you are not sure if they have any middle names.

Hit enter on your keypad or click on the magnifying glass icon.

From the results page, click on the relevant person's record to open it:

The screenshot displays a user profile for 'Rory Black' in a web application. The interface includes a top navigation bar with various actions like 'Save', 'New', and 'Deactivate'. Below the user's name, there are tabs for 'Personal Information', 'Registrations', 'Conditions', 'Renewals', 'Applications', 'Current Employment', 'Previous Employment', and 'Qualifications Achieved'. The 'Personal Information' tab is active, showing a form with fields for 'Mattersphere ID', 'Title' (Mr), 'First Name' (Rory), 'Middle Name', 'Last Name' (Black), 'Date of birth', 'NINO' (AB123456A), 'Home Phone', 'Mobile Phone', 'Email' (rory.black@sssc.uk.com), 'House Name / Flat Name' (Scottish Social Services Council), 'House / Flat number' (11), 'Street Name' (Riverside Drive), and 'Parish'. To the right, there is a 'Timeline' section with a search bar and a note entry field. Below the timeline is a 'CLASSIFICATION' section with checkboxes for 'Applicant', 'Registrant', and 'Student eligible for Temp SW'. At the bottom, there is a section for 'NON-REGISTERED WORKER'.

### **To create a person who does not exist on D365**

If you have searched for a person and found no results, you will need to add their information to D365.

From the Individuals screen, click '+ New' at the top of the page and enter the following information for the complainant if known:

- title
- first name
- last name
- telephone number
- email address
- address.

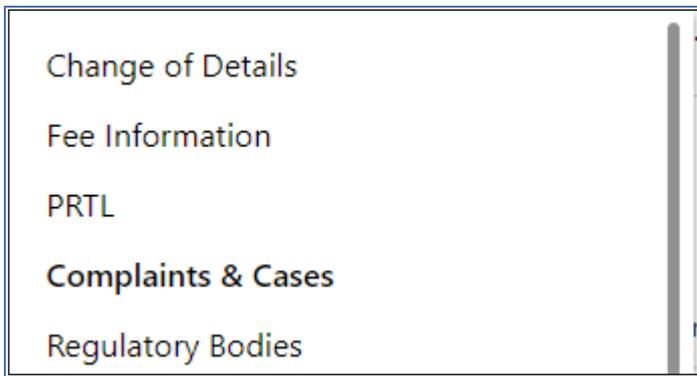
Click 'Save' at the top of the page.

## Checking for previous complaints

Check for previous complaints before you create the new complaint record. You **must** do this to determine whether the complaint is a stage one or stage two complaint. You can check the individual record to see all complaints related to your complainant.

This also includes complaints where they complained on behalf of someone else, or where someone else complained on their behalf, ie where an MSP has complained on the person's behalf.

To see all complaint records where the individual was the complainant, go to "Complaints & Cases". Depending on the size of your screen, this may show on the top bar of the individual record, or you may have to click on the ellipses button to expand the list of options.



The Complaints & Cases section will then show you two boxes, one for active complaints and one for closed complaints.

To see complaint records where a complaint has been made on behalf of the individual, go to the ellipses button and "Cases" – this is at the very bottom of the drop down menu.

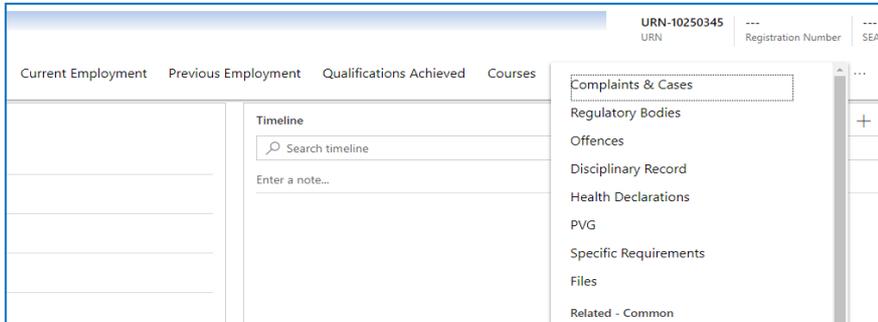


This will default to "associated cases" and will show you all complaint records linked to the individual, where the individual was not the complainant.

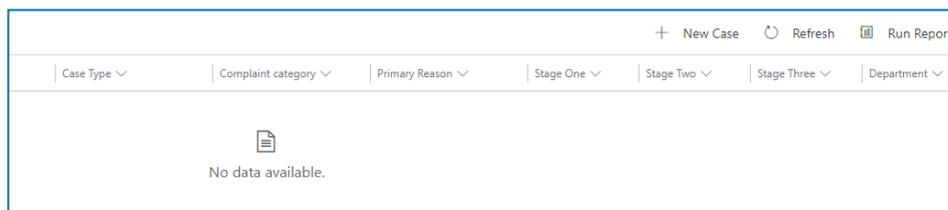
# The complaint record

## Creating a complaint record

Click the three dots on the right-hand side on the top panel, then click 'Complaints & Cases':



The Complaints & Cases section will appear. To record a new complaint, click '+ New Case' in the top right corner of the section.



## Case Details section

**CASE DETAILS**

---

Case Type Complaint | v

Created On ---

Customer \* 🔗 Rory Black

Related to a previous case? **No**

Received via? \* ---

MP/MSP \* ---

Complainant Type \* ---

Involves a staff member? **No**

## **Case Type**

Select 'Complaint' from the drop-down list.

## **Customer**

Search for the individual record for your complainant. The easiest way to do this is by typing in the registration number or URN number, as these are unique to each record. If you search by name only, there may be more than one person on D365 with the same name. As noted above, this is the person who is making the complaint, even if they are complaining on behalf of someone else.

## **Related to a previous case?**

If you are creating a record for a stage two complaint, change this to yes. A new field called 'Related case' will appear where you can select the relevant previous case.

As noted above, Where the complainant is a third party such as an MP/MSP or representative from a legal clinic, you should check the record of the person they are complaining on behalf of in case there has previously been a stage one complaint from this person. If there is a previous stage one complaint from the person they are complaining on behalf of, pull this through.

## **Received via?**

Record the complaint method by selecting the relevant description from the drop-down list.

## **MP/MSP**

Record whether an MP or MSP raised the complaint by selecting the relevant description from the drop-down list.

## **Complainant Type**

Record the type of complainant by selecting the relevant description from the drop-down list.

If you select Applicant or Registrant, a mandatory 'Related Register Part' field will appear.

If you select Other, a mandatory free-type text box will appear for you to enter the complainant type.

If you select MP/MSP or Third Party on Behalf of Someone, an additional search box will appear: Complaint on behalf of.

## Complaint on behalf of

MP/MSP	*	MP
Complainant Type	*	MP/MSP
Complaint on behalf of		---

Type in the URN, registration number or full name of the person the complaint is on behalf of and select the record.

Complainant Type	*	 Sandra Hayburn 04/04/1987 <div style="text-align: right;">▼</div>
		<a href="#">+ New Individual</a> <a href="#">Advanced lookup</a>
Complaint on behalf of		<input type="text" value="URN-10250895"/> 

## Related Register Part

Add the related register part by clicking the magnifying glass icon and choosing from the drop-down list that appears, free typing the part will also display any relevant results to select.

## Involves a staff member?

If the complaint directly involves a member of staff from SSSC, select yes. A new section 'Staff Member Details' will appear on the right-hand side of the page for you to complete:

**Staff Member Details**

Date staff member was notified \*  

---

Notified of outcome? **No**

---

Why were they not notified?

---

## Date staff member was notified

The date the relevant staff member was notified of the complaint. Clicking in this field will open a calendar for you to select the relevant date.

### **Notified of outcome?**

Select 'Yes' or 'No' for if the staff member was notified of the outcome of the complaint. Either option will determine the next field.

### **Why were they not notified?**

This field appears if 'Notified of outcome' is answered 'No'. A free-type to provide an explanation as to why the staff member was not notified of the complaint.

### **Date staff member advised of outcome**

This field appears if 'Notified of outcome' is answered 'Yes'. Clicking in this field will open a calendar for you to select the relevant date.

### **Complaint Classification section**

COMPLAINT CLASSIFICATION	
Relevant Department *	---
Complaint category *	---
Primary Reason	---
What is the complaint? *	---
Further Details	---
More than one reason?	<b>No</b>

### **Relevant Department**

Record which department the complaint is about by selecting the relevant description from the drop-down list. Once you select the relevant department a new section 'Complaint Stages' will appear in the bottom left of the page.

### **Complaint category and Primary Reason**

Select the most appropriate category for the complaint from the drop-down list. The main reason can then be selected from the Primary Reason drop-down list.

### **What is the complaint?**

This is a free-type box. Use this to briefly describe key details of the complaint.

**More than one reason?**

If there is more than one reason for the complaint change this to 'Yes'. Make sure there is a good account of the complaint in the 'Further Details' section so any secondary reasons are identified.

**Complaint Form Submission section**

COMPLAINT FORM SUBMISSION	
Title	---
First name	---
Last name	---
Contact method	---
Email Address	---
Address	---
Mobile Phone	---
On behalf of someone else	<b>No</b>
Registrant	<b>No</b>
Additional requirements	---

If the complaint was submitted via the online complaints form, the details the complainant entered on the form will show in this section. This will show on all complaint records but is read-only and only used by Quality and Improvement staff when handling complaints.

## Complaint Stages section

COMPLAINT STAGES

---

Stage One

Deadline Date

---

Date Received\*

---

Extension Given

Date Decision Sent

---

Stage Two

Date Complainant Contacted

---

Extension Given

Date Decision Sent

---

Stage Three

### Stage one tick box

If the complaint is a stage one you should tick this box then click 'Save' at the top of the page.

### Deadline date

This field will appear once you tick the stage one box and will automatically populate based on the date the complaint was received, which will be five working days from the date of receipt.

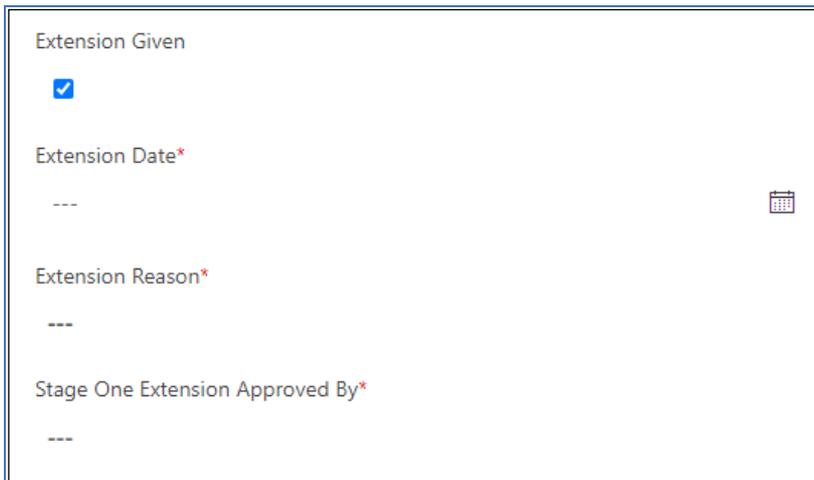
**NOTE:** D365 cannot automatically adjust to take into account public holidays. If you are not able to resolve the complaint on the spot and the complaint response period falls over a public holiday (ie St. Andrews Day, the Christmas holidays), raise a ticket with Systems Development to have the deadline date manually adjusted.

### Date Received

Enter the date the stage one complaint was received.

## Extension Given

If more time is requested at stage one tick this box. Additional boxes will appear.



Extension Given

Extension Date\*

---

Extension Reason\*

---

Stage One Extension Approved By\*

---

## Extension Date

Enter the new response deadline date that has been agreed in the "Extension Date" box.

## Extension Reason

Select the reason for the extension from the dropdown box.

## Extension approved by

All extensions for stage one complaints must be approved by a member of OMT. Enter the name of the OMT member who has approved the response here.

## Date Decision Sent

Enter the date the complaint was responded to at stage one. When the date is added, the Complaint Outcome section will appear (see below).

## Stage two tick box

If you are creating a record for a stage two complaint you should tick this box.

A 'Deadline Date' field will appear after ticking this box and populate based on the date the stage two was received, which will be 20 working days from the date of receipt.

**NOTE:** D365 cannot automatically adjust to take into account public holidays. If you are not able to resolve the complaint on the spot and the complaint response period falls over a public holiday (ie St. Andrews Day, the Christmas holidays), raise a ticket with Systems Development to have the deadline date manually adjusted.

## Date Received

Enter the date the stage two complaint was received.

### **Date Acknowledged**

We must formally acknowledge stage two complaints and notify the complainant of our decision to handle their complaint under stage two of our complains handling procedure. Enter the date the stage two complaint was acknowledged.

### **Date Complainant Contacted**

Enter the date the complainant was contacted.

### **Deadline date**

This field will appear once you tick the stage one box and will automatically populate based on the date the complaint was received, which will be five working days from the date of receipt.

**NOTE:** D365 cannot automatically adjust to take into account public holidays. If you are not able to resolve the complaint on the spot and the complaint response period falls over a public holiday (ie St. Andrews Day, the Christmas holidays), raise a ticket with Systems Development to have the deadline date manually adjusted.

### **Extension Given**

If more time is requested at stage two tick this box. Additional boxes will appear.



Extension Given

Extension Reason\*

---

Extension Date\*

---

Stage Two Extension Approved By\*

---

### **Extension Reason**

Select the reason for the extension from the dropdown box.

### **Extension Date**

Enter the new response deadline date that has been agreed in the "Extension Date" box.

## Extension approved by

All extensions for stage two complaints must be approved the Director of Strategy and Performance (or another member of EMT in their absence). Enter the name of the EMT member who has approved the response here.

## Date Decision Sent

Enter the date the stage two complaint was responded to.

## Stage three

All stage three complaints are handled by the Quality and Improvement team. This section of the form is locked to all other staff members.

## Workflows

A workflow will run to show an indicator on the individual record highlighting that there is an ongoing complaint. This indicator will be created on saving the complaint record where there is no decision date entered. It will close when the decision date is entered and the case is closed.

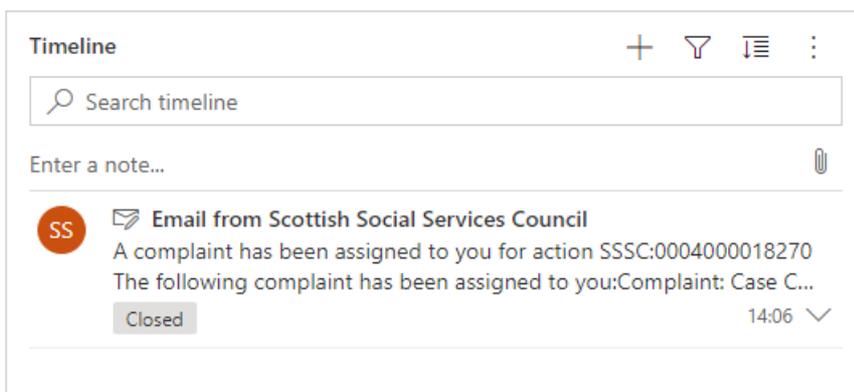
A workflow email will generate the day before a deadline date as a reminder and will be sent to the complaint owner to ensure deadlines are met.

## Customer Details section

This section will pre-populate the information for the person you selected and will refresh every time their details are updated. You cannot change these fields. It will also show any previous cases recorded against this person.

## Timeline section

Details of any relevant telephone calls and emails must be saved in this section. Any automated emails generated from workflows are also saved here.



Any incoming/outgoing calls made through Five9 will automatically be recorded against the individual record of the number the call was with. All phone call notes and email correspondence **must** be added to the complaint entity to make sure it isn't lost during retention deletion.

If you do not have access to Five9, or need to manually record a telephone call note, follow the steps under 'To record a telephone note'.

### **To record a telephone note**

- Click the '+' icon in the top right corner of the Timeline section and select 'Phone Call'. A new page will appear.
- Add a brief summary within the 'Subject' field, for example 'Call from complainant 15 December 2020'.
- In the 'Description' field, type up the details of the telephone conversation.
- Ensure the 'Call With' and 'Direction' fields are correct.
- Click 'Mark Complete' at the top of the page. This will close the call note and return you to the complaint record.

### **To record an email**

- Click the '+' icon in the top right corner of the Timeline section and select 'Task'. A new page will appear.
- Add a brief summary within the 'Subject' field e.g., 'Email from complainant 15 December 2020'.
- In the 'Description' field, copy and paste the relevant email correspondence.
- Click 'Mark Complete' at the top of the page. This will close the task and return you to the complaint record.

### **To save letters to the record**

- Click 'Related' at the top of the page then 'Documents'. A new page will appear.
- Click 'Upload' at the top of this new page. A window will appear, click 'Choose File' to select the relevant document from your computer. Once selected click 'OK' to upload this.
- To return to the main complaint record page, click 'General' at the top of the page.

## Complaint Outcome section

The complaint outcome section will only appear once a date is entered in 'Date Decision Sent' in the 'Complaint Stages' section.

Before completing this section, the 'Case Details', 'Complaint Stages' and 'Complaint Classification' sections should be completed, and the record saved.

If the complaint deadline is missed and the response is sent after the deadline date, additional boxes will appear in the Complaint Outcome section where an approver must be selected.

COMPLAINT OUTCOME	
Complaint Outcome *	---
Outcome Explanation *	---
Reason Deadline was missed *	---
Stage One Deadline Missed Approver *	---
Complaint result in a change	<input type="checkbox"/>
Complainant Satisfied?	Unknown

## Complaint Outcome

Select the relevant option from the drop-down list:

- Upheld – we have reviewed/investigated the issues in the complaint and found that we were at fault/could have done better and will look at making changes/improvements in our processes.
- Partially upheld – there were multiple points to the complaint. We have reviewed/investigated the issues in the complaint and found some points are upheld and some are not.
- Not upheld – we have reviewed/investigated the issues in the complaint and found no fault on our part.
- Resolved - we have agreed a resolution with the customer which does not require further investigation or review of our processes.

## Outcome Explanation

Use this free-type box to briefly describe the main outcome of the complaint.

It could be an apology was made or an explanation given but might also be something that we take further action to rectify.

### **Reason deadline was missed.**

If the date the decision sent is after the deadline date and we have not noted that an extension was given, this additional box will appear in the Outcome section. Use the dropdown box to select the reason the deadline was missed.

### **Approver**

All extensions for stage one complaints must be approved by a member of OMT. All extensions for stage two complaints must be approved the Director of Strategy and Performance (or another member of EMT in their absence). Enter the name of the OMT or EMT member who has approved the response here.

### **Complaint results in a change**

Use this tick box to indicate if we took further action to rectify the complaint such as changing system processes, wording or suggested a change to the system to resolve issues.

When this box is ticked two further fields appear:

- Type of change – pick the relevant option from the drop-down list.
- Details of change – free-type box to be completed explaining the change/s made.

### **Complainant Satisfied?**

This defaults to Unknown. When No is selected a new field 'Dissatisfaction Details' appears. Enter the reasons in this box.

## **Closing the complaint**

Once all mandatory fields in the 'Complaint Outcome' section have been completed and the record is saved, the complaint record is automatically resolved and can no longer be edited. A message indicating this will display at the top of the page.

If a complaint is resolved at stage one and subsequently escalated to stage two, a new complaint record should be created, linking the previously completed stage one record.

# Appendix three - Timelines

## General

References to timelines throughout the CHP relate to working days. Weekends, public holidays and days of industrial action where our service has been interrupted do not count.

The first working day is the day we receive the complaint. We log complaints received out with our working hours on the next working day.

For example:

- we receive a complaint via our website after 5pm on Thursday, Friday is the first working day.
- we receive a complaint via email after 5pm on a Friday, Monday is the first working day.
- we receive a complaint via voicemail after 2pm on 31 December. We treat the first day after the New Year public holiday as the first working day.

## Timelines at frontline response (stage one)

We aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**.

If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on **day ten**, at the latest.

## Transferring cases from frontline response to investigation

If the customer wants to escalate the complaint to the stage two investigation stage the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

## Timelines at investigation (stage two)

For complaints at the investigation stage, day one is:

- the day the case is transferred from the frontline stage to the investigation stage
- the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage, or
- the date we receive the complaint, if it is handled immediately at stage two.

We must acknowledge the complaint within three working days of receipt at stage two, ie by **day three**.

We will respond in full to the complaint by **day 20**. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.

Exceptionally, we may need more than 20 working days. If so, we will explain the reasons, and update them (and any staff involved) at least once every 20 working days.

## Appendix four - Complaints reporting and publicising schedule

What	Title	Audience	When	Publicising Requirement
<ul style="list-style-type: none"> <li>Performance statistics, in line with complaints performance indicators published by SPSO.</li> <li>Analysis of the trends and outcomes, action taken of complaints. This should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area.</li> </ul>	Quarterly Complaints Report	<p>External</p> <p>Quality and Improvement Team</p> <p>OMT</p>	<p>Quarterly</p> <p>Reported to OMT and published as soon as practicable at the end of each quarter.</p>	Report published on our website. No identifying details of specific complaints will be included. All examples will be anonymised.
<p>Complaints dashboards for each department in Power BI. It includes:</p> <ul style="list-style-type: none"> <li>performance statistics required by the SPSO</li> <li>reasons for complaints to allow us to monitor trends.</li> </ul>	Complaints dashboards	Department heads	Refreshed monthly	No external publishing requirement.
<p>Annual review which summarises and builds on the quarterly reports. It includes</p> <ul style="list-style-type: none"> <li>performance statistics required by the SPSO</li> <li>complaint trends and the actions that have been or will be taken to improve services as a result</li> <li>improvements identified and delivered.</li> </ul>	Annual Complaints Report	EMT /Council	<p>Annually</p> <p>Reported to EMT/Council and published as soon as practicable at the end of quarter four.</p>	Published as part of the Council Papers and link to be provided. No identifying details of specific complaints will be included. All examples will be anonymised.

# Appendix five - Frequently asked questions

## Who should respond to stage one complaints?

The person who receives the complaint. If not possible, the complaint should be passed to a relevant member of staff to handle – for example, if the complaint is about registration timescales, but is received by a member of staff in Fitness to Practise, then the complaint should be forwarded to Registration.

**NOTE:** Fitness to Practise staff do not have access to the complaints entity in D365. Expressions of dissatisfaction about FTP processes can be dealt with by the person who received the complaint, but details of all complaints and expressions of dissatisfaction related to FTP should be forwarded to the FTP complaints inbox [ftpcomplaints@sssc.uk.com](mailto:ftpcomplaints@sssc.uk.com) to be recorded.

## Who should respond to stage two complaints?

All stage two complaints are managed by the Quality and Improvement team, and a formal response sent out in the name of the Director of Strategy and Performance, or the Director of Regulation for Fitness to Practise complaints. Staff must not respond to these complaints directly.

If you receive a complaint which you feel should be dealt with at stage two, create the complaint record in D365 (if you have the correct level of D365 access) and forward the details of the complaint to the complaints inbox [complaints@sssc.uk.com](mailto:complaints@sssc.uk.com).

## When does the period for responding start?

The first working day of the period is the day the complaint is received. If the complaint is received after 5pm then the next working day will count as day one. For example, if we receive a complaint at 9pm on a Thursday, the Friday will count as working day one.

## When do I need to record a complaint on D365?

Whenever a complaint is received. In most cases this will be at the point of contact with the complainant. Complaints should be closed on D365 as soon as practicable after the response has been given to the complainant.

If a customer has expressed dissatisfaction but has not said outright they want to make a complaint, this should be recorded. Customers are not required to complete a complaint form or submit a “formal” complaint in order for their dissatisfaction to be recorded.

## Do I need to acknowledge receipt of complaints?

Only for stage two complaints. This must be done within three working days.

## Do I need to tell Quality and Improvement about every complaint?

No - only if the complainant is directly requesting a stage two investigation, or if you have previously responded to the complainant at stage one and they remain dissatisfied.

### **What do I do if someone requests compensation?**

Contact the Legal and Corporate Governance team for advice.

### **What happens if an extension is granted at stage one, but then the complaint is escalated?**

The extension at stage one does not affect the timeframes at stage two. The stage two timeframes apply from the day the complaint was escalated (we have 20 working days from this date unless an extension is granted).

### **What happens if we cannot meet an extended timeframe?**

If we cannot meet the extended timeframe at stage one, the complaint should be escalated to stage two. The maximum timeframe allowed for a stage one response is ten working days.

If we cannot meet the extended timeframe at stage two, a further extension may be approved by the Director of Strategy and Performance (or the Director of Regulation for Fitness to Practise complaints) if there are clear reasons for this. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the customer and give them a revised timeframe for completion. We must update the customer and any staff involved in the investigation at least once every 20 working days.

### **What happens when a customer asks for stage two consideration a long time after receiving a frontline response?**

Unless exceptional circumstances exist, customers should bring a stage two complaint within six months of learning about the problem, or within two months of receiving the stage one response (whichever is latest). See [Time limits for making a complaint](#).



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