

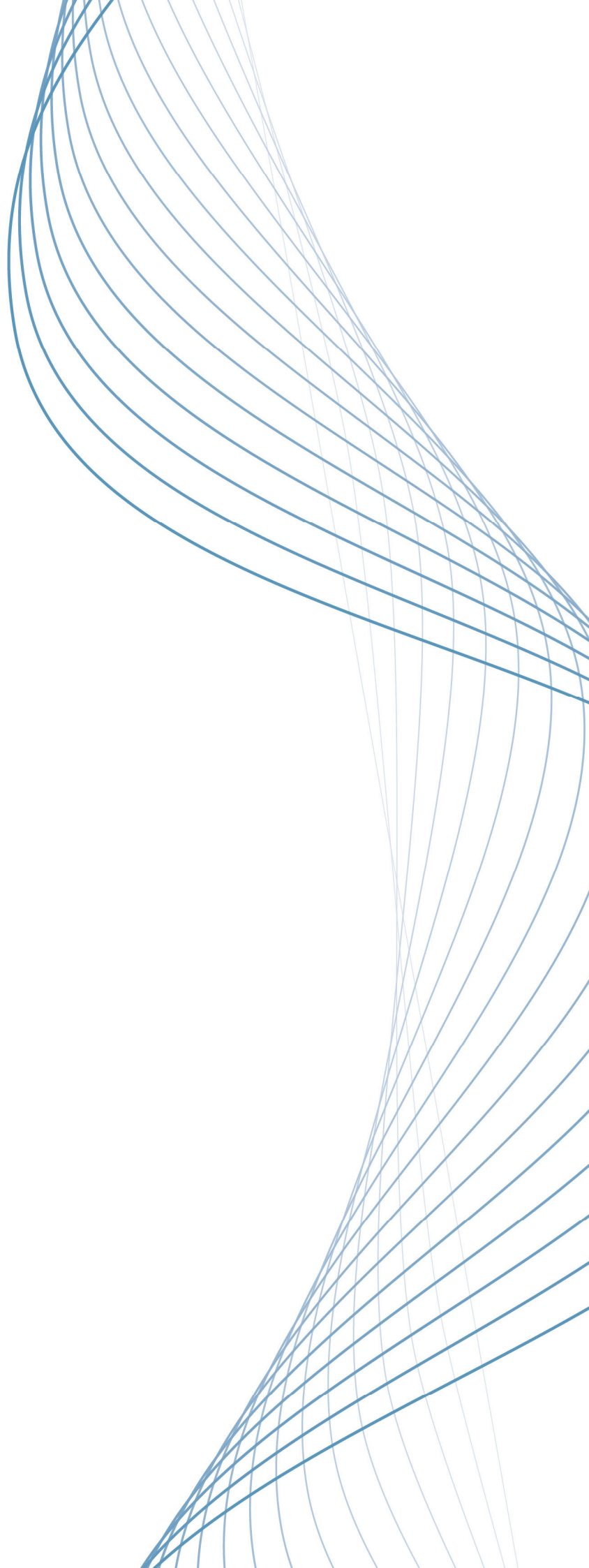
# COMPLAINTS HANDLING PROCEDURE

Internal

**Governance framework**

Version 3

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# 1. INTRODUCTION AND OVERVIEW

## 1.1. Foreword

Our Complaints Handling Procedure (CHP) reflects our commitment to valuing complaints. It seeks to:

- resolve customer dissatisfaction as close as possible to the point of service delivery; and
- to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure was first developed by the Scottish Public Services Ombudsman (SPSO) in consultation with relevant stakeholders. The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff at WICS should cover this procedure as part of their induction and should be given refresher training as required, This will help ensure that staff are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our CHP will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve.

Handling complaints early creates better customer relations and reduces the likelihood of complaints escalating to the next stage of the procedure. Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer.

The CHP will help us do our job better, improve relationships with our customers and enhance public perception of this office. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## 1.2. Structure of the CHP

This CHP explains how you should handle complaints. It consists of the following:

- Overview and structure

- When to use the procedure – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
- The complaints handling process – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
- Governance of the procedure – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints.

The customer-facing CHP, which is a separate external facing document, is also part of our overall procedure. The document sets out information for customers on how we handle complaints

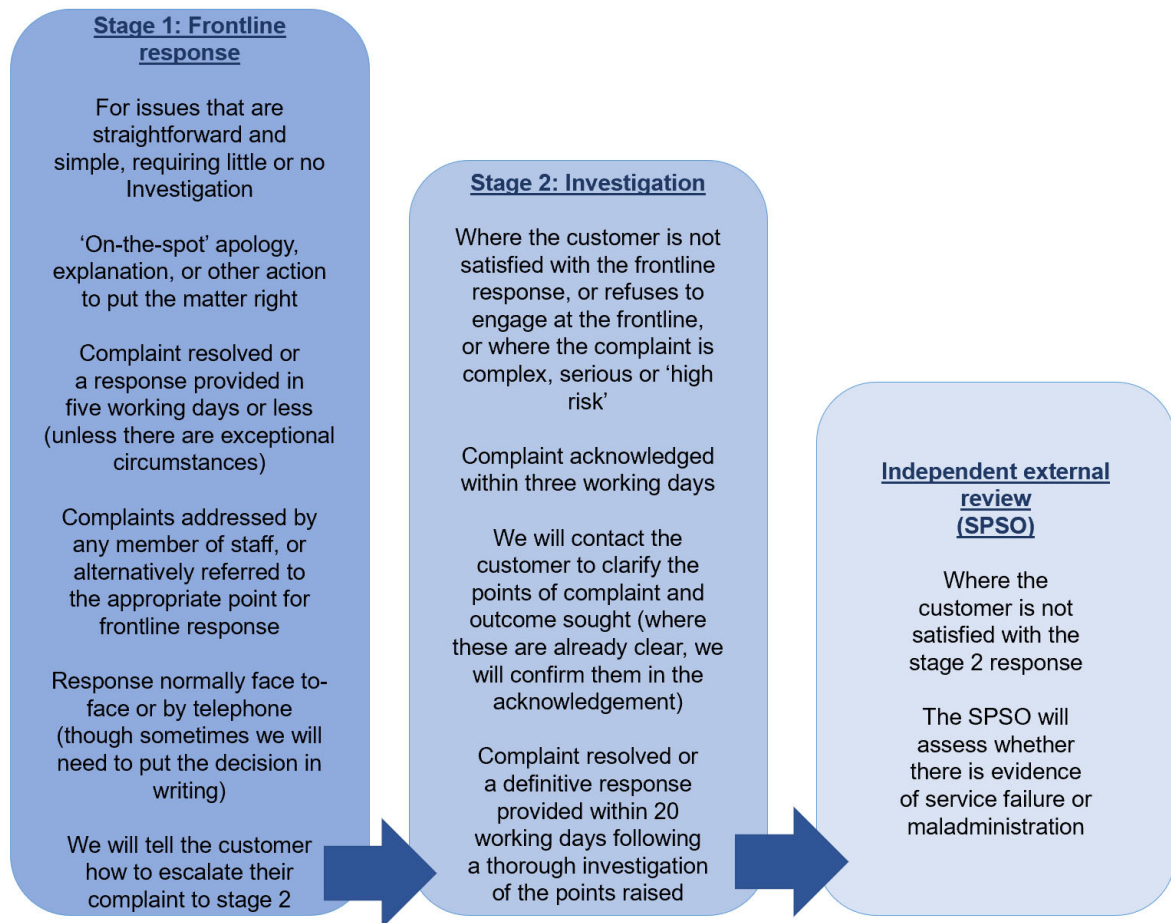
When using the CHP, you should also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO, which can be found here: [www.spsso.org.uk](http://www.spsso.org.uk).

### 1.3. Overview of the CHP

Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.

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

Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can ask us to look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.



For more detail, see appendix 2 at part 3: the complaints handling process.

## 1.4. Expected behaviours

We expect all staff to behave in a professional manner and to treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint 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; and
- responding to reasonable requests for information.

We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy. This policy is available on our website [here](#).

We recognise that 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.

Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints

seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff.

We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us.

If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any 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 a letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires senior management approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO.

The SPSO has guidance on promoting positive behaviour and managing unacceptable actions. It can be found [here](#).

## 1.5. Maintaining confidentiality and data protection

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

We must always bear in mind legal requirements, for example data protection legislation.

## 2. WHEN TO USE THIS PROCEDURE

### 2.1. What is a complaint?

Our definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about WICS's action or lack of action, or about the standard of service provided by or on behalf of WICS'

For clarity, where an employee also receives a service from WICS as a member of the public, they may complain about that service.

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

- failure or refusal to provide a service
- inadequate quality or standard of service, 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; or
- 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 1 provides a range of examples of complaints we may receive, and how these may be handled.

A complaint **is not**:

- a routine first-time request for a service
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- 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 the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- 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
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or



- 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).

Appendix 2 gives more examples of 'what is not a complaint' and how to direct customers appropriately.

We will not treat these issues as complaints, but will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed 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.

## 2.2. 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.

## 2.3. Supporting the customer

All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.

We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:

- the Equality Act (Scotland) 2010 – this gives people with a protected characteristic the right to reasonable adjustments to access our services (such as large print or BSL translations of information); and
- the Mental Health (Care and Treatment) (Scotland) Act 2003 – this gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice.

Examples of how we will meet our legal duties are:

- proactively checking whether members of the public who contact us require additional support to access our services
- providing interpretation and/or translation services for British Sign Language users; and
- helping customers access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).

In addition to our legal duties, we will seek to ensure that we support vulnerable groups in accessing our complaints procedure. Actions that we may take include:

- helping vulnerable customers identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
- helping customers access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Citizen’s Advice Scotland); and
- providing a neutral point of contact for complaints (where the relationship between customers and frontline staff is significant and ongoing).

These lists are not exhaustive, and we must always consider our commitment and responsibilities to equality and accessibility.

## 2.4. How complaints may be made

Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email. Where a complaint is made verbally, we will make a record of the key points of complaint raised.

Complaint issues may also be raised on digital platforms (including social media). Where a complaint issue is raised via a digital channel that we manage and control, (for example an official twitter address), we will explain that we do not take complaints on social media, but we will tell the person how they can complain.

We may also become aware that an issue has been raised via a digital channel that is not controlled or managed by us (for example a youtube video or post on a private facebook group). In such cases we may respond, where we consider it appropriate, by telling the person how they can complain.

We must always be mindful of our data protection obligations when responding to issues online or in a public forum.

## 2.5. Time limit for making complaints

The customer 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).

Where a customer has received a stage 1 response, and wishes to escalate this to stage 2, 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 1 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 useful learning for the organisation.

We will also take account of 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).

## 2.6. Particular circumstances

### *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, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf. It is good practice to ensure the customer understands that their personal information will be shared as part of the complaints handling process (particularly where this includes 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.

The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. If we consider it is appropriate, we can take verbal consent direct from the customer to deal with a third party and would normally follow up in writing to confirm this.

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.

### *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 2.

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

### *Anonymous complaints*

We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by an appropriate senior member of staff.

If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant 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 that the customer is updated on the action taken and gets a response to their complaint.

If the customer insists they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

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

If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

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

If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about WICS through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection.

Such complaints may include:

- A complaint raised against WICS and an LP
- A complaint raised against WICS and Scottish Water

#### *Complaints about contracted services*

Where we use a contractor to deliver a service on our behalf, we recognise that we remain responsible and accountable for ensuring that the services provided meet WICS's standards, (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to the SPSO.

We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

We have discretion to investigate complaints about organisations contracted to deliver services on our behalf even where the procedure has normally been delegated.

#### *Complaints about senior staff*

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

#### *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.

## 2.7. 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.

## 2.8. 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 have failed to meet our expected standards and what we have done to improve things, in general terms.

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

- 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); and
- 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.

## 2.9. 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.

## 2.10. Complaints and legal action

Where a customer says that legal action is being actively pursued, this is not a complaint. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler 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 must not consider the same issue under the CHP.

## 2.11. 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 explain to the customer why we have made this decision. We will tell them what action (if any) we will take (for example, if another procedure applies). We will also, 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 that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our unacceptable actions policy.

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

# 3. THE COMPLAINTS HANDLING PROCESS

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.

## 3.1. Resolving the complaint

A complaint is resolved when both WICS 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 will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.

A complaint may be resolved at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint.

Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as an outcome. In some cases, it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. We will use our professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.

In all cases, we must record the complaint outcome (resolved) and any action taken and signpost the customer to stage 2 (for stage 1 complaints) or to the SPSO as usual.

If the customer and WICS 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.

## 3.2. What to do when you receive a complaint

Members of staff who receive a complaint should consider four key questions. This will help them to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:



- What exactly is the customer's complaint (or complaints)?
  - It is important to be clear about exactly what the customer is complaining about. We may need to ask the customer for more information and probe further 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 or 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 the SPSO).
  - In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage 2.
  
- What does the customer want to achieve by complaining?
  - At the outset, we will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.
  
- Can I achieve this, or explain why not?
  - If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology, or explain why they cannot achieve it, they should do so.
  - The customer may expect more than we can provide. If so, we will tell them as soon as possible.
  - Complaints which can be resolved or responded to quickly should be managed at stage 1.
  
- If I cannot respond, who can help?
  - If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, they should pass the complaint to someone who can respond quickly.
  - If it is not a simple and straightforward complaint that can be realistically closed within 5 working days (or ten, if an extension is appropriate), it should be handled immediately at stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, it should be handled immediately at stage 2.

### **3.2.1. STAGE 1: 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). The main principle is to respond to complaints 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 where appropriate, 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](#).

Appendix 1 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 2: investigation.

#### *Notifying staff members involved*

If the complaint is about the actions of another 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 where it is clear that an apology is warranted).

#### *Timelines*

Frontline response must be completed within **five working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

#### *Extension to the timeline*

In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate senior member of staff. 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 2 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 1 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 2 for a final response.

Appendix 3 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; and
- explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to the SPSO until the customer has completed stage 2).

We will keep a full and accurate record of the decision given to the customer. If we are not able to contact the customer by phone, or speak to them in person, we will provide a written response to the complaint where an email or postal address is provided, covering the points above.

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

The complaint should then be closed, and the complaints log 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.

## **3.2.2. STAGE 2: INVESTIGATION**

Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 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 1 response, whichever is later.
- 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); or
- the complaint relates to serious, high-risk or high-profile issues.

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 team).

Details of the complaint must be recorded on the complaints log. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.

The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful.

### *Acknowledging the complaint*

Complaints must be acknowledged within three working days of receipt at stage 2. We must issue the acknowledgement in a format that is accessible to the customer, taking into account their preferred method of contact.

Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree.

Where the points of complaint and expected outcomes are not clear, we must 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 2 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.

Where 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. 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 be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

In all cases, we must have a clear shared understanding of:

- 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 there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. 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 very 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 any such cases in accordance with our unacceptable actions policy, bearing in mind that we should 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.
- 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 notify the staff member/s involved (including 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); and
- 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.

### *Investigating the complaint*

It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need to think about, including:

- 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); and
- is there a difference between what happened and what should have happened, and is WICS 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, it may be appropriate 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 be mindful of our obligations under data protection legislation.

The SPSO has resources for conducting investigations. They can be found online [here](#).

### *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 approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. 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 complaint 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 on its website [here](#).

If WICS and the customer (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

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

To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

### *Timelines*

The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):

- 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.

### *Extension to the timeline*

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the 20-day timeframe, and why. We should bear in mind that extended delays may have a detrimental effect on the customer.

Any extension must be approved by an appropriate manager. 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 of the investigation.

Appendix 3 provides further information on timelines.

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

The response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by a senior member of staff who is empowered to provide the final response on behalf of WICS.

We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld). The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy: see [the SPSO's guidance on apology](#))
- highlight any area of disagreement and explain why no further action can be taken
- indicate that a named member of staff is available to clarify any aspect of the letter; and
- indicate that if they are not satisfied with the outcome of the local process, they may seek a review by the SPSO.

Where a complaint has been resolved, the response does not need to provide a decision on all points of complaint, but should instead confirm the resolution agreed.

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).

We will record the decision, and details of how it was communicated to the customer, on the complaints system.

The SPSO has guidance on responding to a complaint on its website [here](#).

At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified.

### *Signposting to the SPSO*

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. We must make clear to the customer:

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

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are out-with the SPSO's jurisdiction, but it is the SPSO's



role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to the SPSO.

The SPSO recommends that we use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on WICS's final response to the complaint.

### **3.2.3. INFORMATION ABOUT THE SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about WICS. 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 a customer remains dissatisfied following our final response, they can ask the SPSO to look at their complaint. The SPSO may look at the complaint if:

- it has exhausted our CHP
- it is less than 12 months after the complaint was raised , and
- the matter has not been (and is not being) considered in court.

The SPSO will ask the complainant to complete a complaint form and provide a copy of our final response to the complaint. This can be done online via the SPSO website or by calling Freephone 0800 377 7330.

The complainant may wish to get independent support or advocacy to help progress the complaint. Organisations who may be able to assist include Citizens Advice Scotland or Scottish Independent Advocacy Alliance.

The SPSO's contact details are:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330  
Online contact: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)  
Website: [www.spsso.org.uk](http://www.spsso.org.uk)

*Post-closure contact*

If a customer contacts us for clarification when they have received our final response, we may have further discussion with the customer to clarify our response and answer their questions. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to the SPSO.

# 4. GOVERNANCE

## 4.1. Governance of the CHP

All staff should be aware of:

- the 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; and
- 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 complaint investigation is signed off by an appropriate manager or officer in order to provide assurance that this is our definitive response and that the complainant's concerns have been taken seriously
- 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 within WICS; and
- complaints information is used to improve services, and this is evident from regular publications.

The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a personal interest in all or some complaints, or may delegate 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 that there are governance and accountability arrangements in place in relation to complaints about contractors. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between WICS and its contractors

- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide WICS with an overview of how the contractor is meeting its objectives.

On the Chief Executive's behalf, Directors may be responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints; and
- deputising for the chief executive on occasion.

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.

Directors are also responsible for ensuring all new staff receive training on the CHP as part of the induction process, and that refresher training is provided for current staff on a regular basis.

Heads of Service may be involved in the operational investigation and management of complaints handling. As senior officers, they may be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete, and that the response addresses all aspects of the complaint.

The Complaints Investigator is responsible and accountable for the management of the investigation. They will be involved in investigating and coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

Our SPSO Liaison Officer's role may include:

- 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.

## 4.2. Recording, learning from, reporting and publicising complaints

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

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

### 4.3. 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 should 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
- the 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); and
- the underlying cause of the complaint and any remedial action taken.

WICS will also record the outcome of the SPSO's investigation (where applicable). It is good practice to record the full journey of a complaint, as this allows us to use the information to identify good practice or areas for improvement. For example, where there are a high number of complaints 'not upheld' by the organisation but then 'upheld' by the SPSO, this could suggest that there are opportunities to improve complaints handling at a local level.

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.

Individual complaint files will be stored in line with our document retention policy.

### 4.4. Learning from complaints

We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:

- seek to identify the root cause of complaints
- take action to reduce the risk of recurrence; and

- systematically review complaints performance reports to improve service delivery.

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

In recording any complaint, we create an action plan which details the issues raised and the lessons we've learnt along the way towards resolving the complaint. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action, which as a minimum, will meet the following standards:

- the action needed to improve services must be authorised by an appropriate manager
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved; and
- any learning points should be shared with relevant staff.

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

## 4.5. Reporting complaints

We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We will report at least quarterly to senior management on:

- performance statistics, in line with the complaints performance indicators published by SPSO
- analysis of the trends and outcomes 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).

## 4.6. Publicising complaints information

We publish, on a quarterly basis, information on complaints outcomes and actions taken to improve services.

This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

We publish a complaints performance update within our annual report, which is available on our website. This can be provided to the SPSO on request. This summarises and builds on the quarterly reports we have produced about our services. It includes:

- performance statistics, in line with the complaints performance indicators published by the SPSO; and
- complaint trends and the actions that have been or will be taken to improve services as a result.

These reports will be easily accessible to members of the public and available in alternative formats as requested.

# APPENDIX 1: COMPLAINTS

The following table gives specific examples of complaints that may be considered at the frontline stage, and suggests possible actions.

Complaint	Possible actions
<p>A customer expresses dissatisfaction at how we have handled their enquiry</p>	<p>Thank the customer for their original enquiry and apologise that they have since felt the need to raise a complaint.</p> <p>Tell the customer that we take complaints very seriously and seek to resolve all complaints as soon as possible and in line with our CHP.</p> <p>Explain that we use complaints data to improve our service and performance.</p> <p>Review the handling of the original enquiry and discuss such handling with everyone involved to get an overall understanding of where we might have gone wrong.</p> <p>Consider whether we have made an error in our original response and whether we can in fact provide further information or clarification on the issues raised.</p>
<p>A customer expresses dissatisfaction at the tone and language used during correspondence with us</p>	<p>Thank the customer for their correspondence and apologise that they have felt the need to complain.</p> <p>Apologise for the tone and language used (if it was unacceptable).</p> <p>Tell the customer that we take complaints very seriously and seek to resolve all complaints as soon as possible and in line with our CHP.</p> <p>Explain that we use complaints data to improve our service and performance.</p> <p>Review all correspondence and discuss with everyone involved to get an overall understanding of where we have gone wrong.</p>
<p>A customer expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants</p>	<p>Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint.</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 anonymous</p>



Complaint	Possible actions
to tell us about the matter.	complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.

## APPENDIX 2: NOT A COMPLAINT?

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, and the customer has to keep on asking for service.

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

Below is a list of examples of the types of issues or concerns that must not be handled through the CHP

*Example 1: A retail customer is dissatisfied with their Licensed Provider and claims that their bill is incorrect.*

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

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

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

# APPENDIX 3: TIMELINES

## General

References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

## Timelines at frontline response (stage 1)

We will 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**, at the latest.

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 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 2)

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 2.

We must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.

We should respond in full to the complaint by **day 20**, at the latest. 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 longer than the 20 working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

## Frequently asked questions

*What happens if an extension is granted at stage 1, but then the complaint is escalated?*

The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (we have 20 working days from this date, unless an extension is granted).

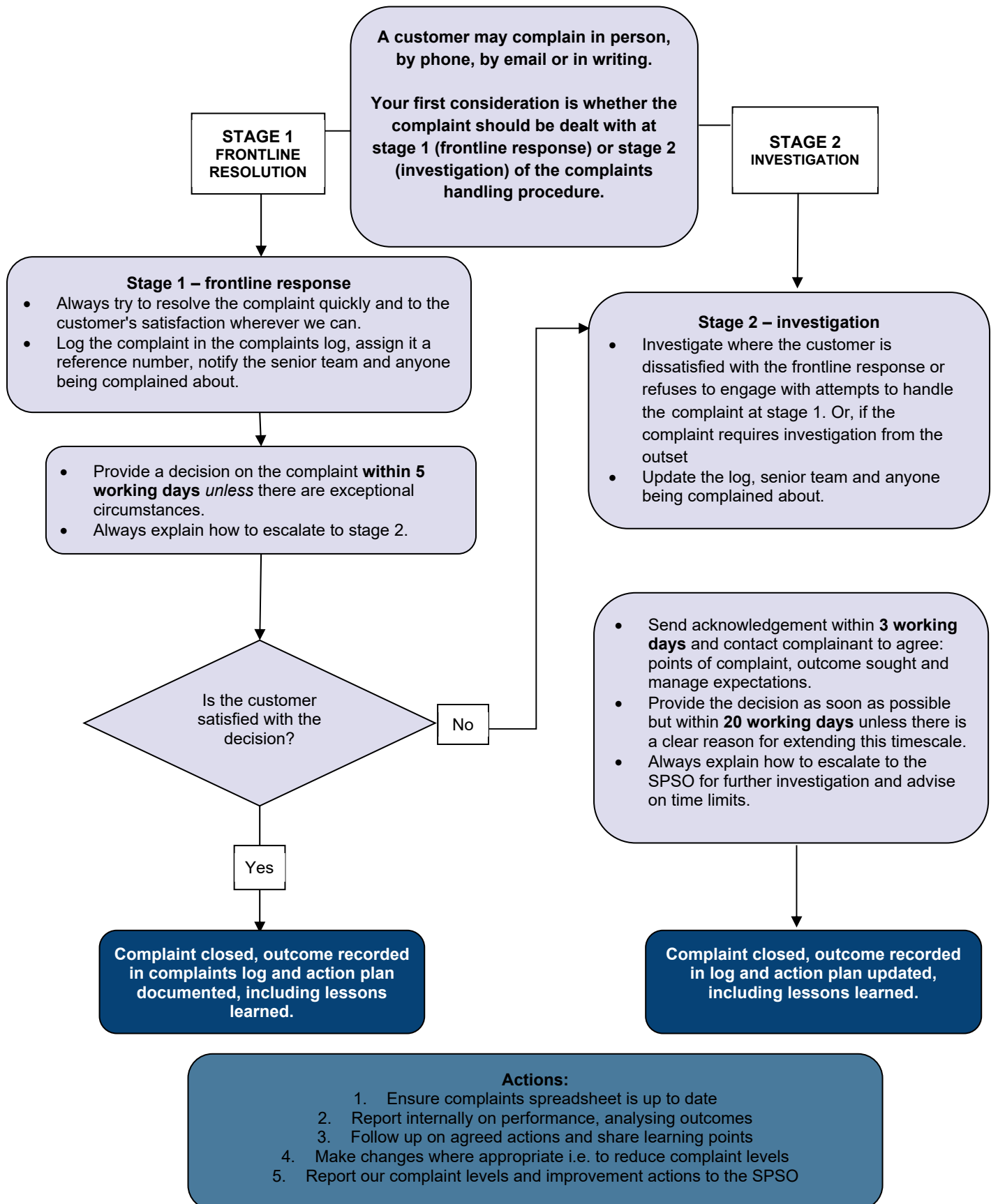
*What happens if we cannot meet an extended timeframe?*

If we cannot meet the extended timeframe at stage 1, the complaint should be escalated to stage 2. The maximum timeframe allowed for a stage 1 response is ten working days. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager 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 2 consideration a long time after receiving a frontline response?*

Unless exceptional circumstances exist, customers should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest).

# APPENDIX 4: THE CHP





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WICS Economic  
regulation for  
Scotland's water

