

ITEM 1.4: COMPLAINTS HANDLING PROCEDURE

Purpose

1. To advise that the Council has been added to the list of Scottish Public Authorities to whom Schedule 2 of the [Scottish Public Services Ombudsman \(SPSO\) Act 2002](#) applies.
2. To seek members' agreement to the proposed procedures and related documents in respect of the SPSO regime.

Discussion

3. The Council is subject to the SPSO regime under paragraph 13 of Schedule 1 to the Criminal Justice and Licensing (Sc) Act 2010 (2010 Act). Under this regime, the Council is required to:
 - adopt and implement the SPSO's Model Complaints Handling Procedure (MCHP) for the Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland;
 - publish a 'customer facing' complaints handling procedure (CHP);
 - record and monitor customer complaints; and,
 - analyse and publish information relating to the handling of complaints.

The MCHP and customer facing CHP

4. The aim of the MCHP is to provide a standardised approach to dealing with customer complaints across the public authorities' landscape in Scotland and is to be used as an internal document. It is provided by SPSO as a template to be adopted and populated by individual authorities, and may only be adopted in its entirety. The MCHP must contain the following elements:
 - the definition of a complaint (please see page 2 of **Paper 1.4A** for definition)
 - the number of stages in the procedure
 - timescales at each stage

5. A MCHP has been prepared in respect of the Council (**Paper 1.4A**) and has been developed in consultation with the SPSO. It is designed to provide guidance to, and be an aide memoire for, staff.
6. A 'customer facing' CHP must also be prepared and published in order to fully adopt the MCHP. It is designed to provide standardised information on the complaints procedure to members of the public to ensure that they receive the same information on complaints each time. A customer facing CHP in respect of the Council is provided at **Paper 1.4B**.
7. The CHP outlines the types of complaints the Council will and won't consider and the process for dealing with them. The Council's complaints process has two stages;
 - Stage 1 – Immediate Resolution
 - Stage 2 - Investigation
8. Members are advised that complaints about the Council, its work and its members will be handled by the Secretariat and the Chair of the Council. And, as administrative support to the Council is provided by the SCTS, complaints about members of the Council's support staff will be handled within the SCTS management structure.
9. Each stage of the complaints procedure requires the Council to provide responses to complaints within set specific timescales. If the complainant is still not satisfied with the outcome of their complaint after stage 2, they will have the right to pass their complaint to the SPSO for independent consideration.
10. Together, the Council's MCHP and the customer facing CHP set out the high level components of an effective complaints handling procedure with a focus on simplifying and streamlining those procedures, and allows for lessons to be learned from any potential complaints.
11. The Office of the SPSO has considered both documents and has confirmed that they meet the required standard.

12. The Scottish Courts and Tribunals Service and the Judicial Office for Scotland have considered the Council's complaints policy and are content with the points which relate to them.

Recording complaints and Monitoring Compliance and Performance

13. The MCHP also requires the Council to:

- record complaints;
- analyse complaints information for trend information to ensure service failures can be identified and appropriate action taken. This information should be reported regularly (at least quarterly) to the Council;
- publish on a quarterly basis the outcome of complaints, trends and the actions taken in response; and,
- use case studies and examples to demonstrate how complaints have helped improve services.

14. The Council must also report annually its complaints handling performance information. It is suggested that this information be include in the Council's annual report to the Scottish Ministers. The indicators against which the Council should publicise this information are as follows:

- Indicator 1: complaints received
- Indicator 2: closed complaints
- Indicator 3: complaints upheld, partially upheld and not upheld
- Indicator 4: average times
- Indicator 5: performance against timescales
- Indicator 6: number of cases where an extension is authorised
- Indicator 7: customer satisfaction
- Indicator 8: learning from complaints

15. Members are advised that the Secretariat has put in place procedures to enable complaints to be identified, recorded and responded to within the timescales set by the MCHP, monitored, and reported on, in line with the Council's obligations under SPSO.

Recommendation

16. Members are invited to:

- **approve the Scottish Sentencing Council MCHP;**
- **approve the customer facing CHP; and**
- **note that the Secretariat has put in place procedures to handle complaints and to record, monitor, publish and report on complaints information.**

Scottish Sentencing Council Secretariat

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