



leisure

**COMPLAINTS HANDLING  
PROCEDURE**

Approved by: Board of Directors

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TITLE: **COMPLAINTS HANDLING PROCEDURE**



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*This document explains to staff and customers how the Company will handle complaints.*



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### **Who can make a complaint?**

Anyone who receives, requests or is affected by services or activities delivered by the Company can make a complaint.

### **How can a complaint be made?**

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf.

### **What is a Complaint?**

The Company's definition of a complaint is:

*'An expression of dissatisfaction by one or more members of the public about the Company's action or lack of action, or about the standard of service provided by or on behalf of the Company.'*

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with Company policy
- treatment by or attitude of a member of staff
- disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- Company failure to follow the appropriate administrative process.

A complaint is **not**:

- a routine first-time request for a service
- a request for compensation only
- an issue that is in court or has already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where the Company has already given its final decision.

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### **Handling Anonymous Complaints**

The Company value all complaints. This means that the Company treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, the Company will consider anonymous complaints if there is enough information in the complaint to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by a Senior Manager.

If an anonymous complaint makes serious allegations, this should be referred to a Senior Manager immediately.

If the Company pursue an anonymous complaint further, the Company will record the issues as an anonymous complaint on the Company complaints recording system.

### **If the customer does not want to complain?**

If a customer has expressed dissatisfaction but does not want to complain, they must be told that the Company views complaints as an opportunity to improve services where things have gone wrong. The customer should be encouraged to submit their complaint and allow the Company to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If, however the customer insists they do not wish to complain, the issue should be recorded as an anonymous complaint.

### **The Complaints Handling Procedure**

The Company complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally.

Our complaints process provides two opportunities to resolve complaints internally:

- **Frontline Resolution**, and
- **Investigation**



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## The Model Complaints Handling Procedure

### FRONTLINE RESOLUTION

For issues that are straightforward and easily resolved, requiring little or no investigation.

'On-the-spot' apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.

Complaint details, outcome and action taken recorded and used for service improvement.

### INVESTIGATION

For issues that have not been resolved at the frontline or that are complex, serious or 'high risk'.

A definitive response provided within 20 working days following a thorough investigation of the points raised.

Responses signed off by senior management.

Senior management have an active interest in complaints and use information gathered to improve services.

### INDEPENDENT EXTERNAL REVIEW (SPSO or other)

For issues that have not been resolved by the service provider.

Complaints progressing to the SPSO will have been thoroughly investigated by the service provider.

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.

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## **Stage One: Frontline Resolution**

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

The main principle of this stage is to seek an early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking a more appropriate member of staff to deal directly with the complaint.

The complaint may be settled 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. It may also be explained that, as an organisation that values complaints, the Company may use the information provided when reviewing service standards in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Consideration must always be given to frontline resolution, regardless of how you have received the customer's complaint.

## **What to do when you receive a complaint**

On receiving a complaint, it must first be decided whether the issue should be defined as a complaint. (Page 3 – What is a complaint?)

Next, it must be decided whether or not the complaint is suitable for frontline resolution. Where frontline resolution is appropriate, consideration must be given to the following four key questions:

- What exactly is the customer's complaint (or complaints)?
- What does the customer want to achieve by complaining?
- Can I achieve this, or explain why not?
- If I cannot resolve this, who can help with frontline resolution?

Frontline resolution must be completed within **five working days**, although in practice the Company would often expect to resolve the complaint much sooner.

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Where the customer has been informed of the outcome of the complaint orally, the Company is not obliged to write to the customer, although this is an option. It must be ensured that the response to the complainant addresses all areas that the Company is responsible for and explains the reasons for the decision. It is important to keep a full and accurate record of the decision reached and given to the customer.

Having dealt with the complaint at the Frontline stage, all complaint details must be recorded on a Company Complaint Recording Form and forwarded to the Support Team for addition to the Company Complaints Recording System.

### **When to escalate to the investigation stage**

In some cases the issues around the complaint made are so complex that they cannot be resolved in five days. In this case, it may be more appropriate to escalate the complaint straight to the investigation stage. The customer must be informed of the reasons for the escalation and when they can expect a response to their complaint.

A complaint must be escalated to the investigation stage when:

- Frontline resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint. This may be immediately on communicating the decision at the frontline stage or could be some time later
- the customer refuses to take part in the frontline resolution process
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

Particular care must be taken 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 direct input. High-risk or high-profile complaints are those that may:

- 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 Company operations

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## **Stage Two: Investigation**

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before the Company can state its position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents the final position of the Company.

## **What to do when you receive a complaint for investigation**

When a complaint is deemed to be at the investigation stage, an investigating officer will be allocated to the complaint. It is important to be clear from the start of the investigation stage exactly what the investigating officer is investigating, and to ensure that the customer understands the investigation's scope.

It may be helpful to discuss and confirm these points with the customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. When discussing the complaint with the customer, consideration should be given to three key questions:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

It may be that the customer expects more than the Company can provide. If so, the investigating officer must make this clear to the customer as soon as possible. Where possible the investigating officer should also clarify what additional information will be needed to investigate the complaint. The customer may need to provide more evidence to help a decision to be reached.

Details of the complaint must be recorded on the Company complaints recording system held within the Support Team. The details must be updated when the investigation ends.

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If the investigation stage follows attempted frontline resolution, all case notes and associated information must be handed over to the investigating officer.

### Timelines

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

- complaints must be acknowledged within **three working days** from receipt of complaint
- the Company must provide a full response to the complaint as soon as possible but not later than **20 working days** from the time the complaint was received.

### 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-day limit. Such cases would be the exception.

### Mediation

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 complaint. Where appropriate, the Company may consider using services such as mediation or conciliation involving suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.

If the Company and the customer agree to mediation, revised timescales will need to be agreed.

### Closing the complaint at the investigation stage

The customer must be informed of the outcome of the investigation in writing or by their preferred method of contact. The response to the complaint must address all areas that the Company is responsible for and explain the reasons for the decision.

You must also make clear to the customer:

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

The decision must be recorded on the Company Complaints Recording System along with details on how it was communicated to the customer.

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### **Independent External Review**

Once the investigation stage has been completed, the customer has the right to approach the Scottish Public Service Ombudsman (SPSO) if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of the complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), and the way the Company has handled the complaint.

The SPSO recommends that the wording below is used to inform customers of their right to ask the SPSO to consider the complaint. The following information will be included within the Company template letter to respond to complaints which have been investigated by the Company.

#### **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. If the complainant remains dissatisfied with the Company after its complaints process, they can ask the SPSO to review their complaint. The SPSO cannot normally look at complaints:

- where the complainant has not gone all the way through the Company's complaints handling procedure
- more than 12 months after the complainant became aware of the matter they wish to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

SPSO	SPSO
4 Melville Street	Freepost EH641
Edinburgh	Edinburgh
EH3 7NS	EH3 0BR

Freephone: **0800 377 7330**

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

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

Mobile site: <http://m.spsso.org.uk>

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## **Governance of the Complaints Handling Procedure**

Overall responsibility and accountability for the management of complaints lies with the Company's Senior Management Team.

The Company final position on the complaint must be signed off by an appropriate Senior Manager and the letter will confirm that this is our final response. This ensures that senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

**Complaints investigator:** The complaints investigator is responsible and accountable for the management of the investigation. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the Company.

**All Company staff:** A complaint may be made to any member of staff in the Company. So all staff must be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. Staff should also be aware of whom to refer a complaint to in case they are not able to personally handle the matter. The Company encourages all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

## **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 important that the investigation is conducted by an individual who is independent of the situation.

## **Recording, Reporting, Learning and Publicising**

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the Company. The Company must record all complaints in a systematic way so that the Company can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, the Company can identify and address the causes of complaint and, where appropriate, identify training opportunities and introduce service improvements.

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## **Recording Complaints**

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service area/site the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken.

For recording and reporting purposes, Complaints will be categorised under the following headings. Quarterly reports on Complaints will be presented to the Company Board of Directors.

- Facilities General
- Facility Cleanliness
- Facility Customer Service
- Activities and Programming
- Policy/General
- Marketing and Promotion

## **Reporting of Complaints**

Complaints details will be analysed for trend information to ensure the Company identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

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A quarterly report will be prepared for the Company Board of Directors detailing the outcome of complaints and the actions the Company has taken in response. This report will demonstrate the improvements resulting from complaints and will clearly show that complaints can influence our services. Regular reporting also helps ensure transparency in the complaints handling procedure and will help inform customers that the Company values their complaints.

### **Maintaining Confidentiality**

Confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. The Company must always bear in mind legal requirements, for example data protection legislation.

### **Supporting the Customer**

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that the Company will seek to address to ensure easy access to the complaints handling procedure.

### **Time Limit for Making Complaints**

The complaints handling procedure sets a time limit of six months from when the customer first knew of the problem, within which time they may ask the Company to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

The Company will apply this time limit with discretion. In decision making, the Company will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.