

Local Government, Housing and Planning Committee
Tuesday 3 June 2025
18th Meeting, 2025 (Session 6)

Scottish Public Services Ombudsman draft revised Statement of Complaint Handling Principles

Introduction

1. The Scottish Public Services Ombudsman (SPSO) laid the following document in Parliament on 23 April 2025—
 - SPSO Statement of Complaints Handling Principles.
2. This is an update to the statement the SPSO is required to publish under the [Scottish Public Services Ombudsman Act 2002](#). Section 16A requires that prior to publication, the statement (and any updates containing “material” changes) must be approved by Parliament.
3. It is for the Local Government, Housing and Planning Committee to consider the statement and report to Parliament on its views.

Background

4. The [Scottish Public Services Ombudsman Act 2002](#) provides that:
 - a. The SPSO shall “...publish a statement of principles....concerning complaint handling procedures of listed authorities.”
 - b. The first statement could not be published until approved by resolution of the Parliament (s16A(4));
 - c. Any subsequent updates to the Statement which were considered “material” by the SPSO also have to be laid in Parliament and a final copy can also only be published if approved by the Scottish Parliament;
 - d. Parliament has a period of two months to consider the draft of the updated statement.
5. The initial statement produced by the SPSO was approved by the Scottish Parliament in 2011.
 - [SPSO Statement of Complaint Handling Principles](#)
6. The original statement has been supplemented by Whistleblowing Principles in April 2021 and the Child friendly Complaints Handling Principles in July 2024.
7. The SPSO wrote to the Delegated Powers and Law Reform Committee (**Annexe A**) and laid the updated draft statement for consideration in Parliament on 23 April 2025 (**Annexe B**). This is a document subject to Parliamentary control as

the Act stipulates a role for Parliament. The procedure for doing so is also laid out in the Act in that Parliament must approve the document before it can be published and this must take place within two months of the document being laid.

8. The draft statement has been referred to the Local Government, Housing and Planning Committee for consideration. The Committee must consider the draft statement and report to Parliament on its views.

9. The Committee has considered the work of the SPSO more generally this year, including complaint handling. It sought written views on the work of the organisation and held evidence sessions with stakeholders. It also heard from the Ombudsman in February and wrote to the Ombudsman with its conclusions following that meeting. These included:

“The Committee notes the positive tone of evidence from public bodies on engagement with the SPSO and the support provided to improve complaints handling systems. Again, we are concerned at the apparent contradiction between this position and the experience of those seeking to make complaints to public bodies and the SPSO.”

10. The Committee’s letter to the SPSO and the response are included below:

- [Letter to the SPSO](#) – 25 February 2025
- [Response from the SPSO](#) – 24 April 2025

Consideration by the Delegated Powers and Law Reform Committee

11. The Delegated Powers and Law Reform Committee considered the draft statement at its meeting on 5 May 2025 and reported on 7 May.

12. It said—

- “In relation to the above document, the Committee highlights to the lead committee its [correspondence with the Ombudsman](#).
- In particular, the Committee highlights that:
 - whether parliamentary procedure is required for this draft revised document is determined, conclusively, by whether the Ombudsman considers that the revision is “material” ([section 16A\(11\) of the Scottish Public Services Ombudsman Act 2002](#)), and
 - confirmation has been obtained from the Ombudsman that the Ombudsman does consider that this revision is material. The Parliamentary procedure in section 16A(4)-(6) of the 2002 Act therefore applies to this document.

- The Committee also highlights that confirmation has been obtained in this correspondence that the Ombudsman has fulfilled the requirement in section 16A(7)(a) to consult the Scottish Ministers, in particular, before laying the document. This was not mentioned in the laying documents.”

Meeting 3 June 2025

13. The Local Government, Housing and Planning Committee will consider the draft Principles at its meeting on 3 June 2025. It will conclude whether or not to recommend the draft Statement be approved.

Next steps

14. The Committee will produce a report on the draft Principles which will recommend whether or not the draft Statement should be approved.

Clerks to the Committee
May 2025

Annexe A – Letter to the Delegated Powers and Law Reform Committee

Dear Clerk

Proposed rewording of the SPSO Statement Complaint Handling Principles

As the Committee may be aware, my statutory duties and powers as Ombudsman include the setting and monitoring of complaints handling principles. These powers were first exercised by my predecessor in 2011. On 12 January 2011, the Scottish Parliament approved complaints handling principles under section 16A of the Scottish Public Services Ombudsman Act 2002 (the Act). These can be found here [Statement of Principles](#)

The Principles have remained unchanged since that time, although I added Whistleblowing Principles for the NHS in April 2021, and most recently Child Friendly Principles in July 2024.

A lot has changed since 2011, not just in relation to complaints handling. I came to the view that the language of the existing Principles needs updating and refreshing, to better reflect changes in complaint handling, how public services are delivered, and in wider society since 2011. My aim is to express the Principles in a way that better reflects public sector (and SPSO) values by being more clearly person-centred and acknowledging rights. This both reflects the current environment and supports the ongoing aim of promoting the value of a positive complaints handling culture.

The update to the wording of the Principles has also been informed by my office's recent work on Child Friendly complaints and consultation with stakeholders. It reflects SPSO's Strategic Plan 2024-2028, including both the values that drive our work (independent, people centred, fair, learn and improve) and how we live our values through our strategic themes (access to justice through everyday rights, agile capacity, standards and impact, efficiency).

My office ran a public consultation over December 2024 and January 2025 and the Principles laid before you today reflect the feedback received. The changes were well-supported, with the majority of respondents content that the redrafted wording of the Principles was understandable, and positive about the refreshed presentation.

The Principles are the foundation for my office's Model Complaints Handling Procedures (MCHPs) and apply to all organisations within my jurisdiction, even if they are not required to follow an MCHP. Updating the wording of the Principles at this time will help my office, and my successor, review and update the supporting MCHPs (i.e., processes and guidance) over the next two years, in line with SPSO's current business plan.

The next phase of our work will be to use the updated principles to inform and guide the co-design of underlying processes and guidance. This co-design approach will enable us to hear a wide range of views; from public service users, complainants, advocacy bodies that support complainants, and public bodies. It will ensure we embed users' voices in process design, as well as advances in rights-based complaint handling. It is also an opportunity to improve accessibility by introducing

the flexibility to adapt approaches at local levels to meet the needs of all service users, including those experiencing vulnerability.

I am satisfied this demonstrates SPSO's compliance with section 16A(7) of the Act.

There are other related matters which SPSO will also be pursuing to enable equality of access to complaints and consistency of complaints handling across all sectors. These include seeking to remove complaints handling requirements from the face of other legislation (or at the very least to update that legislation to build in a requirement to follow the SPSO MCHP). Specifically, in relation to Health¹ and Prisons².

Please do not hesitate to contact me if you have any questions.

Yours sincerely

Rosemary Agnew

Scottish Public Services Ombudsman

¹ Patient Rights (Scotland) Act 2011, S.14 & 15

² The Prisons and Young Offenders Institutions (Scotland) Rules 2011, Part 12

Annexe B – draft statement of Complaint Handling Principles



About these principles

The Scottish Public Services Ombudsman Act 2002 (the Act), as amended, states at Section 16A(1) that the Ombudsman must publish a statement of principles concerning complaints handling procedures of listed authorities.

The statement sets out the principles that underpin an effective complaints procedure. They are the foundation for the Model Complaints Handling Procedures in place across most public services in Scotland. All public services and organisations within the Ombudsman's jurisdiction must have complaints procedures which comply with the principles.

Public services should foster a complaints handling culture of respect, transparency and accountability, to enhance relationships with citizens. Key to this complaints culture is learning, in order to drive improvement in public service delivery. Embedding the principles into complaints handling creates an environment where people feel safe and empowered to exercise their right to complain.

Person-centred and rights-based complaints handling welcomes complaints, and ensures that people feel heard, respected, and valued throughout the complaints process. It supports public services in taking an approach which is compassionate, robust and considerate of the wellbeing of everyone involved.

These principles do not stand alone, and must be read together with the SPSO's child-friendly complaints handling principles, and the resources and guidance on good complaints handling available on the SPSO's website.

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Person-centred

- People are at the heart of the complaints process. The complaints process should reflect and respect their rights in how it is explained and applied.
- Complaints handling should be based on human rights principles, and should respect people's rights in line with relevant law, standards and guidance.

- Complaints handling should recognise and respect the different needs of people and be flexible and responsive to those needs as far as possible and appropriate.
- People complaining should be listened to with empathy and respect, and treated with dignity and compassion. Public service staff complained about, and those handling complaints, have the same right. If they are not, public services should have policies in place to address such actions or behaviour, fairly and proportionately.
- People should feel supported in making a complaint.
- Confidentiality should be observed where necessary and appropriate.

Accessible

- The complaints procedure should be clearly communicated, easily understood and available to all, giving people access to justice through everyday rights.
- Complaints should be handled by informed, well trained and empowered staff who are given the support, resources and capacity to handle the volume and complexity of complaints received by a public service.
- The complaints procedure and how to access it should be actively promoted and publicised.
- The complaints procedure and how to access it should be easily understood without any specialist knowledge.
- The complaints procedure should follow the principle of universal design. It should be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design.
- The complaints procedure should be accessible to, and meet the needs of, minority and vulnerable groups.
- Resources, materials and support to help people access and use the procedure should be made easily available, including information on advocacy services.

Simple and timely

- The complaints procedure should be flexible, with as few steps as necessary.
- Complaints should be responded to promptly, within published and realistic timescales. Where timescales cannot legitimately be adhered to, complainants should be kept informed, reasons explained to them, and they should be told how long their complaint will take.
- Quality and thoroughness of investigation should not be compromised by attempts to meet timescales.

Thorough, proportionate, consistent and effective

- The complaints procedure should achieve the best possible outcomes for people in the circumstances.
- Clear quality standards for complaints handling should be publicised and promoted to service users and staff. These should be supported by a clear explanation of what action will be taken if these standards are not met.
- The complaints procedures and quality standards should be reviewed regularly.
- The investigation and resolution of complaints should be proportionate and appropriate to the circumstances of each case.
- Investigations, outcomes and redress should be broadly consistent from one complaint to another, whilst being flexible in considering the needs of the individual person complaining.

Objective, impartial and fair

- The complaints process should be objective and led by evidence-based investigation, and findings and decisions should be based on facts and established circumstances, not assumptions. This should be demonstrated clearly in the final decision issued.
- All relevant facts should be gathered and established impartially and objectively. Complaints handlers should act as fact finders and verifiers, not in defence of their public service.
- People should receive an honest and clear explanation of the investigation findings. They should be told what actions will be taken, and about any changes that will be made as a result of their complaint.
- Complaints handling should be impartial and accountable. Complaints handlers should not be involved in investigating where they have been the subject of the complaint or involved in the issues complained about (unless unavoidable).
- The complaints procedure and how it is applied should be fair to people who complain, those handling complaints and those who are the subject of a complaint. This is demonstrated by how people are treated, achievement of person-centred outcomes, and showing respect for people's rights.

Resolution

- A key aim of the complaints procedure is that complaints are resolved at the earliest opportunity, starting with the first point of contact with people who complain. The outcomes a person is seeking should be clarified at the outset.

- A good resolution is where the person complaining and the public service agree the outcomes, and what action will be taken to provide full and final resolution.
- Staff should be trained and empowered to resolve complaints.

Learn and improve

- The complaints procedure should drive learning, improvement and efficiency in both the service delivered and how complaints are handled, the overall purpose being continuous improvement of service delivery
- The complaints procedure should reflect and enhance the culture of good service delivery.
- Data from complaints should be collated and used to measure performance and impact, identify trends and highlight problems so they can be solved before they have a chance to escalate or recur.

Complaint performance data, and changes made as a result of complaint outcomes, should be reported to senior leaders and proactively be made publicly available to demonstrate transparency, impact and improvement and share best practice in service delivery.