

Complaints Handling Procedure

Part One:

Introduction and overview

Contents

Foreword.....	3
Structure of HMIE Complaints Handling Procedure	4
Overview of HMIE CHP	5-6
Expected behaviours.....	7
Maintaining confidentiality and data protection.....	8

Foreword from His Majesty's Chief Inspector of Education

As HM Inspectors, transparency, trust, and a commitment to continuous improvement are at the heart of our service. We are dedicated to upholding these values and aim to provide an excellent service to all individuals and organisations we work with. The behaviours and conduct of our inspection teams is of critical importance to HMIE. We do recognise that, despite our high standards, there will be occasions when concerns arise. It is crucial to us that, when this happens, you are able to raise these concerns and have them addressed openly, fairly, and promptly. We believe that complaints provide us with invaluable feedback and opportunities to improve our how we deliver our functions.

Our Complaints Handling Procedure sets out how you can raise concerns, how your complaint will be handled, and how we will aim to reach an effective resolution. To ensure our approach is aligned with best practice, we use the Scottish Public Services Ombudsman's Model Complaint Handling Procedure. As part of their induction, HMIE staff will learn this procedure and receive refresher training when necessary. This will ensure staff feel confident identifying complaints and familiar with how to apply this procedure. It also provides clarity on what our complaints procedure means for HMIE staff.

We invite you to familiarise yourself with our procedure and how to use it, if you ever wish to raise a concern.

Ruth Binks

HM Chief Inspector of Education

Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to HMIE staff how to handle complaints. The CHP consists of:
 - Overview and structure (part one) – this section
 - When to use the procedure ([part two](#)) – 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 ([part three](#)) – guidance on handling a complaint through stages one and two, and dealing with post-closure contact
 - Governance of the procedure ([part four](#)) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
 - The external CHP ([part five](#)) – information for individuals on how HMIE handle complaints
2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO www.spsso.org.uk

Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. We will try to resolve complaints to the satisfaction of the individual wherever this is possible. Where this isn't possible, we will give the individual 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 where possible).
5. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage one. If the individual remains dissatisfied after stage one, they can request that we look at it again, at stage two. If the complaint is complex enough to require an investigation, we will put the complaint into stage two straight away and skip stage one.

Stage One: Frontline response	Stage Two: Investigation	Independent external review (SPSO or ICO)
For issues that are straightforward and simple, requiring little or no investigation. 'On-the-spot' apology, explanation, or other action to put the matter right. Complaint resolved or a response provided 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 response. Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing). We will tell the individual how to escalate their complaint to stage two.	Where the individual is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'. Complaint acknowledged within three working days. We will contact the individual to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement). Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised.	Where the individual is not satisfied with the stage two response from HMIE. The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider. For data protection complaints, the individual has the right to complain to the Information Commissioner's Office (ICO).

6. For detailed guidance on the process, see **Part 3: The complaints handling process**.

Expected behaviours

7. We expect all staff to behave in a professional manner and treat individuals with courtesy, respect and dignity. We also ask individuals bringing a complaint to treat our staff with respect. We ask individuals to engage actively with the complaint handling procedure 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.
8. We have a policy in place for when these standards are not met, see HMIE Unacceptable Actions Policy.
9. 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 individual acting in an unacceptable way.
10. Individuals 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 individuals 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 individuals. Where we decide to restrict access to an individual under the terms of our policy, we have a procedure in place to communicate that decision, notify the individual of their right of appeal, and review any decision to restrict contact with us.
11. If we decide to restrict an individual's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the individual's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the individual. 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 HMCI approval. Where access to the complaint process is restricted, we must signpost the individual to the SPSO (see **Part 3: Signposting to the SPSO**).
12. The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

Maintaining confidentiality and data protection

13. Confidentiality is important in complaints handling. This includes maintaining the individual's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
14. 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.
15. We must always recognise our legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of individual information. Staff must contact their line manager or the Information Governance Manager if they have any doubts about which information can be shared. The [Information Commissioner's Office](#) has also prepared detailed guidance on data sharing and has issued a data sharing code of practice.
16. Some examples of situations where a response to a complaint may be limited by confidentiality, are:
 - where a complaint has been raised against a staff member and has been upheld – we will advise the individual that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
 - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.

Complaints Handling Procedure

Part Two:

When to use this procedure

Contents

What is a complaint?	3
Who can make a complaint?	5
Supporting the individual.....	5-6
How complaints may be made	6
Time limit for making complaints	7
Particular circumstances	8
Complaints by (or about) a third party	8
Serious, high-risk or high-profile complaints	8
Anonymous complaints.....	8
What if the individual does not want to complain?.....	9
Complaints involving more than one area or organisation	9
Complaints about contracted services.....	10
Complaints about senior staff	10
Complaints and other processes.....	10
Complaints and service requests	10
Complaints and disciplinary or whistleblowing processes	11
Complaints and compensation claims	11
Complaints and legal action.....	11
What to do if the CHP does not apply.....	13
Appendix One – Complaints	14
Appendix Two – What is not a complaint?.....	15

What is a complaint?

1. We define a complaint as: 'an expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by or on behalf of HMIE across all inspection activity
2. For clarity, where an employee also receives a service from HMIE as a member of the public, they may complain about that service.
3. 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 HMIE staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves: see **Complaints about contracted services**); 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).
 - the processing of your personal data where you believe that processing has infringed data protection laws
4. **Appendix one** provides a range of examples of complaints we may receive, and how these may be handled.
5. A complaint **is not**:
 - a concern raised about the findings or evaluations made about an establishment, setting or service as part of inspection or review after the inspection or review has been published. This includes all aspects of inspection activity, before and after publication.
 - a routine first-time request for a service (see **Complaints and service requests**)
 - a request for compensation only (see **Complaints and compensation claims**)
 - issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
 - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
 - a request for information under 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 HMIE or staff where such actions would be covered by our Unacceptable Actions Policy
 - a concern about the actions or service of a different organisation, where we have no involvement in the issue (**except** where the other organisation is delivering services on our behalf: see **Complaints about contracted services**).
6. **Appendix two** gives more examples of 'what is not a complaint' and how to direct individuals appropriately.
 7. We will not treat these issues as complaints, and will instead direct individuals 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.
 8. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the individual, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.

Who can make a complaint?

9. Anyone who receives, requests, or is affected by our how we deliver our functions can make a complaint. In this procedure these people are termed 'individuals', regardless of whether they are or were using a service.
10. We also accept complaints from the representative of a person who is dissatisfied with our service. See **Complaints by (or about) a third party**.

Supporting the individual

11. Everyone has the right to equal access to our complaints procedure. It is important to recognise the barriers that some individuals may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Individuals may need support to overcome these barriers.
12. We have legal duties to make our complaints service accessible under equalities and mental health legislation. For example:
 - the Equality Act 2010 – this prohibits discrimination and harassment relating to a protected characteristic in the provision of services including public services, and gives people with disabilities the right to reasonable adjustments to access our services (such as large print or BSL translations of information);
13. 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 individuals access independent advocacy (the Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland).
14. 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 individuals identify when they might wish to make a complaint (for example, by training frontline staff who provide services to vulnerable groups)
 - helping individuals 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 individuals and frontline staff is significant and ongoing).
15. These lists are not exhaustive, and we must always take into account our commitment and responsibilities to equality and accessibility.

How complaints may be made

16. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email.
17. Where a complaint is made **verbally**, we will make a record of the key points of complaint raised.
18. Where a complaint issue is raised via a digital channel managed and controlled by HMIE (for example an official Facebook or X page):
 - we will normally respond by explaining that we do not normally take complaints made on social media and telling the person how they can complain;
 - in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response.
19. We may also become aware that an issue has been raised via a digital channel 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.
20. We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part one: Maintaining confidentiality and data protection**.

Time limit for making complaints

21. The individual 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).
22. Where an individual has received a stage one response, and wishes to escalate to stage two, unless there are special circumstances they must request this either:
 - within six months of when they first knew of the problem; or
 - within two months of receiving their stage one response (if this is later).
23. 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 individual or useful learning for HMIE.
24. 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 have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

Particular circumstances

Complaints by (or about) a third party

25. Sometimes an individual 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 an individual, we must ensure that the individual has authorised the person to act on their behalf. It is good practice to ensure the individual understands 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 not to have capacity to make decisions for themselves.
26. The provision of a signed mandate from the individual will normally be sufficient for us to investigate a complaint. If we consider it is appropriate we can take verbal consent direct from the individual to deal with a third party and would normally follow up in writing to confirm this.
27. 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.
28. See also [Part one: Maintaining confidentiality and data protection](#).

Serious, high-risk or high-profile complaints

29. 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 direct input from our leadership team. Serious, high-risk or high-profile complaints should normally be handled immediately at stage two (see [Part 3: Stage two: Investigation](#)).
30. We define potential high-risk or high-profile complaints as those that may:
- present issues of a highly sensitive nature, for example concerning:
 - a particularly vulnerable person, or
 - child protection.
 - 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 our operations

Anonymous complaints

31. 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 His Majesty's Chief Inspector of Education in Scotland.

32. 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.
33. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

What if an individual does not want to complain?

34. If an individual 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 how we deliver our functions where things have gone wrong. We will encourage the individual to submit their complaint and allow us to handle it through the CHP. This will ensure that the individual is updated on the action taken and gets a response to their complaint.
35. If the individual 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 how we deliver our functions, we will also look into the matter to remedy this (and record any outcome).
36. Please refer to the example in **Appendix one** for further guidance.

Complaints involving more than one area or organisation

37. If a complaint relates to the actions of two or more areas within HMIE, we will tell the individual who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.
38. If an individual complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the individual should be advised to contact the appropriate establishment, organisation, or local authority, directly.
39. 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 HMIE through this procedure. If we need to contact an outside body about the complaint, we will be mindful of data protection. See [Part one: Maintaining confidentiality and data protection](#).

Complaints about contracted services

40. 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 HMIE's standard (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 individual is signposted to the SPSO or ICO.
41. 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.
42. HMIE has discretion to investigate complaints about organisations contracted to deliver services on its behalf even where the procedure has normally been delegated.

Complaints about senior staff

43. 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. Our governance arrangements ensure that complaints about senior staff are escalated as follows:
- a. Complaints about Heads of Inspection/Service (or equivalent) will be referred to His Majesty's Chief Inspector of Education in Scotland, who will appoint a complaints investigator and ensure that they are independent of the situation.
 - b. Complaints about His Majesty's Chief Inspector of Education in Scotland will be referred to the Director General of Education and Justice. The Director General will appoint a complaints investigator and ensure that they are independent of the situation.

Complaints and other processes

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

Complaints and service requests

45. If an individual asks HMIE to do something (for example, provide a service or deal with a problem), and this is the first time the individual has contacted us, this would normally be a routine service request and not a complaint.
46. Service requests can lead to complaints, if the request is not handled promptly or the individual is then dissatisfied with how we provide the service.

Complaints and disciplinary or whistleblowing processes

47. 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.
48. 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 HMIE failed to meet our expected standards and what we have done to improve, in general terms.
49. 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).
50. The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

Complaints and compensation claims

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

Complaints and legal action

52. Where an individual says that legal action is being actively pursued, this is not a complaint.
53. Where an individual 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/or the complaints manager 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.
54. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

What to do if the CHP does not apply

55. 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 individual why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
56. Where an individual 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
57. The SPSO has issued a [template letter for explaining when the CHP does not apply](#).

Appendix one – Complaints

Complaint	Possible actions
The individual expresses dissatisfaction in line with the definition of a complaint, but says they do not want to complain – just wants to tell us about the matter.	• Tell the individual that HMIE values complaints because they help to improve how we deliver our functions. Encourage them to submit the complaint. • In terms of improving service delivery and learning from mistakes, it is important that individual feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the individual still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the individual that they will not be contacted again about the matter.

Appendix two – What is not a complaint?

A concern may not necessarily be a complaint. For example, an individual 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 individual has to keep on asking for service.

An individual may also be concerned about a decision made by HMIE. These decisions may have their own specific review or appeal procedures, and, where appropriate, individuals must be directed to the relevant procedure.

Example one: a concern raised about the findings or evaluations made about an establishment or service as part of inspection or review after the inspection or review has been published. This includes all aspects of inspection activity, before and after publication. This is because during an inspection or review, the establishment or service has the opportunity to provide all of the evidence needed for the inspection team to reach its findings and evaluations.

Example two: disagreement with a decision where there is a statutory procedure for challenging that decision. For example a request for information, under the Freedom of Information (Scotland) Act 2002 or a subject access request under data protection law, where appeals processes exist.

Example 3: issues that are in court or have already been heard by a court.

Complaint Handling Procedure

Part 3: The complaints handling process (for staff)

Contents

The complaints handling process.....	3
Resolving the complaint.....	5
What to do when you receive a complaint	6
Stage one: Frontline response	7
Notifying staff members involved.....	7
Timelines	7
Extension to the timeline	7
Closing the complaint at the frontline response stage	8
Stage two: Investigation.....	9
Acknowledging the complaint.....	9
Agreeing the points of complaint and outcome sought	10
What this means for HMIE staff.....	12
Notifying the local authority.....	12
Investigating the complaint.....	11
Alternative complaint resolution approaches	12
Meeting with the individual during the investigation	12
Timelines	13
Extension to the timeline.....	13
Closing the complaint at the investigation stage	13
Signposting to the SPSO or ICO	14
Post-closure contact.....	16
Appendix one - Timelines	
Appendix two – The complaint handling process (flowchart for staff)	

The complaints handling process

1. Our Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early and locally by capable, well-trained staff. Where possible, we will **resolve** the complaint to the individual's satisfaction. Where this is not possible, we will give the individual a clear and reasoned response to their complaint.

Complaint received An individual may complain either verbally or in writing, including face-to-face, by phone, letter or email. We will acknowledge the communication within one working day and advise if this issue meets the definition of a complaint (as set out in our procedure).		
Stage one: Frontline response For issues that are straightforward and simple, requiring little or no investigation. 'On-the-spot' apology, explanation, or other action to put the matter right Complaint resolved or a response provided 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 response Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing) We will tell the individual how to escalate their complaint to stage two	Stage two: Investigation Where the individual is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk' Complaint acknowledged within three working days . We will contact the individual to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement) Complaint resolved or a definitive response provided within 20 working days following a thorough investigation of the points raised	Independent external review (SPSO or ICO) Where the individual is not satisfied with the stage two response from HMIE. The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider. For data protection complaints, the individual has the right to complain to the Information Commissioner's Office (ICO).
Resolution The complainant and organisation agree what action will be taken to resolve the complaint.		

Where a complaint is resolved, it is not usually necessary to continue investigating, although HMIE may choose to do so, for example to identify learning.

We must signpost the individual to stage two (for stage one complaints) or to the SPSO or ICO as usual.

Reporting, recording and learning

Action is taken to improve how we deliver our functions on the basis of complaint findings, where appropriate.

We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends.

Senior management have an active interest in complaints and use complaints data and analysis to improve how we deliver our functions.

Learning is shared throughout HMIE.

Resolving the complaint

2. A complaint is **resolved** when both HMIE and the individual agree what action (if any) will be taken to provide full and final resolution for the individual, without making a decision about whether the complaint is upheld or not upheld.
3. We will try to resolve complaints wherever possible, although we accept this will not be possible in all cases.
4. 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 individual or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
5. It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint. See **Alternative complaint resolution approaches**.
6. 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 individual's agreement to this as a final 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.
7. In all cases, we must record the complaint outcome (resolved) and any action taken, and signpost the individual to stage two (for stage one complaints) or to the SPSO or ICO as usual (see **Signposting to the SPSO or ICO**).
8. If the individual and HMIE 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.

What to do when you receive a complaint

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

What exactly is the individual's complaint (or complaints)?

10. It is important to be clear about exactly what the individual is complaining about. We may need to ask the individual for more information and probe further to get a full understanding.
11. We will need to decide, within **one working day**, whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). We should also consider whether the complaint is serious, high-risk or high-profile.
12. If the matter is not suitable for handling as a complaint, we will explain this to the individual (and signpost them to SPSO). There is detailed guidance on this step in **Part two: When to use this procedure**.
13. In most cases, this step will be straightforward. If it is not, the complaint may need to be handled immediately at stage two (see **Stage two: Investigation**).

What does the individual want to achieve by complaining?

14. At the outset, we will clarify the outcome the individual wants. Of course, the individual 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?

15. 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.
16. The individual may expect more than we can provide. If so, we will tell them as soon as possible.
17. Complaints which can be resolved or responded to quickly should be managed at stage one (see **Stage one: Frontline response**).

If I cannot respond, who can help?

18. 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.
19. If it is not a simple and straightforward complaint that can realistically be closed within five working days (or ten, if an extension is appropriate), it should be handled immediately at stage two. If the individual refuses to engage at stage one, insisting that they want their complaint investigated, it should be handled immediately at stage two. See **Stage two: Investigation**.

Stage One: Frontline response

20. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
21. 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.
22. 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, HMIE 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](#).
23. **Part Two, Appendix One** gives examples of the types of complaint we may consider at this stage, with suggestions on how to handle them.
24. Complaints which are not suitable for frontline response should be identified early, and handled immediately at **stage two: investigation**.

Notifying staff members involved

25. If the complaint is about the actions of another staff member, the complaint will 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

26. We will acknowledge a communication within **one working day** of receipt and advise if it is being treated as a complaint.
27. 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

28. 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 member of the leadership team. We will tell the individual 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).
29. If a complaint will take more than five working days to look into, it should be handled at stage two immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin

immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage one if it is clear that it can be handled within the extended timeframe of up to ten working days.

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

31. **Appendix One** provides further information on timelines.

Closing the complaint at the frontline response stage

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

- tell the individual the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
- explain the reasons for our decision (or the agreed action taken to resolve the complaint (see **Resolving the complaint**); and
- explain that the individual can escalate the complaint to stage two if they remain dissatisfied and how to do so (we should not signpost to the SPSO or ICO until the individual has completed stage two).

33. We will keep a full and accurate record of the decision given to the individual. If we are not able to contact the individual 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.

34. 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).

35. The complaint should then be closed and the complaints log updated accordingly.

36. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See [Part 4: Learning from complaints](#).

Stage Two: Investigation

37. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage two is appropriate where:
- the individual 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 individual must escalate the complaint within six months of when they first knew of the problem or within two months of the stage one response, whichever is later (see [Part two: Time limits for making a complaint](#))
 - the complaint is not simple and straightforward (for example where the individual 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 (see [Part two: Serious, high-risk or high-profile complaints](#)).
38. 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 individual a full, objective and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).
39. 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.
40. The beginning of stage two is a good time to consider whether complaint resolution approaches other than investigation may be helpful (see **Alternative complaint resolution approaches**).

Acknowledging the complaint

41. Complaints must be acknowledged within three working days of receipt at stage two.
42. We must issue the acknowledgement in a format which is accessible to the individual, taking into account their preferred method of contact.
43. Where the points of complaint and expected outcomes are clear from the complaint, we must set these out in the acknowledgement and ask the individual to get in touch with us immediately if they disagree. See **Agreeing the points of complaint and outcome sought**.
44. Where the points of complaint and expected outcomes are not clear, we must tell the individual we will contact them to discuss this.

Agreeing the points of complaint and outcome sought

45. It is important to be clear from the start of stage two about the points of complaint to be investigated and what outcome the individual is seeking. We may also need to manage the individual's expectations about the scope of our investigation.
46. Where the points of complaint and outcome sought are clear, we can confirm our understanding of these with the individual when acknowledging the complaint (see **Acknowledging the complaint**).
47. Where the points of complaint and outcome sought are not clear, we must contact the individual to confirm these. We will normally need to speak to the individual (by phone or face-to-face) to do this effectively. In some cases it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the individual have a shared understanding of the complaint. When contacting the individual we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the individual.
48. 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 individual (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 individual 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 (see [Part two: What to do if the CHP does not apply](#)).
 - **What outcome does the individual want to achieve by complaining?**

Asking what outcome the individual is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.
 - **Are the individual's expectations realistic and achievable?**

It may be that the individual 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 individual as soon as possible.

What this means for HMIE staff

49. If the complaint is about the actions of a particular staff member/s, it would be triaged by the relevant team member and complaints about staff members would be directed, in the first instance to their line manager, where they can be addressed quickly. Where it is a stage 2 complaint, a senior member of staff would be involved (as set out in this procedure) to investigate a complaint or appoint an investigator (including where the staff member is not named but can be identified from the complaint).

We will:

- share the complaint information with the relevant staff member's line manager (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 them 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).

50. If internal disciplinary processes may be involved, the requirements of that process should also be met. See also **Part two: Complaints and disciplinary or whistleblowing processes**.

Informing the local authority

51. If a complaint is regarding an inspection, it may be beneficial to inform the relevant local authority. We will only do this if the individual who submitted the complaint agrees.

Investigating the complaint

52. It is important to plan the investigation before beginning. The staff member investigating the complaint must be trained in the use of this policy and will either be a senior member of HMIE staff or appointed by one.

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

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

53. 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).
54. If we need to share information internally or externally, we will be mindful of our obligations under data protection legislation. See **Part one: Maintaining confidentiality and data protection**.
55. The SPSO has resources for conducting investigations, including:
- [Investigation plan template](#)
 - [Decision-making tool for complaint investigators](#)

Alternative complaint resolution approaches

56. Some complex complaints, or complaints where individuals 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.
57. 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 individual's desired outcome.
58. The SPSO has [guidance on alternative complaint resolution approaches](#).
59. If HMIE and the individual (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 individual during the investigation

60. To effectively investigate the complaint, it may be necessary to arrange a meeting with the individual. 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.
61. As a matter of good practice, a written record of the meeting should be completed and provided to the individual. 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

62. 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

63. 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 individual 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 individual.

64. Any extension must be approved by His Majesty's Chief Inspector of Education in Scotland or the Deputy Chief Inspector. We will keep the individual 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 individual and any member/s of staff complained about at least once every 20 working days to update them on the progress of the investigation.

65. The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, individuals or others but the person is not available because of long-term sickness or leave
- we cannot obtain further essential information within normal timescales; or
- the individual has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception.

66. **Appendix one** provides further information on timelines.

Closing the complaint at the investigation stage

67. The response to the complaint should be in writing (or by the individual's preferred method of contact) and must be approved by His Majesty's Chief Inspector of Education in Scotland or the Deputy Chief Inspector on behalf of HMIE.

68. We will tell the individual 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 or ICO (see **Signposting to the SPSO or ICO**).
69. 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. See **Resolving the complaint**.
70. 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, at the same time as sharing with the complainant (unless there are compelling reasons not to).
71. We will record the decision, and details of how it was communicated to the individual, on the complaints system.
72. The SPSO has guidance on responding to a complaint:
- [Template decision letter](#)
 - [Apology guidance](#)
73. At the earliest opportunity after the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. See [Part 4: Learning from complaints](#).

Signposting to the SPSO or ICO

74. Once the investigation stage has been completed, the individual has the right to approach the SPSO if they remain dissatisfied. For data protection complaints, the individual has the right to complain to the ICO.
75. We must make clear to the individual:
- their right to ask the SPSO or ICO to consider the complaint
 - the time limit for doing so; and
 - how to contact the SPSO or ICO.

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

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 HMIE. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

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

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

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

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

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Information about the ICO

If you have made a data protection complaint and remain dissatisfied following our internal complaint resolution process, you have the right to complain to the Information Commissioner's Office (ICO).

Online contact [For the public | ICO](#)

Website: [Information Commissioner's Office](#)

Post-closure contact

78. If an individual contacts us for clarification when they have received our final response, we may have further discussion with the individual to clarify our response and answer their questions. However, if the individual 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 or ICO.

Complaint Handling Procedure

Part 4:

Governance

Contents

Roles and responsibilities.....	3
Recording, reporting, learning from and publicising complaints.....	5
Recording complaints.....	5
Learning from complaints	6
Reporting of complaints.....	6
Publicising complaints information.....	7

Roles and responsibilities

1. All staff will be aware of:
 - the Complaints Handling Procedure (CHP)
 - how to handle and record complaints at the frontline response stage
 - who they can refer a complaint to, in case they are not able to handle the matter
 - the need to try and resolve complaints early and as close to the point of service delivery as possible; and
 - their clear authority to attempt to resolve any complaints they may be called upon to deal with.
2. 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.
3. Our leadership team will ensure that:
 - HMIE's final position on a complaint investigation is approved by His Majesty's Chief Inspector of Education in Scotland or the Deputy Chief Inspector, in order to provide assurance that this is the definitive response of HMIE 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 in HMIE; and
 - complaints information is used to improve services, and this is evident from regular publications.
4. **His Majesty's Chief Inspector of Education:** His Majesty's Chief Inspector of Education in Scotland provides leadership and direction in ways that guide and enable us to effectively deliver the office's functions. This includes ensuring that there is an effective CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. His Majesty's Chief Inspector of Education in Scotland may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure His Majesty's Chief Inspector of Education in Scotland of the quality of complaints performance.
5. His Majesty's Chief Inspector of Education in Scotland 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 HMIE and contractors

- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide HMIE with an overview of how the contractor is meeting its objectives
6. **Deputy Chief Inspector:** On behalf of His Majesty's Chief Inspector of Education in Scotland, the Deputy Chief Inspector 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 His Majesty's Chief Inspector of Education in Scotland on occasion.
 7. They may also be responsible for preparing and signing off decisions for individuals, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, the Deputy Chief Inspector 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, the Deputy Chief Inspector should retain ownership and accountability for the management and reporting of complaints
 8. **Heads of inspection/service:** Heads of inspection/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 individuals, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.
 9. **Complaints investigator:** The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised individual service team, and will be involved in the investigation and in coordinating all aspects of the response to the individual. 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. The complaints investigator must be trained in the use of this policy and will either be a senior member of HMIE staff or appointed by one.
 10. **Line managers:** Line managers are 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.
 11. **HMIE SPSO liaison officer:** 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.
 12. **Director General Education and Justice:** Should we receive a complaint about His Majesty's Chief Inspector of Education in Scotland, we will notify the Director General who will appoint an investigator who is independent of the situation.

Recording, reporting, learning from and publicising complaints

13. Complaints provide valuable individual feedback. One of the aims of the CHP is to identify opportunities to improve how we deliver our functions. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.
14. We also have arrangements in place to ensure complaints about contractors are recorded, reported on and publicised in line with this CHP.

Recording complaints

15. 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 individual's name and contact details
 - the date the complaint was received
 - the nature of the complaint
 - the service the complaint refers to
 - staff member responsible for handling the complaint
 - action taken and outcome at frontline response stage
 - date the complaint was closed at the frontline response stage
 - date the investigation stage was initiated (if applicable)
 - action taken and outcome at investigation stage (if applicable)
 - date the complaint was closed at the investigation stage (if applicable); and
 - the underlying cause of the complaint and any remedial action taken.
 - the outcome of the SPSO's investigation (where applicable).
16. If the individual does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can.
17. All complaints we receive will be logged in a correspondence log by the correspondence team, stored in a restricted access file on our electronic records and documents management system.
18. Individual complaint files will be stored in line with our document retention policy.

Learning from complaints

19. 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.
20. Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.
21. Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. This will include identifying:
- 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 for the action to be taken
 - the designated individual who 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 that should be shared with relevant staff.
22. SPSO has guidance on **Learning from complaints**.
23. Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which 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.

Reporting of complaints

24. 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 areas need to improve.
25. We will report at least **quarterly** to senior leadership on:
- Complaint outcomes (this may include analysis of trends and highlighting areas of improvement)

Publicising complaints information

26. Where possible, we aim to publish on a **quarterly** basis information on complaints outcomes and actions taken to improve how we deliver our functions. This may include case studies and examples of how complaints have led to improvements. Any information published will be anonymised.
27. This demonstrates the improvements resulting from complaints and shows that complaints can help to improve how we deliver our functions. It also helps ensure transparency in our complaints handling service and will help to show our individuals that we value their complaints.
28. We will publish an **annual** complaints performance report on our website in line with SPSO requirements, and provide this to the SPSO on request. This summarises and builds on the quarterly reports we have produced about.
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 how we deliver our functions as a result.
29. These reports must be easily accessible to members of the public and available in alternative formats as requested.

Complaints Handling Procedure (Customer Guide)

We value complaints and use information from them to help us improve

If something goes wrong or you are dissatisfied, please tell us. This page describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a complaint?

1. We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

What can I complain about?

2. You can complain about things like:
 - 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 (**except** where there are arrangements in place for the contractor to handle the complaint themselves); 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).
 - the processing of your personal data where you believe that processing has infringed data protection laws
3. Before making a complaint, you should allow us to address any concerns you have informally. For example, if you have a concern during an inspection, you should tell the managing inspector who may be able to resolve this at this stage. You can also provide feedback through our post-inspection questionnaire or provide comments as part of our publication process.
4. Your complaint may involve more than one HMIE service or be about someone working on our behalf. If a complaint relates to our service and the service of another inspectorate or public service provider, and we have a direct interest in the issue, we will handle the complaint about HMIE through this procedure.

What can't I complain about?

5. There are some things we can't deal with through our complaints handling procedure. These include:

- findings or evaluations HMIE has made about an establishment, setting or service as part of inspection or review, after the inspection or review has been published. This is because, during an inspection or review, the establishment, setting or service has the opportunity to provide all of the evidence needed for the inspection team to reach its findings and evaluations.
 - complaints about an establishment, setting or service
 - 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 (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
 - 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
 - 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).
6. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

Who can complain?

7. Anyone who receives, requests or is directly affected by how we deliver our functions can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below.

How do I complain?

8. You can complain by email complaints@HMIE.gov.scot or write to us at HMIE, Optima, 58 Robertson Street, Glasgow, G2 8DU.
9. It is easier for us to address complaints if you make them quickly and directly to us.
10. When complaining, please tell us:
 - your full name and contact details
 - as much as you can about the complaint
 - what has gone wrong; and
 - what outcome you are seeking.

Our contact details

Email

complaints@HMIE.gov.scot

Write to us

HMIE

Optima

58 Robertson St

Glasgow G2 8DU

How long do I have to make a complaint?

11. Normally, you must make your complaint within six months of:
 - the event you want to complain about; or
 - finding out that you have a reason to complain.
12. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

What happens when I have complained?

13. We will acknowledge the communication within one working day, and advise if this issue meets the definition of a complaint (as set out in our procedure).
14. We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage One: Frontline response

15. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.
16. We will give you our decision at stage one in five working days or less, unless there are exceptional circumstances.
17. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage two. You must normally ask us to consider your complaint at stage two either:
 - within six months of the event you want to complain about or finding out that you have a reason to complain; or
 - within two months of receiving your stage one response (if this is later).
18. In exceptional circumstances, we may be able to accept a stage two complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage Two: Investigation

19. Stage two deals with two types of complaint: where the individual remains dissatisfied after stage one and those that clearly require an investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage one, you can ask us to handle it at stage two instead.
20. When using stage two:
 - we will acknowledge receipt of your complaint within three working days
 - we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
 - we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
 - where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.
21. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

What if I'm still dissatisfied?

22. After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) or the Information Commissioner's Office (ICO) to look at it.

Information about the SPSO

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

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

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at

www.spsso.org.uk/complain/form or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on **Getting help to make your complaint** below.

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Information about the ICO

If you have made a data protection complaint and remain dissatisfied following our internal complaint resolution process, you have the right to complain to the Information Commissioner's Office (ICO).

Online contact [For the public | ICO](#)

Website: [Information Commissioner's Office](#)

Getting help to make your complaint

23. We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

24. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: www.siaa.org.uk

25. You can find out about advisers in your area through Citizens Advice Scotland:

Citizens Advice Scotland

Website: www.cas.org.uk or check your phone book for your local citizens advice bureau.

26. HMIE will ensure that our service is as accessible as possible and make reasonable adjustments such as providing information in a preferred format, size, or in a different language, where possible.

27. If you have any difficulty putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, email us at complaints@HMIE.gov.scot or write to us at HMIE, Optima, 58 Robertson St, Glasgow G2 8DU.

Our contact details

28. Please contact us by the following means:

Email

complaints@HMIE.gov.scot

Write to us

HMIE

Optima

58 Robertson St

Glasgow G2 8DU

HMIE will ensure that information is as accessible as possible and make reasonable adjustments such as providing information in a preferred format, size, or in a different language, where possible.

Quick guide to our complaints procedure

How to raise a complaint about HMIE

Email

complaints@HMIE.gov.scot

Write to us

HMIE

Optima

58 Robertson St

Glasgow G2 8DU

Make sure your return address is clear so we can respond.

What happens next

Stage One: Our response

- we'll let you know we have your complaint
- we aim to resolve your complaint within five working days
- if you're not satisfied you can take the complaint to stage two, you must do this:
 - within six months of the event you want to complain about or finding out that you have a reason to complain; or
 - within two months of receiving your stage one response (if this is later).

Stage Two: Investigation

- we'll let you know we have received your complaint within three working days
- we aim to resolve your complaint within 20 working days
- we'll tell you if our investigation will take longer if you're not satisfied you can take the complaint to stage three

Stage Three: SPSO or ICO

SPSO is the Scottish Public Service Ombudsman. It deals with complaints about public services in Scotland.

- this is the final stage for complaints about public services in Scotland
- they may be able to deal with the complaint on your behalf
- they'll usually only be able to do this if you've followed steps one and two first

You can complain:

- online
- by downloading a paper form and posting it to them
- other formats including large print, Braille, audio and BSL.

Get a [complaints form and more information](#) from the SPSO website.

Find out how [SPSO deals with complaints](#).

Information about the ICO

If you have made a data protection complaint and remain dissatisfied following our internal complaint resolution process, you have the right to complain to the Information Commissioner's Office (ICO).

Online contact [For the public | ICO](#)

Website: [Information Commissioner's Office](#)

Appendix one - Timelines

General

1. 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.
2. We will acknowledge all communications within **one working day** and advise if this issue meets the definition of a complaint (as set out in our procedure).

Timelines at frontline response (stage one)

3. 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.
4. 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

5. If the individual 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 individual is told this will happen.

Timelines at investigation (stage two)

6. 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 individual asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
 - the date we receive the complaint, if it is handled immediately at stage two.
7. We must acknowledge the complaint within three working days of receipt at stage two i.e. by **day three**.
8. 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.
9. Exceptionally, we may need longer than the 20 working day limit for a full response. If so, we will explain the reasons to the individual, 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 one, but then the complaint is escalated?

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

What happens if we cannot meet an extended timeframe?

11. If we cannot meet the extended timeframe at stage one, the complaint should be escalated to stage two. The maximum timeframe allowed for a stage one response is ten working days.
12. If we cannot meet the extended timeframe at stage two, 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 individual and give them a revised timeframe for completion. We must update the individual and any staff involved in the investigation at least once every 20 working days.

What happens when an individual asks for stage two consideration a long time after receiving a frontline response?

13. Unless exceptional circumstances exist, individuals should bring a stage two complaint within six months of learning about the problem, or within two months of receiving the stage one response (whichever is latest). See **Part two: Time limits for making a complaint.**

Appendix two – The complaint handling process (for HMIE staff)

An individual may complain verbally or in writing, including face-to-face, by phone, letter or email. At each stage, the complaint should be updated in our correspondence log. Your first consideration is whether the correspondence meets the definition of a complaint, as set out in this procedure. You should then consider if the complaint should be dealt with at stage one (frontline response) or stage two (investigation).	
Stage one: Frontline response Always try to respond quickly, wherever we can	Stage two: Investigation Investigate where: • The individual is dissatisfied with the frontline response or refuses to engage with attempts to handle the complaint at stage one • It is clear that the complaint requires investigation from the outset
Inform the correspondence team, who will record the complaint and notify any staff related to the complaint	The correspondence team will record the complaint and notify any staff related to the complaint The correspondence team will acknowledge the complaint within three working days
	The correspondence team contact the complainant to agree: • Points of complaint • Outcome sought • Manage expectations (where required) <i>(these can be confirmed in the acknowledgement where the complaint is straightforward)</i>
Once approved by HMCI or DCI, the correspondence team will respond to the complaint within five working days unless there are exceptional circumstances	Once approved by HMCI or DCI, the correspondence team respond to the complaint as soon as possible, but within 20 working days unless there is a clear reason for extending the timescale
Is the individual satisfied? The correspondence team must always tell the individual how to escalate to stage two if the individual is not satisfied	The correspondence team communicate the decision, normally in writing Signpost the individual to SPSO or ICO and advise of time limits

HMIE Complaint Handling Procedure

(Yes) The correspondence team will record outcome and learning, and close complaint. (No) -> to stage two	The correspondence team record outcome and learning, and close complaint
The correspondence team will follow up on agreed actions flowing from the complaint Share any learning points	