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# Social Security Experience Panels: Complaints, Re-determinations and Appeals



**EQUALITY, POVERTY AND SOCIAL SECURITY**



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# Background

The Scottish Government is becoming responsible for some of the benefits currently delivered by the Department for Work and Pensions (DWP). As part of the work to prepare for this change, the Scottish Government set up the Social Security Experience Panels. Experience Panels are made up of over 2,400 people who have recent experience of at least one of the benefits that will be devolved to Scotland. The Scottish Government is working with Experience Panel members to design a new social security system that works for the people of Scotland.

Panel members were invited to take part in a series of surveys and focus groups to help inform the Scottish Government's approach to setting up the new social security agency, Social Security Scotland. This report covers the analysis of two of these surveys, on challenging a decision about an application, and on providing feedback or making a complaint, which were carried out in July and August 2018. It also includes analysis of seven focus groups which took place in August 2018.

Participants were asked to consider their experiences of the current system's approach to feedback, complaints and the process for challenging a decision. They were also asked a number of questions to help design what the new system for Social Security Scotland should be like. In the current system, challenging a decision consists of a two stage process – a mandatory reconsideration and then appeal to a tribunal.

The mandatory reconsideration is an internal process during which the decision making process about a benefit application is reviewed by another member of staff, who can also take into consideration any new information supplied by the applicant as part of their request. If the applicant is still unhappy with the decision, they can subsequently decide to appeal the decision to a tribunal. This second stage is independent of the DWP.

The process for challenging decisions in the Scottish social security system is fundamentally different. If an individual disagrees with the determination of Social Security Scotland, they will be able to request a re-determination. In this process, the original decision will be set aside, and the application, alongside any additional evidence provided, is looked at afresh by a new member of staff. The re-determination has to be completed within the timescales that are set out in the benefit regulation that is subject to a challenge. If the applicant is unhappy with this new decision, or if it has not been completed in the allowed timescales, the individual will have a right to take their case to the tribunal. At the end of the re-determination process Social Security Scotland will provide the individual with a form which they must complete and return to Social Security Scotland within 31 days if they wish to appeal. Furthermore Social Security Scotland will have a duty to do all it can to help individuals with making an appeal to the tribunal service. Upon receipt of the completed form, Social Security Scotland will pass the appeal form and the documentations used in making the decision to the tribunal within 7 days and will inform the individual. The tribunal service will then get in touch with the individual and keep them informed of their progress of their appeal.

Within the surveys, the term “challenging a decision” was used to describe how benefit decisions are challenged. As part of the focus groups, these processes were discussed with participants in more detail to ensure a shared understanding of the terminology being used throughout the wider discussion. It is worth noting, that when considering questions relating to how Social Security Scotland’s re-determinations process should work, many participants referred to their experience of the DWP’s mandatory reconsideration process. This should therefore be borne in mind when reading the findings below.

## About the research

This report details the key themes which emerged from two surveys and seven focus groups. The research considered people’s experience of complaints, mandatory reconsideration, and appeals, and their priorities for how the feedback and complaints process, and the process for challenging a decision should operate in the new social security system. Focus group participants and survey respondents were recruited from the Scottish Government Social Security Experience Panels.

All Experience Panel members were invited to participate in the surveys and in focus groups which were held in 18 locations across Scotland during August 2018. Topics were assigned to focus groups based on the priorities identified by those registered. Seven focus groups discussed the complaints, re-determinations and appeals process. One telephone interview was also conducted with a panel member who could not attend a face-to-face session

The surveys were available online, or could be completed on paper or over the freephone helpline.

## About the respondents

The survey “Help us make it simple for you to challenge a decision” was completed by 184 people, which is around 8 per cent of Experience Panels members. The information was added to information from the “About Your Benefits and You” (Scottish Government, 2017) and “Social Security Experience Panels: Who is in the panels and their experiences so far” (Scottish Government, 2018) surveys. Where possible, the data collected in these surveys was linked to the information supplied by participants of these surveys as part of the longitudinal dataset for this project. Some responses could not be linked in this way. This was due to either missing or unclear contact information in their survey response or the respondent not having previously completed the relevant demographic information.

Ten per cent of respondents to this survey were aged 25-44. 35 per cent were aged 45-59 and 34 per cent were aged 60-79. We did not hold data on the age of 20 per cent of respondents to this survey.

50 per cent of respondents to this survey identify as a “woman/ girl” and 29 per cent as a “man/boy”. We did not hold data about the gender of 21 per cent of respondents to this survey.

53 per cent of respondents said they have a disability or long term health condition, 27 per cent said that they did not, and we did not hold information about this for 20 per cent of

respondents. 32 per cent said that they have caring responsibilities, 45 per cent said that they did not, and we did not hold this information for 24 per cent of respondents.

The survey “Help us design the feedback and complaints system” was completed by 181 people, which is around 8 per cent of Experience Panels members. 9 per cent of respondents to this survey were aged 25-44. 33 per cent were aged 45-59, and 24 per cent were aged 60-79. We did not hold this information about 33 per cent of respondents.

43 per cent of respondents to this survey identify as a “woman/ girl” and 24 per cent as a “man/boy”. We did not hold data about the gender of 33 per cent of respondents to this survey.

58 per cent of respondents said they have a disability or long term health condition, 9 per cent said that they did not, and we did not hold information about this for 33 per cent of respondents. 30 per cent said that they have caring responsibilities, 35 per cent said that they did not, and for 35 per cent of respondents we either did not hold data, or respondents had said that they would prefer not to say.

Focus groups on this topic were held in Galashiels, Dundee, Aberdeen, Castle Douglas, Dunfermline and Falkirk.

## Summary

Most focus group participants had a good understanding of the DWP processes for making a complaint or challenging a decision about a benefit application, and many had experience of using these systems with the DWP. However, some felt that people could sometimes get confused and be unsure whether they have challenged a decision, or simply made a complaint.

### Challenging a benefit decision

Most participants said that they would currently use the DWP website, Citizens Advice Scotland or local Welfare Rights Office, to get information about how to challenge a decision about their benefits. Many said that there is currently a lack of clarity in the process for mandatory reconsiderations and appeals, in particular around the rights that you have at each stage, and what you can expect in terms of timescales and support. Some felt that the timescales for challenging a decision are too short, and that it then takes too long to hear any updates once you have submitted a mandatory reconsideration or appeal.

When considering how the system should work for Social Security Scotland, people felt that it was important to have a range of ways they could receive updates about their re-determination or appeal, for example by letter, email or phone. This was often dependent on their specific needs, for example where they live or their disability or health conditions. Most people felt that they would want an update on their re-determination or appeal at least every two weeks.

Participants highlighted a number of issues they felt existed within the DWP’s mandatory reconsideration process. Many felt that this process is currently an unnecessary barrier to going to tribunal. Others felt that whilst it could be a useful step, there is not enough information available about how to provide additional information to make the most of this process.

For Social Security Scotland, many respondents highlighted the importance of ensuring that decisions are communicated clearly, with explanations of how the decision had been come to. Participants also highlighted the importance of having support through the re-determinations and appeals process.

Some participants highlighted the financial impact of having to challenge a decision in the current system – in particular if you need to wait for a long time for a decision to be overturned.

Participants also highlighted the importance of helpful, respectful and empathetic staff for the new Scottish social security system.

## **Feedback and complaints**

Most participants said that they would contact DWP or Citizens Advice Scotland to get information about how to give feedback or make a complaint in relation to a benefit they had applied for or received.

For the new Scottish social security system, participants wanted a range of options in terms of how to provide feedback or make a complaint – in particular via email, online, by post or over telephone.

Participants highlighted the value of providing different types of feedback, including positive feedback, and many said that they would be likely to give positive feedback if they had a good experience. However, some participants said that it shouldn't be necessary to give positive feedback for staff doing their jobs.

Most participants said that they would make a complaint if they were unhappy with the service they received. Most said they would complain to a manager or dedicated feedback team. Others, however, emphasised the importance of having independent agencies who could deal with complaints to allow for outside scrutiny and transparency.

Participants said that it was important to get updates about their complaint at every stage, and also to have clear information about how to get in touch to check on the progress of their complaint.

There were a number of barriers that participants identified in regards to making a complaint in the current system. In particular, participants highlighted a lack of clarity around who to make a complaint to, how to do that, and how it would be dealt with. Others had previously had a poor experience when making a complaint, or said that they would be concerned about how a complaint might affect their benefits or future applications.

Participants highlighted that clear processes and timescales, and easy to access information about how to provide feedback or make a complaint would improve this process.

Participants also described the importance of listening to feedback and providing genuine, tailored responses rather than automated messages. Appropriate responses could include a resolution to the issue, compensation, or simply an apology. Some felt that it would be

helpful for Social Security Scotland to monitor and publish the type of feedback it receives, and how it is responding.

## Understanding complaints, re-determinations and appeals

Focus group participants were asked to consider what they understood by “complaints”, “re-determinations” and “appeals”. Participants felt that whilst there was some overlap in terms of when you might make a complaint and when you might challenge a decision, these were quite separate processes. Many felt that an appeal was about questioning the decision made about an application, and how that decision was made, whereas a complaint is broader, and may, for example, cover how you felt you were treated during that process and whether your needs were met.

“Complaints are more first line, it can be...could be the person on the phone it could be delaying the process...not aware of timescales and procedure really, how long they have to wait for something.” (Focus group participant)

“(Complaints are for) when something has gone wrong either with the process or human error”. (Focus group participant)

However, some participants also felt that people can get confused, and not be sure whether they have challenged a decision, or made a complaint, and that the processes around this therefore need to be as clear and transparent as possible.

“In my experience, people think they want to complain when they want a reconsideration or appeal. You can explain that in a few words in a glossary.” (Focus group participant)

## The process of challenging a decision

### Accessing information about how to challenge a decision

Survey respondents were asked about where they would look for information about how they could challenge a decision that was made about their benefits by the DWP. Almost two thirds (65 per cent) of respondents said that they would look for this information on the DWP website. Almost three in five (58 per cent) said that they would use an advice service like Citizens Advice Scotland. Table 1 outlines these responses in full.

**Table 1 (n=158)**

<b>Where would you look for information about how to challenge a decision?</b>	<b>%</b>
The Department for Work and Pensions website	65%
Using an advice service like Citizens Advice Scotland by phone, email or in person	58%
Through my local Welfare Rights Office by phone, email, or in person	47%
Phoning the Department for Work and Pensions	46%
Citizens Advice Scotland website	46%
Through an internet search engine	35%
Another way	27%
From friends or family	18%
Visiting a job centre	15%
From my local carers centre	11%

Among those who said that they would look for this information in another way (27 per cent of respondents), many listed a local or national charity or support service that they would contact. Others mentioned online forums or local authority or housing services. A small number mentioned that they would go through advocacy services, that they would contact their elected representatives, or that they would seek advice from a lawyer.

## **Clarity in the process and timescales for challenging a decision**

A number of participants spoke about the need for greater clarity around the process of challenging a decision. In particular information about your rights, what evidence you can submit and how it can be used, and the timescales involved for each stage.

“Giving people more information about what to expect/information on what their rights are may be helpful. Where is the line of responsibility? Why are we using the tribunal service?” (Focus group participant)

Some also highlighted that many appeals could be avoided if there were better communication on these topics for the original application stage. A number of focus group participants felt that this lack of awareness of the process was on the side of staff as well as clients.

“An absolute nightmare thorough lack of understanding... People who answer the phones first time round are not aware.” (Focus group participant)

Survey respondents commented that the deadline for submitting requests to challenge a decision is currently too short.



“The time limit for appealing must be at least 3 months. This is extremely important for those who live in remote rural areas, cannot use mobile devices because there is no signal. Past experience has shown that giving appeals tribunals the power to accept late appeals is useless because they don’t like giving more time. Time limit for appealing must be at least 3 months.” (Survey respondent)

Many also felt that there should also be a time limit on how long Social Security Scotland has to respond to a request to challenge a decision, and that this should be clearly communicated.

“People should be given a period of time to know how any challenges they make will take i.e. 6 Weeks!” (Survey respondent)

“It needs to happen much quicker. It took 15 months to get a reversal on my child’s decision. Also where an individual makes a decision to withdraw or lower a benefit which is later re-instated there has to be sanctions for the person...” (Survey respondent)

## Receiving updates

Respondents were asked about how they would want to receive updates if they were to challenge a decision about their benefits from Social Security Scotland. More than a third of respondents said that they would prefer to receive updates by email (37 per cent) and by post (35 per cent).

**Table 2 (n=179)**

If you wanted to challenge a decision about your benefits, what would be the main way that you want to receive updates?	
Email	37%
By post	35%
Telephone	15%
SMS/text message	2%
In person	8%
Typetalk	1%
another way	1%

This was also reflected among focus group participants who said that it was important for updates to be possible in a range of formats. The preferred way of receiving updates was often related to their wider needs, for example because of a disability or long term condition, or because of where they live.

Some felt that it was important to have a written record of this type of correspondence so would prefer letter or email correspondence.

“Regular feedback, as it can be stressful wondering if it is being dealt with and not hearing anything . An email or quick call . It just reassures people that they have not been forgotten.” (Survey respondent)

“When a benefit applicant challenges a decision, all communications should be sent to the applicant by post, in order to give them a legal record of the events.” (Survey respondent)

Respondents were also asked about when they would want to receive an update if they were to challenge a decision about their benefits. Over a third said that they would like to receive an update every two weeks. However, almost three in ten would like to receive an update every week, and among those who suggested they would want updates another amount than that, some said that updates should be given “ASAP” or “daily if need be”. More than a quarter said that they would want to receive an update whenever there was new information (for example the request being received or when there was a decision). Others said that there should be clear deadlines set for both parties, so that the client can contact the agency if they haven’t heard within those timescales.

Some participants said that they would prefer updates less frequently – around one in ten (9 per cent) said they would want an update once per month.

**Table 3 (n=179)**

If you challenged a decision by Social Security Scotland, how regularly would you want to receive updates?	
Once per week	28%
Once every 2 weeks	34%
Once every month	9%
Only when there is new information (for example that we have received your request or when there is a decision)	26%
Another amount	2%

“There should be a time limit on how long the social security agency has to respond it should not be able to take months if a person has a set time to challenge it.” (Survey respondent)

## The mandatory reconsideration process

In particular, timescales were felt to be a problem with the DWP’s mandatory reconsideration process.

Many participants felt this step to be simply a delay to going to a tribunal. Reasons for this included feeling that the mandatory reconsideration lacked independent scrutiny and was unlikely to result in a decision being changed.

“Why do you need to replicate the two stage process about challenging a decision? My belief is that the DWP only instituted this because there were too many appeals and they wanted to put an additional barrier in place to discourage and dissuade dissatisfied claimants from challenging a decision.” (Survey respondent)

“I would hope that the Scottish Government will do away with mandatory reconsiderations, or at least allow claimants to still receive benefit while awaiting decision. I waited more than six weeks with no money coming in and then was refused again. I immediately applied for a tribunal and within a week DWP changed their minds and I was granted full benefit (no further evidence was provided to them during this time)- clearly shows they were at it and merely trying to save money rather than support someone with medical conditions.” (Survey respondent)

Some felt that it was a step which should be abolished in the new Scottish system.

Others felt that there is merit in having this internal review stage, but felt that it is currently not well understood or utilized.

“I see mandatory reconsiderations and for me it’s actually been – it’s quite a useful step between – it used to be complaint and appeal... the reconsiderations tend to be much more detailed. I think there are certain frustrations about re-determinations about evidence because I think it is a point where the DWP could get additional evidence but there is a whole issue about money and doctors and people being represented. And it’s a big issue that people are really floundering when they are told it’s going to be looked at again they don’t know what they can input to it themselves.” (Focus group participant)

“The mandatory reconsiderations concept could be a massive money saver as far as not wasting thousands of pounds on appeals, if it was actually used the way it was intended” (Focus group participant)

A number of focus group participants felt that the mandatory reconsideration process could be improved by better communication and clearer systems around evidence gathering. In particular, participants felt that there was an assumption amongst applicants that the DWP would contact their healthcare providers, and that this doesn’t always happen.

“There’s a lot of confusion – people generally assume the DWP will contact their GP or consultant as you are asked the names of them on the form and you are asked for contact details. Very rarely in my experience.” (Focus group participant)

Focus group participants also felt that there was confusion about what evidence could be taken into account as part of a mandatory reconsideration or appeal. In particular, that this process is looking at whether the decision was right at the time of application, and so subsequent changes to their condition would not be taken into account, and would need to form a new application. They described how this can pose particular challenges due to the length of time that it can take to go through the process of challenging decisions.

“You had the assessment and it might have taken 3 months and now you’ve got to do the mandatory reconsideration and then appeal. The whole thing can take 6 months and then you need to remember all the issues from 6 months ago.” (Focus group participant)

“That’s the time problem. You are asking a vulnerable person how things were 6 months ago and some of them won’t remember at all. So you are asking them about away back then, and that’s the length of time if they have to go to the appeals process and all that could have been solved at the start.” (Focus group participant)

Focus group participants felt that it was important for Social Security Scotland to emphasise how its re-determinations process is different from mandatory reconsiderations in order to establish trust in the new system.

“You need to emphasise that it’s different from mandatory reconsiderations.” (Focus group participant)

Some focus group participants suggested that in the new system, the re-determination and appeals processes could be independently audited to reassure that where decisions have been changed, lessons are being learned from these.

## **Communicating decisions and keeping clients updated**

Respondents also talked about the importance of how decisions are communicated. In particular, it was felt that it was important that decision letters should be written in plain English and that alternative formats should be available.

“That the initial decision notice is in plain English and not filled with gobbly gook, so I can understand what it means.” (Survey respondent)

Respondents felt that it was important that the decision included information about why the decision had been reached, particularly if an application had been turned down, and that it should provide clear information about next steps if you would like to appeal, or other next steps that they could take.

“As a claimant if you have input at every step and staff can explain to me why a decision has been reached, then I might still disagree, but having that understanding from where that decision has come from makes it easier. I’d want this at all stages.” (Focus group participant)

“The refusal of the benefit could be perfectly legitimate, but it doesn’t mean that the person doesn’t have needs that need addressed.” (Focus group participant)

“I would like a more detailed explanation of why the decision had been made in the first place so that I would be in a better position to challenge it.” (Survey respondent)

Some respondents also said that they would like to know the name of decision maker on their application so that they could know who to speak to when challenging a decision.

“It would help if you knew the name of the person dealing with the challenge, reference numbers are all very well, but if you’re not dealing with the same person when giving more information, or when getting updates, then misunderstandings can happen.”  
(Survey respondent)

Others, however expressed concern that this could put individual staff members at risk.

“You could then have situations where decision makers are threatened and could put staff at risk.” (Focus group participant)

Respondents also spoke about how important it can be for people to have support when going through the process of challenging a decision – this might be through an advocate, an independent organisation, a carer, or a friend or family members. Respondents felt that it was important that this support be recognised and listened to, and highlighted how important it can be in terms of helping them to understand the process and submit all of the relevant evidence and documentation in a timely way.

“I would like people to be made aware that they could have a representative with them could be a family member or a welfare rights or CAB person but to know that the person can speak on their behalf sometimes people think they can do this themselves but then say entirely wrong thing because intimidated by panel” (Survey respondent)

## **Financial impact of challenging a decision**

A number of respondents spoke about the financial impact of challenging a decision or waiting for it to be overturned. Some felt that if a decision was changed, payment should be backdated, or felt that any existing payments should continue until the re-determination and appeal process was complete.

“Benefits continue while decision is being challenged otherwise fragile ecosystem collapses over each and every error/contested process.” (Survey respondent)

“The benefit should not be stopped until the whole determination is finished and the appeal is over. You should get to keep the benefit and car etc. during the determination and appeal.” (Focus group participant)

Focus group participants also highlighted that the length of time it takes to go through the mandatory reconsideration and appeals process can put people under both financial and emotional strain.

“I have had 3 attempted suicides in the last 6 months. The process exacerbates it. The stress it puts them under. Most are sitting there with no money trying to fight this. And no one seems to appreciate that. It highlights the need for speeding up this process.”  
(Focus group participant)

## Behaviour of staff

Respondents also spoke about the importance of staff being helpful and respectful throughout the process, and having empathy with the situation that clients are in.

“I would certainly have appreciated it if the lady I was speaking to sounded as if she had some had empathy. She was brisk and efficient and had a time limit probably. She could have been a bit nicer, I was in tears by the time I came off.” (Focus group participant)

Some also spoke about how intimidating the system can be.

“We have to find a way to take the terror factor out of this entire process, I am about to enter the world of reapplying for PIP, you have no idea the level of fear this is producing in my life. Please make it different when Scotland takes over.” (Survey respondent)

## Providing feedback and making a complaint

### Accessing information about how to give feedback or make a complaint

Survey respondents were asked about how they would currently look for information about how to give feedback or make a complaint in relation to the benefits that they have applied for. Respondents could tick more than one answer. More than three quarters (78 per cent) of respondents said that they would look on the Department for Work and Pensions (DWP) website. Around half said that they would use an advice service like Citizens Advice Scotland by phone, email or in person (53 per cent), or using their website (49 per cent). The responses to this question are outlined in detail in table 4.

**Table 4 (n=154)**

Where would you currently look to get information about how to give feedback or make a complaint in relation to the benefits you have applied for or received?	
The Department for Work and Pensions website	78%
Using an advice service like Citizens Advice Scotland by phone, email or in person	53%
Citizens Advice Scotland website	49%
Phoning the Department for Work and Pensions	48%
Through an internet search engine	46%
Through my local Welfare Rights Office by phone, email or in person	34%
Visiting a job centre	21%

Through the Scottish Public Service Ombudsman	19%
From friends or family	17%
From my local carers centre	14%
Through my local authority	11%
Another way (please write in)	4%

Among people who said they would look for information in another way, some suggested that they would like to receive information directly from the DWP about how to provide feedback or make a complaint. Others said that would use online forums or social media, that they would write a letter, or would speak to advice services.

## How to give feedback or make a complaint

Survey participants were asked about how they would prefer to provide feedback to Social Security Scotland, or make a complaint. Three quarters (75 per cent) of respondents said that they would be likely to use email to give feedback or make a complaint. Two thirds (64 per cent) said that they would use online methods, and almost three in five (57 per cent) said that they would provide feedback or make a complaint by post. Respondents were less likely to use SMS/ text messaging (17 per cent), textphone (5 per cent) or typetalk (2 per cent) to respond, however it should be noted that the latter two are both assistive technologies which few respondents are likely to require.

**Table 5 (n=109-168)**

	Very Likely or likely to use	Unsure/ it would depend	Unlikely or very unlikely to use
Email	75%	10%	15%
Online	64%	19%	17%
By post	57%	17%	26%
Telephone	52%	18%	30%
In person	32%	23%	45%
SMS/ text message	17%	11%	72%
Another way	7%	24%	69%
Textphone	5%	3%	92%
Typetalk	2%	3%	95%

## Types of feedback

Respondents felt that it was important to be able to provide all types of feedback. 173 people responded to this question, and almost all (94 per cent) said that they would want to be able to make complaints. Nine in ten said that they would want to be able to make suggestions (91 per cent) and give compliments (87 per cent).

A quarter of respondents (25 per cent) said that they would want to be able to give another type of feedback. This included “constructive feedback”, notice of upcoming changes in circumstance, or “anything” else.

## Giving positive feedback

More than two thirds of respondents (71 per cent) said that if they were satisfied with the service that they received from Social Security Scotland they would be “likely” or “very likely” to get in touch to feedback about their experience (this question was answered by 167 people). 14 per cent said they were “unsure” if they would, and 14 per cent said that it was “unlikely” or “very unlikely” that they would get in touch.

More than two thirds (68 per cent) said that they would be likely to feed this back directly to the staff member concerned. Three in five (61 per cent) said that they would go to a dedicated feedback team, and almost half (45 per cent) said they would feedback to a manager.

**Table 6 (n=132)**

<b>If you were satisfied with the service you had received from Social Security Scotland, who would you be likely to feed this back to?</b>	
Directly to the staff member concerned	68%
To a dedicated feedback team	61%
To a manager	45%
To an independent organisation	22%
To the Scottish Public Service Ombudsman	12%
Someone else	6%

Among those who said “someone else” responses included a politician, an outside agency, or someone who could make a difference.

A number of respondents felt that it was valuable to encourage positive feedback.

“If people complain about the service they receive from an organisation it is only right to give complements when they do well.” (Survey respondent)



Others, however, felt that they wouldn't give positive feedback for someone simply "doing their job", and that this should not be expected. They felt that they would only give this type of feedback if a staff member had been exceptional in trying to help them.

"Satisfactory service is the service level that we're supposed to get. The classic reaction to it is: "Why would I compliment them just for doing the job that they're paid to do?" People don't feel the need to compliment service providers and their staff unless the service provided really does go above and beyond "satisfactory". (Survey respondent)

## Making a complaint

More than four in five respondents (84 per cent) said that if they were unhappy with the service they had received from Social Security Scotland they would be "likely" or "very likely" to make a complaint (this question was answered by 178 people). 9 per cent said they were "unsure" if they would, and 7 per cent said that it was "unlikely" or "very unlikely" that they would get in touch to make a complaint.

Three quarters (73 per cent) of respondents said that they would make a complaint to a manager. More than a third (68 per cent) said that they would complain to a dedicated feedback team.

Among those who said that they would make a complaint to someone else, responses included their local MSP or MP or on social media.

"MSPs get proper replies from ministers. Other methods of complaining do not get proper results." (Survey respondent)

**Table 7 (n=149)**

If you were unhappy with the service you had received from Social Security Scotland, who would you be likely to make a complaint to?	
To a manager	73%
To a dedicated feedback team	68%
Directly to the staff member concerned	35%
To an independent organisation	33%
To the Scottish Public Service Ombudsman	25%
Someone else	8%

Some described the value of providing feedback using internal channels – in particular providing feedback directly to a staff member or their manager as a means of quickly resolving issues before they escalate.

“In the first instance, I'd want to talk to the person about whom the complaint was being made before it goes any further. If I were not satisfied, I would go up, level by level, until I reached a satisfactory conclusion.” (Survey respondent)

Focus group participants spoke about how important it is that the first member of staff that you speak to knows how to deal with your complaint, or where to direct you to.

“It could have been dealt with if that first point of contact could have made some decisions - I think that's really the crux of it. But it got passed on and on and on and it just kept escalating and it needn't have done.” (Focus group participant)

Others felt that a dedicated team would provide a valuable channel through which to provide feedback or make a complaint. Reasons included the fact that a dedicated team could sit independently of the team dealing with an application or decision, that it would provide clarity in the system, and that you would have a dedicated point of contact to communicate with regarding the issue.

“I think a dedicated team who would deal sensitively with you would be brilliant. I would prefer to speak to a named person who I could possibly build up a "relationship" with who would be my first port of call should I have a query, complaint or indeed a compliment.” (Survey respondent)

“I would not want to complain directly to the staff member concerned as this could be threatening for that person and the public do not always know how to complain without getting upset.” (Survey respondent)

However, a number of other respondents felt that having an independent organisation who could investigate complaints was important. This was to provide reassurance that complaints would be dealt with appropriately and that they wouldn't impact on how the client was treated in the future. Some also felt that an independent agency could have a role in ensuring that complaints were acted on – for example through staff training.

“Having an independent agency doing this would ideal. It would mean that all complaints were properly dealt with and there would be a record of how it was dealt with and what was the final outcome was. This could also assist with making sure that staff training was satisfactory and it also would protect the staff from having unfounded allegations made about them.” (Survey respondent)

“Perhaps independent complaints system, so people know they are not going to be victimised, eg by sanctions. I have seen on social media how job centre staff gun for people who make complaints, or who assist others to make complaints.” (Survey respondent)

“Make it possible to complain via an independent organisation. An anonymous complaints procedure could be used to prevent worries about it affecting an application.” (Survey respondent)

## Receiving updates about your complaint

Survey respondents were asked about when they would expect to receive updates about how a complaint was being dealt with. Almost all (97 per cent) would expect confirmation that feedback or a complaint had been received. More than nine in ten (92 per cent) would also expect a response when there was a resolution to their complaint.

Most respondents said they would also expect updates on how the feedback or complaint was being handled (81 per cent), and would expect a way to contact Social Security Scotland to check on the progress of the complaint (74 per cent).

Table 8 (n=170)

If you made a complaint to Social Security Scotland, which of the following would you expect?	
Confirmation that the feedback or complaint has been received	97%
A response when there is a resolution	92%
Updates on how the feedback or complaint is being handled	81%
A way to contact Social Security Scotland to check on the progress of the complaint	74%

Focus group participants felt that there should be clarity given about when people should expect a response when they make a complaint.

“You should give a timescale for how it’s going to work. For example, ‘we hope to respond to you within... however some are more complex and may take a bit longer’.”  
(Focus group participant)

## Barriers to providing feedback

Almost a third (31 per cent) of respondents said that they would feel comfortable giving feedback or making a complaint.

However, many respondents reported barriers to making a complaint. More than three in five (62 per cent) respondents said that they would worry about whether making a complaint would affect a benefit application or the benefits that they receive. Half (51 per cent) said that they had a bad experience of making a complaint in the past.

**Table 9 (n=154)**

<b>Do you have experience of any of the following barriers to making a complaint in the current benefits system</b>	
I would worry about whether it would affect my application or benefits that I receive	62%
I have had a bad experience in the past	51%
None of the above - I would feel comfortable providing feedback or making a complaint in the current benefits system	31%
I do not know how to give feedback or make a complaint	22%
I, or someone I care for, has an accessibility need that makes it difficult to provide feedback or make a complaint	19%
Another barrier	12%

Among those who said that there was another barrier for them making a complaint, reasons included system challenges such as the length of time to get through, or the waiting time for a response to a complaint; not knowing who to make the complaint to; a lack of trust in the complaints system or concern that it wouldn't be acted on, and barriers relating to a disability or health condition.

Both survey respondents and focus group participants spoke about a lack of clarity in the current process as to who to provide feedback or make complaints to, how to do this, and how the feedback or complaint would be dealt with and responded to.

"I'm not aware of any current system for making complaints to DWP. I have submitted formal letters a number of times but been told there is no mechanism to deal with it. People have no recourse where they have been badly treated." (Survey respondent)

"My latest experience of complaining to the benefits agency involved speaking personally with thirty seven different members of staff sending three recorded letters. All in all I was told by different people "this is not supposed to happen " and "this is not possible." Also "I've never seen this in all the time I've worked here". The final response was an unsigned letter telling me that I have not received the service I should have!" (Survey respondent)

There was also a lack of trust in the system and how transparent it is.

"I would not have any confidence that a complaint would be followed up" (Survey respondent)

Some respondents also described their fear at how making a complaint might impact the way that they were treated in the future.

“Because the current system instils a culture of fear. If you draw attention to yourself, your claims will be overly scrutinized, and likely to be withdrawn even if you need and meet the criteria for social security. Any excuse is used to stop welfare payments, leaving you in dire financial straits.” (Survey respondent)

“I would be concerned that any negative feedback, or complaint, would impact negatively on me in the future.” (Survey respondent)

A number of respondents said that they would need reassurance that making a complaint wouldn't impact on the outcome of their benefit applications.

“Reassurance that complaints or negative feedback wouldn't affect decisions about claims also the new system should give details of any final outcomes from feedback or complaints.” (Survey respondent)

This was also a theme that was reflected among focus group participants.

“Sometimes people are afraid to rock the boat and don't want to complain about anything in case it goes against them. There's a lot of fear about that.” (Focus group participant)

## **Improving the feedback and complaints system**

A number of survey respondents and focus group participants said that introducing clear processes and timescales for handling a complaint would be valuable.

“Make it simple and hassle free. Give your staff the ability to either fix the issue or to pass it someone who can help give the staff the ability to take positive feedback as well” (Survey respondent)

“If there was a protocol devised that was time sensitive it would give reassurance that any complaint would be taken seriously & investigated thoroughly.” (Survey respondent)

“I think if they had a recognised complaints procedure that a person could take you through so you felt they recognised you had a complaint and then tell you what would happen next. For example telling you it will be passed to the most appropriate department who will contact you within 5 days for example. Something concrete so it doesn't disappear and so it leaves a record.” (Focus group participant)

This included having more easily available information about how to feedback or make a complaint.

“Don't hide it on the website most websites hide the complaints process at the bottom of a page highlighting a link at the top of the page would be much better.” (Survey respondent)

Participants spoke about the importance of feeling listened to when making a complaint. Focus group participants suggested that it could be valuable for a key part of the complaints process to involve staff taking the time to listen to the complaint and then summarise and clarify any key points.

“So a bit of talking back – summarise to you what you said the issue is so you're happy what they have written down is a good reflection.” (Focus group participant)

“Perhaps including details in correspondence about compliments and complaints. So you don't have to search for it but instead have it before you even need it.” (Survey respondent)

A number of respondents said that it would be easier to navigate the system if they were appointed a dedicated staff member who they could contact to follow up on their case.

“If each client has a dedicated member of staff and manager, who are named at the start of a claim, the client would then be able to refer directly to either of those people.” (Survey respondent)

Some also said that they would find it helpful to receive updates about the processing of their feedback or complaint.

“I made a complaint to DWP a number of years ago in writing regarding how a staff member at my local JobCentrePlus treated me - they didn't even bother responding! Shocking disregard for people on benefits and shows they really don't care.” (Survey respondent)

“Ensure that paperwork actually get to the relevant department direct and a phone call to tell you they have received it.” (Survey respondent)

Some also commented that it would be valuable to have staff who were more empathetic or who had previous experience of disability or long term health conditions.

“Yes most of your new staff should be disabled or have experienced disability or chronic sickness to know and understand what vulnerable people/customers have to cope or deal with.” (Survey respondent)

“I think there has to be better training I would like to see the criteria for employing staff not just based on academic qualifications but more customer based skills to be as important. People skills can go a long way when dealing with claimants.” (Survey respondent)

Respondents also spoke about the importance of staff behaviour in impacting their overall experience.

“Employ staff who are likely to treat people as customers not beggars.” (Survey respondent)

## Responding to complaints

Participants were asked about how complaints should be responded to in the new Scottish social security system. Participants often felt that an appropriate response would depend on the situation, but that it might include resolving the issue at hand, compensation, or simply an apology. Some felt that a gesture like flowers might be appropriate in some circumstances.

“I think it (“sorry”) can go a long way – not just saying sorry – well we can say sorry – the form of words in the complaints procedure should be respectful to the person and acknowledge it could have caused distress and show the call wasn’t a waste of time. Even if the complaint ends there people feel its then worthwhile and they’ve had someone listen to them” (Focus group participant)

“Sometimes all that is necessary is an acknowledgement that there has been a problem and/or an apology.” (Survey respondent)

Some also said that a personalised response, rather than one that comes across as automatically generated, would be important. In particular that they feel listened to and that action will be taken.

“A personalised response to feedback or complaints and not just a standard reply which may come across as insincere and 'lip service'.” (Survey respondent)

“The most important thing is having staff actually sound like they mean it at the end of the phone –someone who actually listens to you, not just someone reading off a script.” (Focus group participant)

“When there are complaints sorry isn’t good enough and stop saying we are sorry for your experience. It makes you angrier. Ideally the letter should say that they have heard me and summed up the complaint, apologise and say this is what we have done to put it right.” (Focus group participant)

Focus group participants suggested that it would be beneficial for staff to discuss possible resolutions with the person making the complaint.

“Depending on what it is, asking them what they want would be quite nice and then they could have the step we discussed – “ok , this is what I could do about it next” – telling you what I could do about it and saying “does that sound okay to you”.” (Focus group participant)

Focus group participants also felt that in some circumstances a dedicated, specialist team

could take over the person's case to ensure their needs are met – for example if they have very specific requirements which haven't been met by other teams.

A number of participants across both the survey and focus groups said that they felt it is important that complaints are monitored. Reasons included for transparency, and to help with organisational development and staff training.

“Ideally the organisation will look at the number and nature of complaints and use that to determine staff training. It might just be someone having a bad day and if its rare that's fine but it should be analysed and used to guide the organisation's training.”  
(Focus group participant)

Some people felt that this type of information should be published. Others felt that summarised information about the type of feedback received would be enough, with information about how any issues were being addressed.

“I think that would be more useful as a generic thing for the company to be saying, maybe – we realise that we are not doing so well on this fact. We are addressing it this year – we have implemented training for our staff as we know this isn't great. I don't think you need to be as specific as publishing your dirty laundry in public. It's more just saying you recognise there are problems and are dealing with them in this way. It's better for confidence to say this is what we are doing to deal with it. People want to see the results.” (Focus group participant)

## Next Steps

These findings are being used to develop and continually improve robust systems for feedback and complaints. It is also helping to develop the policy and process for people challenging a decision on their benefit application through either Social Security Scotland's re-determinations system, or through appeal at tribunal. This feedback – along with ongoing user research – has shaped these processes and will continue to do so.

Scottish Government and Social Security Scotland have been listening to what people have said about how feedback, complaints and challenges to a decision are dealt with. The Social Security (Scotland) Act 2018 (the 2018 Act) provides a number of rights for individuals when challenging their benefit decision. For example the 2018 Act contains express provisions that where an individual had not been able to make their request for a re-determination within the timescales they will have up to 1 year from the date of their original determination to make the request if they had a good reason. Where the late request is refused by Social Security Scotland, the individual will be able to appeal to the tribunal service who will make a decision. This right is not available in the current system. Furthermore, the 2018 Act contains provisions to pay Short-term Assistance where a continuing benefit is reduced or stopped and that decision is subject to a challenge to ensure the individual is not prevented from challenging a decision whilst having to manage with a reduced income during that process. The Scottish Government has designed its processes that are grounded in the principles of dignity, fairness and respect and has



been clear that people will have a right to challenge decisions and that Social Security Scotland will do all it can to help individuals.

Work is also underway with stakeholders and users to develop letters and forms that are in plain language so that they are not a barrier that prevents people engaging with their complaint, re-determination or appeal. The Scottish Government will continue to test, adapt and improve as we better understand the needs of the people who will use Social Security Scotland.

The Scottish Government will continue to work with the Experience Panels in the development of Scotland's new social security system. This will include further research on individual benefits in addition to other work to assist in the development of Social Security Scotland.

#### **How to access background or source data**

The data collected for this social research publication:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via an alternative route <specify or delete this text>
- may be made available on request, subject to consideration of legal and ethical factors. Please contact [SocialSecurityExperience@gov.scot](mailto:SocialSecurityExperience@gov.scot) for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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