

Understanding the differences between Appeals, Complaints and Reviews: Some empirical evidence

SC/10/2013

Contents

EXECUTIVE SUMMARY	1
1. INTRODUCTION	3
2. BACKGROUND	5
3. THE QUESTIONNAIRE	8
4. RESPONSE RATES AND MULTIPLE CHOICE QUESTIONS	10
5. SCENARIOS	14
5.1. Social Security Scenario 1	14
5.2. Social Security Scenario 2	16
5.3. Social Security Scenario 3	17
5.4. Social Security Scenario 4	19
5.5. Housing Scenario 1	20
5.6. Housing Scenario 2	22
5.7. Housing Scenario 3	23
5.8. Housing Scenario 4	25
5.9. Levels of agreement	26
5.10. Overall Priorities	27
5.11. Methodological caveat	28
6. SUMMARY OF MAIN FINDINGS	29
IMPLICATIONS FOR POLICY AND PRACTICE	31
ACKNOWLEDGEMENTS	32
APPENDIX	33
QUESTIONNAIRE FOR ADVISERS	34

EXECUTIVE SUMMARY

Working with Citizens Advice Scotland (CAS), the Scottish Committee of the Administrative Justice and Tribunals Council (SCAJTC) has undertaken a study to examine the extent to which advisers understand the distinction between complaints and appeals and the different procedures for dealing with them. It had originally been SCAJTC's intention to examine the extent to which users of the public services understand the distinction between complaints and appeals and the different procedures for dealing with them. However, because of the difficulties involved in contacting a representative sample of public service users, and the limited amount of time and resources that were available, and because, through CAS and Shelter, it was possible to gain access to those who offer advice to public service users and frequently act for them, the problem was explored by examining the perceptions and experiences of advisers.

The study set out to examine four key policy areas, namely social security, housing, adult social/health care and income tax. CAS and Shelter advisers were invited to indicate in response to four sets of scenarios how they would deal with the particular problems arising in each case. Because of the low rate of responses to the adult social/health care and income tax scenarios the findings in this report are limited to those concerning social security and housing.

From the findings it was clear that advisers had a good understanding of the salient differences between appeals, complaints and reviews. There was a high level of agreement among advisers about how they would deal with the problems arising in the scenarios, particularly in terms of what they regarded as their first priority. Levels of agreement as regards their second and third priorities were, not unsurprisingly, considerably lower.

Advisers tended to approach the original decision maker or her/his manager, or submit a formal request for the decision to be reconsidered before submitting an appeal or formal complaint, preferring where possible to resolve disputes informally.

Advisers gave priority to submitting an appeal in four out of eight scenarios and to submitting a complaint in three out of eight. The complaints procedures appear to be used where there is no right of appeal. In a few cases, advisers indicated that they would have done something else other than the options they were presented with.

Almost 90 per cent of advisers thought that the distinction between appeals, complaints and reviews was either quite clear or very clear but that for clients themselves it was either rather confusing or very confusing.

Almost 90 per cent of advisers thought that a common information platform would be helpful, although more thought it would be of some help rather than a great help. A smaller majority (circa 60 per cent) thought that a 'one door approach' would be helpful, although around a third thought that this would make matters worse.

Around 60 per cent of advisers thought that merging appeals, complaints and review procedures and treating them all in the same way would be helpful. However, enthusiasm for such an approach was markedly less than for the 'one door approach'.

The findings from this small study provide support for developing common information platforms about how to lodge an appeal and how to make a complaint. However, in SCAJTC's view, it does not provide sufficient support for recommending a 'one door approach', since a sizeable majority of respondents thought this would actually make things worse, or for merging appeals and complaints systems, since levels of enthusiasm for this were rather restrained.

1. INTRODUCTION

The distinction between appeals and complaints has traditionally been regarded as unproblematic and self-evident, and therefore subject to little scrutiny from either an academic or a user perspective. However, in a series of focus groups carried out by members of the LSE Public Policy Group,¹ in research conducted for the National Audit Office some 10 years ago², there was little evidence that members of the public understood the distinction or appreciated how these separate procedures might impact on the resolution of their own disputes. Most of the focus group members saw it as a trap, designed to partition a complex cause for concern into small parts that could more easily be fobbed off. Only a tiny handful saw it as valuable, with a large majority arguing that what they wanted in any appeal or complaint was for what had gone wrong to be put right and indicating that they would try any route open to them to achieve that end.

In contrast to the views expressed by members of the public, most government departments and public bodies seem to have internalised the dichotomy to such an extent that they cannot even provide information about how to lodge an appeal or make a complaint in the same leaflet or on the same webpage. In most cases, completely separate appeals and complaints systems are run by different members of staff located in different parts of the organisation. The numbers of appeals and complaints are seldom considered side by side and it is rare to find a member of staff who is familiar with both sets of procedures.

In Scotland, the functional separation of complaints and appeals procedures has been further complicated by the creation of the Complaints Standards Authority (CSA) within the office of the Scottish Public Service Ombudsman (SPSO)³, on the one hand, and the establishment of the Scottish Tribunals Service (STS)⁴, on the other.

¹ Four focus groups with citizens were undertaken in 2003-2004 by members of the LSE Public Policy Group as part of the fieldwork they undertook for the NAO. Three scenarios were used to provide practical examples of how participants had complained or might complain.

² National Audit Office (2005) *Citizen Redress: What Citizens can do if things go wrong with public services*, HC 21, Session 2004-2005, London: The Stationary Office, available at <http://media.nao.org.uk/uploads/2005/03/040521.pdf>

³ Established in 2002, following devolution, the SPSO now deals with complaints about local authorities, the National Health Service, social landlords, most water and sewerage providers, the Scottish Government and its agencies and departments, colleges and universities, prisons, and most Scottish public bodies. Citizens can take their complaint to the SPSO only when they have exhausted the formal complaints procedure of the organisation concerned.

⁴ Established in 2010, the STS currently provides administrative support to seven devolved Scottish Tribunals. The Scottish Government announced in 2012 that it would bring forward legislation to reform the tribunal system by creating a simple two-tier system for devolved tribunals; bringing judicial leadership under the remit of the Lord President; creating a new office, the President of Scottish Tribunals (PST) with responsibility for the efficient disposal of business in the new system; and establishing new independent appointment arrangements.

The Crerar Review⁵ led to the setting up of the Sinclair Working Group⁶, which was given the remit of simplifying and standardising complaints procedures across the devolved public sector in Scotland and which recommended that the CSA should be given the power to impose ‘model complaints handling procedures’ on public authorities without any apparent consideration of the relationship between complaints and appeals. In parallel with this development, the establishment of the STS to provide administrative support for ‘devolved tribunals’⁷ established an organisation to handle appeals that has no interest in complaints.

This situation is in stark contrast with that in some private sector procedures that blur the distinction between appeals and complaints. Thus, the Financial Ombudsman Service (FOS) adopts an inclusive approach, looking at whatever it is that makes the customer of a bank, insurance company or other financial institution unhappy or convinced that they have been unfairly treated or misled in a holistic way.⁸

⁵ Crerar Report (2007) *Report of the Independent Review of Regulation, Audit, Inspection and Complaints Handling of Public Services in Scotland*, Edinburgh: Scottish Government.

⁶ Sinclair Report (2008) *Fit for Purpose Complaints System Action Group: Report to Ministers*, Edinburgh: Scottish Government.

⁷ i. e. tribunals dealing with disputes in devolved policy areas.

⁸ For a brief description of the Financial Ombudsman Service, which draws attention to some of its key features, see Department of Constitutional Affairs (2004) *Transforming Public Services: Complaints, Redress and Tribunals*, Cm. 6443, London: The Stationary Office, paras. 4.13-4.21.

2. BACKGROUND

In light of the situation described above, the Scottish Committee of the Administrative Justice Council (AJTC) initially decided to carry out a relatively small 'mapping exercise' to bring together available information about the landscape of complaints and appeals in Scotland. This would build on the Scottish Committee's previous project⁹ which identified a number of devolved policy areas where there was no right of appeal against an initial decision that a member of the public believed to be wrong, or where the existing right of appeal was inappropriate or inaccessible and asked, in each case, whether something should be done and, if so, what should be done about it. Where there is no right of appeal or the right of appeal is inadequate, those who are determined to challenge a decision have few options other than to use the complaints procedure, however inappropriate that may be.

Such a project would have reflected the priority that the Scottish Committee wished to give to research on administrative justice rather than research on some aspect of tribunal reform on which it had previously focused its efforts. It would also have been very much in line with the recommendation in the AJTC's recently published research agenda¹⁰ that research should be conducted on what it calls the 'Framework of Dispute Resolution'. The report groups administrative justice research into three categories, namely 'structural', 'procedural' and 'sectoral' research,¹¹ and under the heading 'structural', it argues that data should be collected on different modes of dispute resolution in order to generate a framework for comparing them. This would involve collecting data on the number of cases they handle, the number of staff involved, the cost of operating the dispute-handling procedure, the outcomes etc. in order to assess the strengths and weaknesses of each mode of dispute resolution.¹² The project would have taken the form of 'desk research' in the sense that it would not have involved the use of surveys, formal interviews or focus groups. However, it would have called for a fair amount of initiative in tracking down information that was not readily accessible.

Unfortunately, it soon became clear that the project, as we had outlined it, would have been very difficult to carry out successfully because the data that we were proposing to collect, particularly data relating to complaints, were either unavailable or unreliable. This was due to the fact that, at the time, there was no common understanding of what

⁹ SCAJTC (2012) *Right to Appeal: A review of decisions made by Scottish public bodies where there is no right of appeal or where the appeal procedure is inaccessible or inappropriate*, published in September 2012 and available at <http://www.ajtc.justice.gov.uk/scottish/scottish.htm>

¹⁰ AJTC (2013) *A Research Agenda for Administrative Justice*, published in March 2013 and available at http://ajtc.justice.gov.uk/docs/AJTC-RA-Mar2013_WEB.pdf

¹¹ *ibid.*, para. 37.

¹² *ibid.*, para. 39.

constitutes a complaint and, although this was due to change when the 'model complaints handling procedure (CHP)'¹³ becomes fully operational in April 2013,¹⁴ we were not able to wait until then.¹⁵

It was put to us¹⁶ that, if the Scottish Committee was concerned that members of the public do not understand the distinction between complaints and appeals, and the different procedures for dealing them, we should investigate that. And, if, for practical reasons, this turned out to be impractical, we should think of doing so at one remove by tapping the experiences of those who advise members of the public. In the absence of any pool of public-service users from which a representative sample of members of the public who have had grievances of one kind or another could be drawn,¹⁷ and because the cost of fieldwork, whether this comprises focus groups or qualitative interviews, is substantial, the direct approach was not pursued and an indirect approach was adopted by the Scottish Committee.

After considering a number of possibilities, the Scottish Committee approached Citizens Advice Scotland (CAS) to see whether CAS was interested in collaborating with us. CAS is not only by far the largest provider of information and advice services in Scotland (it has 2,500 advisers) but also has the widest experience of dealing with complaints and appeals against public bodies. Moreover, because CAS sits at the apex of a national network of local citizens' advice bureaux, we reasoned that this would greatly simplify the management of the project since, instead of having to deal with a plethora of advice agencies, we could deal with one organisation.

¹³ The Public Services Reform (Scotland) Act 2010 gives the SPSO the power to publish standardised complaints handling procedures for listed authorities (including local authorities, the NHS, Registered Social Landlords, colleges and universities, Scottish Government, Scottish Parliament and associated bodies) and requires the SPSO to monitor and promote best practice in complaints handling.

¹⁴ The model CHP aims to simplify and improve complaints handling through a standardised system for complaints across all local authorities. All local authorities are required to adopt the model CHP as soon as possible within the 2012/2013 financial year and each authority is to provide the SPSO with a compliant model CHP by 14 September 2012.

¹⁵ Not least because the AJTC is under stay of execution. The Public Bodies Act, which allows Ministers, by order, to abolish, merge or transfer the functions of the public bodies listed in the Act, which includes the AJTC, received Royal Assent on 14 December 2011, and an order to abolish the AJTC was laid before Parliament on 18 December 2012.

¹⁶ By Jim Martin, the Scottish Public Services Ombudsman.

¹⁷ I know this from recent experience with two studies in this area: Adler, M. *et al.* (2006) *Administrative Grievances: a Developmental Study*, London: NatCen, in which focus groups were conducted by National Centre for Social Research; and Adler, M. *et al.* (2007) *Scrutiny and the Public: Qualitative study of public perspectives on regulation, audit, inspection and complaints handling of public services in Scotland*, Edinburgh: Scottish Government, in which focus groups were conducted by Ipsos MORI.

As it turned out, CAS was keen to collaborate with the Scottish Committee. We agreed to focus on four discrete policy areas with which, it was suggested, CAB advisers ought to be familiar. The four policy areas that were selected (social security, housing, adult social/health care and income tax) included devolved and reserved policy areas and policy areas in which appeals went to the courts (e.g. housing) as well as to tribunals (e.g. social security), and policy areas in which there was currently no possibility of an appeal (e.g. adult social/health care). We were told that CAB advisers were most comfortable with multiple choice questions and were advised to include, at most, a limited number of open-ended questions although, in the end, we didn't include any. CAS agreed to send out the questionnaires electronically using *SurveyMonkey*,¹⁸ an online questionnaire and survey tool which allows participants to respond online and which automatically produces running totals of responses to multiple-choice questions. This undoubtedly simplified the task of data analysis.

¹⁸ Details are available at <http://www.surveymonkey.com/>

3. THE QUESTIONNAIRE

The questionnaire comprised eight questions that were to be completed by all respondents, four sets of 'scenarios', each containing four descriptions of cases about which members of the public might seek advice, respondents being asked how they would deal with them, and six further questions that were to be completed by all respondents.

In questions 1-3, respondents were asked to indicate their agreement or disagreement with each of six statements about what constitutes an appeal, a complaint or a review. In question 4, they were asked to tick which of eight characteristics applied to appeals, complaints or reviews, and in questions 5-7, how much experience they had with appeals, complaints or reviews. In question 8, they were asked to indicate which of the four policy areas (social security, housing, adult social/health care and income tax) they had most experience of and were then directed to the appropriate set of scenarios.

The scenarios comprised short (one paragraph) accounts of the kinds of problems members of the public might seek advice about. The problems were typically quite complex and multi-faceted and could therefore be dealt with in a number of different ways. Although a copy of the questionnaire containing four scenarios in each of the four policy areas is reproduced in the Appendix at the end of this report, to give a better idea of the kinds of problems that can be found in these scenarios, two examples are presented below. The first deals with a social security problem, the second with a housing problem.

Example of a Social Security Scenario

Ms A's partner applied for DLA six months ago but his application was turned down. He suffers from epilepsy, which is controlled somewhat by drugs, but he often falls and injures himself. Unfortunately his GP is quite dismissive and doesn't agree with people claiming benefits. The GP wrote on his report that there really were no problems with her partner's epilepsy. Ms A's partner also suffers from anaemia and last year had to be given a blood transfusion as his blood count was critical and a recent blood test confirmed that his blood count is very low again. He gets very breathless just bending over to put on his shoes and walking to the local shops is a real effort. He has been referred to a blood specialist but will have to wait for another two months until he gets an appointment.

Example of a Housing Scenario

Mr. and Mrs. A are the joint tenants of a local authority house. Four months ago, Mr. and Mrs. A split up: Mr. A left the house and immediately moved in with his new partner leaving Mrs. A and her two boys, aged 10 and 12, in the house. Mrs. A was distraught and has not been opening her mail but when she eventually did so, she saw that the local authority had written to her and Mr. A on several occasions about accumulating rent arrears and that they had started eviction proceedings. Mr. A works full-time as a plumber and Mrs. A is employed part-time (for 20 hours a week) as a supermarket check-out operator but has not been claiming any benefits.

In the case of the social security scenarios, respondents were asked to indicate which of the following course of action they would give first, second and third priority to: contacting the decision-maker in the local Job Centre Plus office, contacting a manager in the local Job Centre Plus office, submitting a formal request for the decision to be reconsidered, submitting an appeal against the decision, helping the client with their appeal, submitting a formal complaint to the DWP, complaining to an ombudsman, contacting the client's MP, MSP or local councillor, or doing something else (which they were asked to specify). In the case of the housing scenarios, the list of options that respondents could choose from was basically the same but was tailored to different institutions, in this case the local authority or social landlord, rather than the DWP. This was likewise the case with scenarios in the other policy areas.

In questions 13-14, respondents were asked whether the distinctions between appeals, complaints and reviews were clear to them and, in their opinion, to their clients, and, following this up, in question 15, to indicate whether, in their opinion, the existence of separate procedures was a problem for those who were unhappy about the administrative decision in their case. The last three questions, questions 16-18, asked respondents whether they thought it would make any difference if information about appeals, complaints and reviews was presented in a more holistic way, whether they were in favour of a one-door approach, by which we meant a process in which anyone who was unhappy about a decision of a public body can indicate that they want something done about it and the public body then decides how it should be handled, and whether they were in favour of merging appeals, complaints and reviews procedures and treating them in the same way, as the Financial Ombudsman Service (FOS) does,

4. RESPONSE RATES AND MULTIPLE CHOICE QUESTIONS

An invitation to take part in the survey was sent out on the CAS Intranet on 21 January 2013 and, after a slow start, produced a total of 89 responses. More than two thirds (57 out of the 84 who answered the question stated that, of the four policy areas, they had most experience of social security (question 8). This seems to reflect the pattern of work in local bureaux but was disappointing for us because the number of responses to the housing, adult social/health care and income tax scenarios was rather small. In the case of housing, we attempted to boost the number of responses from those with experience of housing by seeking the cooperation of Shelter Scotland. This was quite successful and, in the end, we managed to obtain 19 respondents who stated that, of the four policy areas, they had most experience of housing. This corresponds to just less than one quarter of those who answered question 8. However, of those who answered this question, only three respondents stated that they had most experience of complaints and appeals procedures in adult social care and five respondents stated that they had most experience of complaints and appeals procedures in income tax.¹⁹ We attempted to boost the number of responses from those with experience of adult social care but did not manage to do so.

The breakdown of responses is as follows:

Table 1: Breakdown of respondents

Policy area that respondents have most experience of	Number of responses	Proportion of those who answered question (84)
Social security (DWP)	57	67.9%
Housing (local authorities /social landlords)	19	22.6%
Adult social/health care (local authorities/NHS)	3	3.6%
Income tax (HMRC)	5	6.0%
Sub total	84	
No answer	5	
Grand total	89	

The analysis below of answers to questions 1-8 and 13-18 is based on all 89 responses to the questionnaire. However, since the number of respondents to the adult social/health care and income tax scenarios is too small²⁰, the analysis of how advisers responded to the scenarios is restricted to social security and housing advisers.

¹⁹ It was suggested to us that this may be due to advisers' lack of confidence in complaints and appeals procedures in these policy areas and to the fact that, because of this, they recommend that clients who are unhappy with a decision submit a fresh claim instead of challenging the original decision.

²⁰ A conversation with a CAB worker in Fife indicated that they don't tend to use the formal appeals or complaints procedures because they see little point in them but advise clients to make a repeat application instead.

Unfortunately, due to a 'glitch' in loading the questionnaire onto the electronic survey instrument, one of the questions (question 2 relating to complaints) that sought to explore respondents' understanding of what is entailed in the three procedures got lost and a comparison of respondents' understanding of what appeal, complaint and review procedures can and cannot do was therefore not possible. However, we are in a position to compare advisers' understanding of some of the salient features of appeal, complaint and review procedures.

Table 2: Characteristics associated with appeals, complaints and reviews

	Appeals		Complaints		Reviews	
	N	Rank (top 4)	N	Rank (top 4)	N	Rank (top 4)
Involves an internal procedure	15		28	1	33	4
Involves an external procedure	52	4	8		11	
is carried out by someone in the organisation	8		17	4	50	1
is carried out independently	55	2	8		11	
usually takes quite a long time	50	3	10		15	
is usually completed quite quickly	7		20	3	40	3
can involve an oral hearing	64	1	8		5	
never involves an oral hearing	2		21	2	47	2

Advisers had a good understanding of the salient characteristics of appeals, complaints and reviews. In order of the frequency with which respondents referred to their defining features, appeals were characterised as involving oral hearings (1st), being carried out independently (2nd), taking quite a long time (3rd) and involving an external procedure (4th). Complaints were characterised as involving an internal procedure (1st), never involving an oral hearing (2nd), being completed quite quickly (3rd) and being carried out by someone in the organisation (4th). Reviews were likewise characterised in rather similar terms by being carried out by someone in the organisation (1st), never involving an oral hearing (2nd), being carried out quite quickly (3rd), and involving an internal procedure (4th). Thus, internal procedures were associated with complaints and reviews while external procedures were associated with tribunals; the involvement of people inside the organisation was associated with reviews and complaints while the involvement of people outside the organisation was associated with

tribunals; speed was associated with complaints and tardiness with tribunals; the use of oral hearings was associated with tribunals and their absence with complaints and reviews.

In light of these responses, it is not surprising that almost 9 on 10 of the advisers who took part in the survey thought that the distinction between appeals, complaints and reviews was either quite clear (44.6 per cent) or very clear (42.9 per cent). However, when asked how clear they thought it was for their clients, more than 9 in 10 thought that it was rather confusing (60.7 per cent) or very confusing (32.1 per cent). It is clear that, if members of the public are as confused as advisers think they are, they do need advice about how to deal with any disputes that may arise.

Table 3: How clear is the distinction between an appeal, a complaint and a review, for advisers and their clients?

	Very clear	Quite clear	Rather confusing	Very confusing	Number of respondents
For advisers	42.9% (24)	44.6% (25)	12.5% (7)	0.0% (0)	56
For clients	1.8% (1)	5.4% (3)	60.7% (34)	32.1% (18)	56

In roughly one case out of three (35.7 per cent of respondents), advisers thought that the existence of separate procedures for dealing with appeals, complaints and reviews was clearly a problem for those who were unhappy about the decision in their case, and in another one case in three (37.5 per cent of respondents), they thought it was probably a problem. In only one case out of six (17.9 per cent of respondents), did they think that it did not appear to be a problem.

Table 4: Is the existence of separate procedures for dealing with appeals, complaints and reviews a problem for those who are unhappy about the decision in their case?

Clearly a problem	Probably a problem	Doesn't appear to be a problem	Don't know	Number of respondents
35.7% (20)	37.5% (21)	17.9% (10)	8.9% (5)	56

This data raises the question of what should be done about this. Advisers were asked to comment on three possible policy options, dealing with (i) the provision of a common information platform, in which information about appeals, complaints and reviews together in the same leaflet and/or on the same website; (ii) the use of a 'one-door approach', in which anyone who is unhappy about a decision of a public body can indicate that they want something done about it and the public body then decides whether the dispute should be regarded as an appeal, complaint or review; and (iii) the merging of appeal, complaints

and review procedures by treating them all in the same way, as is sometimes done in the private sector, e.g. in the Financial Services Ombudsman which deals with ALL disputes involving banks, building societies, pension funds etc.

Table 5: Would a common information platform or a ‘one door approach’ help to clarify the situation?

	A great help	Some help	Little difference	Make matters worse	Number of respondents
common information platform	39.3% (22)	51.8% (29)	5.4% (3)	3.6% (2)	56
‘one-door approach’	23.2% (13)	37.5% (21)	8.9% (5)	30.4% (17)	56

Almost all (90 per cent) of respondents thought that a common information platform would help, although more (51.8 per cent) thought it would be of ‘some help’ rather than ‘a great help’ (39.3 per cent). A smaller majority, about 60 per cent of respondents, thought that a ‘one door approach’ would help. Once again, more (37.5 per cent of respondents) thought it would be of ‘some help’ rather than ‘a great help’ (23.2 per cent of respondents) and almost one in three (30.4 per cent of respondents) thought that it would actually make matters worse. This difference of opinion on the benefits of a one door approach may reflect a view, held by a significant minority of advisers, that they are better placed to decide how best to deal with a dispute than some non-accountable official. However, further research would be needed to clarify whether this or some other factor explains why one in three advisers thought that this seemingly sensible reform would actually make matters worse.

A similar majority of respondents, about 60 per cent, thought that merging appeals, complaints and reviews procedures and treating them all in the same way would help. However, the degree of enthusiasm for such an approach was markedly less than for the ‘one door approach’. Less than one in 10 respondents (8.9 per cent) were strongly in favour of such an approach while five times as many (50.0 per cent of respondents) were only somewhat in favour. Likewise, fewer respondents (14.3 per cent) were totally opposed than were somewhat opposed (26.8 per cent).

Table 6: Are you in favour of merging appeals, complaints and reviews and of treating them all in the same way?

Strongly in favour	Somewhat in favour	Somewhat opposed	Totally opposed	Number of respondents
8.9% (5)	50.0% (28)	26.8% (15)	14.3% (8)	56

5. SCENARIOS

Since there were insufficient responses to the adult social care and income tax scenarios, we concentrate here on the responses of advisers to the social security and housing scenarios. All the responses to the social security scenarios were CAB advisers but most of the responses to the housing scenarios were from Shelter advisers.

5.1. Social Security Scenario 1

Ms A's partner applied for DLA six months ago but his application was turned down. He suffers from epilepsy, which is controlled somewhat by drugs, but he often falls and injures himself. Unfortunately his GP is quite dismissive and doesn't agree with people claiming benefits. The GP wrote on his report that there really were no problems with her partner's epilepsy. Ms A's partner also suffers from anaemia and last year had to be given a blood transfusion as his blood count was critical and a recent blood test confirmed that his blood count is very low again. He gets very breathless just bending over to put on his shoes and walking to the local shops is a real effort. He has been referred to a blood specialist but will have to wait for another two months until he gets an appointment.

The issues raised by Social Security Scenario 1 were that the client's application for DLA was turned down although a holistic approach to his problems suggests that he may have been entitled to it, and that the client would have to wait two months to get a full medical assessment of his condition. One possible reason for not being awarded DLA was the hostility of his GP. Most advisers would either have given first priority to making a formal request for the decision to be reconsidered (26 out of 35) or to submitting an appeal against the decision (10). Second priority, in most cases, would either have been submitting an appeal against the decision (15) or helping the client with their appeal (11). Third priority would, most often, have been helping the client with their appeal (11) or to contacting the client's MP, MSP or local councillor (8). A substantial number of respondents (22) would have given first, second or third priority to doing something else, e.g. making a new claim (8), getting additional medical evidence (6), advising the client to change his/her GP (2), requesting reasons for the decision (2), and complaining to Primary Care Trust (1).

Table 7. How advisers would deal with Social Security Scenario 1

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the decision-maker in the local Job Centre Plus office	3	Contact the decision-maker in the local Job Centre Plus office	1	Contact the decision-maker in the local Job Centre Plus office	3
Contact a manager in the local Job Centre Plus office	0	Contact a manager in the local Job Centre Plus office	2	Contact a manager in the local Job Centre Plus office	3
Submit a formal request for the decision to be reconsidered	26	Submit a formal request for the decision to be reconsidered	3	Submit a formal request for the decision to be reconsidered	1
Submit an appeal against the decision	10	Submit an appeal against the decision	15	Submit an appeal against the decision	2
Help client with their appeal	7	Help client with their appeal	11	Help client with their appeal	11
Seek legal advice	1	Seek legal advice	0	Seek legal advice	5
Submit a formal complaint to the DWP	0	Submit a formal complaint to the DWP	3	Submit a formal complaint to the DWP	5
Complain to an ombudsman	1	Complain to an ombudsman	0	Complain to an ombudsman	7
Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	8
Do something else					22
Number of responses					35

Giving the course of action that advisers would have given first priority to a weighting of 3, what they would have given second priority to a weighting of 2 and what they would have given third priority to a weighting of 1, the courses of action which received the highest priority were: requesting a reconsideration of the decision (85 – 1st); submitting an appeal (62 – 2nd); and helping the client with his/her appeal (54 – 3rd).

5.2 Social Security Scenario 2

Ms. B is a single parent with two children aged 7 and 10 who has been on Income Support since her partner left her four months ago. She is experiencing great difficulty in making ends meet and applied to Job Centre for a budgeting loan to help her pay off her arrears on her weekly hire purchase payments for the three-piece suite she bought when she was still with her partner and for replacing the children's clothes and footwear which are either worn out or too small. Three weeks have passed but she has still not heard whether she will get any help.

The issue raised by Social Security Scenario 2 was the delay in responding to the client's request for a budgeting loan. There was a high level of agreement among respondents about what they would give highest priority to doing. Nearly all the advisers (32 out of 37) would have given first priority to contacting the decision-maker in the local Job Centre Plus and second priority either to contacting the manager in the local Job Centre Plus office (11) or making a formal complaint to the DWP (9). Third priority would, most often, have been making a formal complaint to the DWP (11) or to contacting the client's MP, MSP or local councillor (10). Some respondents (12) would have done something else, e.g. offered budgeting/money advice (4), found out what had happened to the application (3), or asked for a decision (2). But it is clear that most advisers would have given priority to getting the staff to make a decision rather than to complaining about the delay.

Table 8. How advisers would deal with Social Security Scenario 2

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the decision-maker in the local Job Centre Plus office	32	Contact the decision-maker in the local Job Centre Plus office	0	Contact the decision-maker in the local Job Centre Plus office	0
Contact a manager in the local Job Centre Plus office	7	Contact a manager in the local Job Centre Plus office	11	Contact a manager in the local Job Centre Plus office	2
Submit a formal request for the decision to be reconsidered	2	Submit a formal request for the decision to be reconsidered	7	Submit a formal request for the decision to be reconsidered	2
Submit an appeal against the decision	2	Submit an appeal against the decision	3	Submit an appeal against the decision	6
Help client with their appeal	2	Help client with their appeal	3	Help client with their appeal	3
Seek legal advice	1	Seek legal advice	1	Seek legal advice	5

Submit a formal complaint to the DWP	2	Submit a formal complaint to the DWP	9	Submit a formal complaint to the DWP	11
Complain to an ombudsman	0	Complain to an ombudsman	1	Complain to an ombudsman	5
Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	2	Contact the client's MP, MSP or local councillor	10
Do something else					11
Number of responses					37

Using the weightings described in Section 5.1 above (3 for the course of action that advisers would have given first priority to, 2 for what they would have given second priority to, and 1 for what they would have given third priority to), the courses of action which received the highest priority were: contacting the decision-maker (96 – 1st); contacting the decision-maker's manager (45 – 2nd); and submitting a formal complaint (35 – 3rd).

5.3 Social Security Scenario 3

Mr. C was made redundant in July 2007, and received a redundancy payment of about £16,000 and three months' salary in lieu of notice. On 16 July he attended an interview at his local Jobcentre Plus office to claim income-based jobseeker's allowance. After he had signed a jobseeker's agreement, he said he would put the redundancy money into an offset account). According to Mr. C, the officer sought advice about the implications of that. She then advised him that the money in his offset account counted as savings and, because his capital would be above a threshold, he would NOT be entitled to income-based jobseeker's allowance, and did not need to sign on as he would automatically receive National Insurance credits. Mr. C decided not to claim contribution-based jobseeker's allowance because it was taxable and normally paid for only six months. He also expected to start a new job soon.

In March 2009, Mr. C's capital fell below the threshold, and he contacted Jobcentre Plus about claiming income-based jobseeker's allowance. He said an adviser told him that he had been given wrong advice in 2007, as money in an offset account did not count as savings. He asked for his claim to be backdated for the period 15 July 2007 to 4 March 2009 on the basis that he had been misadvised in July 2007. Jobcentre Plus told Mr. C that jobseeker's allowance could only be backdated three months.

Social Security Scenario 3 raised two issues: whether the client was given incorrect advice and, if so, whether his claim could be backdated to cover the period in which he should have received benefit, notwithstanding the statutory limits on backdating. There was rather less agreement among respondents about what they would have done than in the two previous cases. Most advisers would either have given first

priority to making a formal request for the decision to be reconsidered (16 out of 38) or submitting a formal complaint to the DWP (10). As their second priority, they would either have submitted a formal complaint to the DWP (12) or an appeal against the decision (9). As their third priority, they would either have complained to an ombudsman (9) or submitted a formal complaint to the DWP (8). Only five respondents said that they would have done something else. This suggests that most advisers would have given priority to getting the staff to reconsider their decision notwithstanding the statutory limitations on backdating and, if this failed, they would submit a formal complaint to the DWP followed by, if this also failed, a complaint to the Ombudsman. In spite of the statutory limits on backdating, a minority would have appealed against the decision. Although a total of five respondents mentioned that, as one of their priorities, they would have sought legal advice, none of them referred to judicial review. Instead, they referred to collecting evidence of what the client had asked and been told, and requesting an ex-gratia payment.

Table 9. How advisers would deal with Social Security Scenario 3

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the decision-maker in the local Job Centre Plus office	8	Contact the decision-maker in the local Job Centre Plus office	0	Contact the decision-maker in the local Job Centre Plus office	2
Contact a manager in the local Job Centre Plus office	9	Contact a manager in the local Job Centre Plus office	3	Contact a manager in the local Job Centre Plus office	3
Submit a formal request for the decision to be reconsidered	16	Submit a formal request for the decision to be reconsidered	2	Submit a formal request for the decision to be reconsidered	0
Submit an appeal against the decision	7	Submit an appeal against the decision	9	Submit an appeal against the decision	4
Help client with their appeal	6	Help client with their appeal	5	Help client with their appeal	2
Seek legal advice	1	Seek legal advice	3	Seek legal advice	5
Submit a formal complaint to the DWP	13	Submit a formal complaint to the DWP	12	Submit a formal complaint to the DWP	8
Complain to an ombudsman	0	Complain to an ombudsman	1	Complain to an ombudsman	9
Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	7
Do something else					5
Number of responses					38

Using the weightings described in Section 5.1 above, the courses of action which received the highest priority were: submitting a formal complaint (71 – 1st); requesting a reconsideration of the decision (52 – 2nd); and submitting an appeal (43 – 3rd).

5.4. Social Security Scenario 4

Ms D scored 0 points in the medical for claiming ESA last year despite passing the previous two medical tests she had had and despite her circumstances remaining the same. She suffers from severe anxiety, depression, agoraphobia and bouts of retching/vomiting. She was advised to make a fresh claim but again scored 0 points even though she submitted pages of evidence including letters of support from her GP and CPN, reports from her psychiatrist, endocrinologist, gastroenterologist, haematologist and occupational health specialist. This time she appealed and, having waited for several months, her appeal has now been set for next week. Her husband will be taking her to the tribunal but it is her 7-year old daughter's sports day on the day of the hearing - weather permitting - and if the tribunal runs late, she is worried that she will miss it.

Social Security Scenario 4 concerned a client who was appealing against a score of 0 points in the medical test for claiming ESA although she had the support of several health professionals. Her tribunal hearing was shortly before her daughter's sports day which she did not want to miss. 15 of the 20 respondents to this scenario would have given first priority to helping the client with her appeal although, under the heading of 'doing something else', the same number (15) would have advised her to request a postponement. Several respondents pointed out that this might well not be granted and, if this happened, would have advised the client to attend the hearing. There was no agreement among respondents about their second and third priorities. One respondent suggested that he/she would ask for an adjournment if the tribunal was running late. None of the 26 respondents who made comments referred to the importance of representation and there were no references to doing anything else.

Table 10. How advisers would deal with Social Security Scenario 4

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the decision-maker in the local Job Centre Plus office	5	Contact the decision-maker in the local Job Centre Plus office	1	Contact the decision-maker in the local Job Centre Plus office	1
Contact a manager in the local Job Centre Plus office	1	Contact a manager in the local Job Centre Plus office	2	Contact a manager in the local Job Centre Plus office	3

Submit a formal request for the decision to be reconsidered	3	Submit a formal request for the decision to be reconsidered	2	Submit a formal request for the decision to be reconsidered	2
Submit an appeal against the decision	3	Submit an appeal against the decision	2	Submit an appeal against the decision	1
Help client with their appeal	15	Help client with their appeal	0	Help client with their appeal	0
Seek legal advice	1	Seek legal advice	2	Seek legal advice	1
Submit a formal complaint to the DWP	0	Submit a formal complaint to the DWP	1	Submit a formal complaint to the DWP	4
Complain to an ombudsman	0	Complain to an ombudsman	0	Complain to an ombudsman	3
Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	4
Do something else					0
Number of responses					20

Using the weightings described in Section 5.1 above, the courses of action which received the highest priority were: helping the client with his/her appeal (45 – 1st); contacting the decision-maker (18 – 2nd); and requesting a reconsideration of the decision (15 – 3rd).

5.5. Housing Scenario 1

Mr. and Mrs. A are the joint tenants of a local authority house. Four months ago, Mr. and Mrs. A split up: Mr. A left the house and immediately moved in with his new partner leaving Mrs. A and her two boys, aged 10 and 12, in the house. Mrs. A was distraught and has not been opening her mail but when she eventually did so, she saw that the local authority had written to her and Mr. A on several occasions about the accumulating rent arrears and that they had started eviction proceedings. Mr. A works full-time as a plumber and Mrs. A is employed part-time (for 20 hours a week) as a supermarket check-out operator but has not been claiming any benefits.

Housing Scenario 1 illustrated the problem of accumulating rent arrears following the breakdown of marriage. When the resident partner did not respond to communications, the local authority started eviction proceedings. The resident partner was in part-time employment but was not claiming benefits to which she may have been entitled. Nearly all the advisers (21 out of 25) gave first priority to contacting the relevant department of the local authority, presumably to bring the family's situation to their attention, to halt the eviction process, and to make a claim to housing benefit which could be backdated to the date of

separation. Second priority was either to submit a formal request for the decision to evict to be reconsidered or to seek legal advice (5 each). Third priority was either to submit a formal complaint to the local authority, contacting the client's MP, MSP or local councillor, or complaining to an ombudsman (4 each), although the latter would not make much sense if the adviser had not already submitted a formal complaint to the local authority. In addition to the courses of action specified in the questionnaire, there were 11 references to doing something else (either as 1st, 2nd or 3rd priority). These actions included applying for housing benefit and requesting that this is backdated (8), negotiating a repayment plan with the local authority (2), transferring the tenancy to the client (2), ensuring that husband is paying maintenance for the children (1).²¹ None of the respondents referred to the husband's responsibilities as a joint tenant.

Table 11. How advisers would deal with Housing Scenario 1

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the relevant department of the la/social landlord	21	Contact the relevant department of the la/social landlord	1	Contact the relevant department of the la/social landlord	2
Submit a formal request for the decision to be reconsidered	2	Submit a formal request for the decision to be reconsidered	5	Submit a formal request for the decision to be reconsidered	3
Submit an appeal against the decision	3	Submit an appeal against the decision	2	Submit an appeal against the decision	1
Seek legal advice	8	Seek legal advice	5	Seek legal advice	3
Submit a formal complaint to the la/social landlord	0	Submit a formal complaint to the la/social landlord	1	Submit a formal complaint to the la/social landlord	4
Complain to an ombudsman	0	Complain to an ombudsman	0	Complain to an ombudsman	4
Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	4
Do something else					11
Number of responses					25

As before, giving the course of action that advisers would give first priority to a weighting of 3, what they would give second priority to a weighting of 2 and what they would give third priority to a weighting of 1, the courses of action which received the highest priority were: contacting the relevant department (67 – 1st); seeking legal advice (37 – 2nd); and requesting a reconsideration of the decision (19 – 3rd).

²¹ Some respondents mentioned more than one other course of action.

5.6. Housing Scenario 2

Ms. B rents a ground-floor apartment in a two storey house belonging to a social landlord. As a result of very heavy rain, the walls in several of the rooms became very damp and the dampness caused a lot of damage to the interior of the apartment. Ms B reported this to the social landlord and asked them to supply a dehumidifier to damp areas the flat and to redecorate the flat. She also sent them some photographs of the damage caused by the dampness. The social landlord provided a dehumidifier for three weeks but, despite repeated reminders, has done nothing about the redecoration. Their response to enquiries is always to say that the painters and decorators are very busy and that she has to wait her turn. Ms C has now been waiting for three months.

The problem raised by Housing Scenario 2 was the inadequate response of a social landlord to damage caused to a rented apartment by heavy rain some three months ago. 23 out of 24 respondents would, as their first priority, have contacted the relevant department of the social landlord, presumably to require the social landlord to redecorate the apartment. The second priority for 17 of the 25 respondents, presumably if there is no response to the initial contact, would be to submit a formal complaint to the social landlord. The third priority, chosen by a much smaller number (7) of respondents was to seek legal advice. The extent of agreement among respondents in this case was striking. There were only three references to doing something else, one of which referred to advising the client to withhold payments of rent until the problem had been resolved. None of the respondents referred to the possibility of checking the landlord's obligations under the service agreement or complaining to the new Scottish Housing Regulator, which has a statutory responsibility to safeguard the interests of tenants of social landlords²².

Table 12. How advisers would deal with Housing Scenario 2

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the relevant department of the la/social landlord	23	Contact the relevant department of the la/social landlord	0	Contact the relevant department of the la/social landlord	0
Submit a formal request for the decision to be reconsidered	2	Submit a formal request for the decision to be reconsidered	3	Submit a formal request for the decision to be reconsidered	1

²² The Scottish Housing Regulator, whose statutory objective is to 'safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities' was established under the Housing (Scotland) Act 2010 on 1 April 2011. Since it is so new, no criticism of advisers is intended.

Submit an appeal against the decision	0	Submit an appeal against the decision	3	Submit an appeal against the decision	2
Seek legal advice	1	Seek legal advice	3	Seek legal advice	7
Submit a formal complaint to the la/social landlord	2	Submit a formal complaint to the la/social landlord	17	Submit a formal complaint to the la/social landlord	1
Complain to an ombudsman	0	Complain to an ombudsman	0	Complain to an ombudsman	4
Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	4
Do something else					3
Number of responses					24

Using the weightings described in Sections 5.1 and 5.5 above (3 for the course of action that advisers would give first priority to, 2 for what they would give second priority to, and 1 for what they would give third priority to), the courses of action which received the highest priority were: contacting the social landlord (67 – 1st); seeking legal advice (37 – 2nd); and requesting a reconsideration of the decision (19 – 3rd).

5.7. Housing Scenario 3

Ms C and her three children (aged 2, 4 and 6) had been living with her partner in a local authority house for the last three years. The relationship deteriorated and, when she told him that she intended to leave him, he attacked her with a knife. She was quite badly cut and went to the A and E Department of her local hospital where she was treated. She was discharged the following day and moved into a refuge. After three weeks, she applied to the local authority for another house but the local authority rejected her application on the grounds that she wasn't homeless because her former partner had left the house and she was free to return. She refuses to do so because she is afraid her partner will return and attack her again.

Housing Scenario 3 described the experiences of a woman who was the victim of domestic violence. After being discharged from hospital, she moved into a refuge and applied, as a homeless person, to the local authority for another house. The local authority rejected her application on the grounds that she was not homeless because her former partner had left the house she had shared with her partner and that she was free to return to it. However, she was afraid to do so, fearing that her partner would come back and attack her again. The first priority for the largest group of respondents (18 out of 24) was to challenge the refusal to accept her as homeless. The next largest group of respondents (9 out of 24) would have actually submitted a formal request for the decision to be reconsidered. Second priority was either

to submit an appeal against the decision (although there is no available appeal mechanism) or to seek legal advice (6 each), while third priority was to submit a formal complaint to the local authority. There were only three references to doing something else, one of which referred to applying for temporary accommodation.

Table 13. How advisers would deal with Housing Scenario 3

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the relevant department of the la/social landlord	18	Contact the relevant department of the la/social landlord	2	Contact the relevant department of the la/social landlord	0
Submit a formal request for the decision to be reconsidered	9	Submit a formal request for the decision to be reconsidered	4	Submit a formal request for the decision to be reconsidered	1
Submit an appeal against the decision	7	Submit an appeal against the decision	6	Submit an appeal against the decision	3
Seek legal advice	3	Seek legal advice	6	Seek legal advice	4
Submit a formal complaint to the la/social landlord	2	Submit a formal complaint to the la/social landlord	1	Submit a formal complaint to the la/social landlord	5
Complain to an ombudsman	0	Complain to an ombudsman	1	Complain to an ombudsman	3
Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	0	Contact the client's MP, MSP or local councillor	2
Do something else					3
Number of responses					24

Using the weightings described in Sections 5.1 and 5.5 above, the courses of action which received the highest priority were: contacting the relevant local authority department (58 – 1st); requesting a reconsideration of the decision (36 – 2nd); and submitting an appeal (36 – 3rd).

5.8. Housing Scenario 4

Mr. D, who is 68 years old, and Mrs. D, who is 63 years old, would like to move to the area to be nearer to their family. They applied to the relevant local authority housing department for a house but didn't hear anything for six months. When they approached the housing department again they were told that their application had very low priority on the waiting list. They think this may be because Mrs. B is disabled and uses a wheelchair and a new house would need to be adapted to facilitate access from outside and mobility inside.

Housing Scenario 4 dealt with the problems clients can experience in applying for a tenancy if they have low priority on the waiting list. Almost all (22 out of 23) respondents would, as their first priority, have contacted the relevant department of the local authority, presumably to put the client's case in as favourable a light as possible. The second priority, albeit for only 7 of the 23 respondents, would have been to submit a formal request for the decision to be reconsidered. However, at this point, there was considerable disagreement about what should be done. Third priority, mentioned by 8 respondents, would have been to submit a formal complaint to the local authority. There were just three references to doing something else but none of the respondents suggested the possibility of exploring whether the refusal of a tenancy to a disabled person could be challenged under the Disability Discrimination Act or that the client should take steps to arrange a mutual exchange with someone who wished to move to the area they came from.

Table 14. How advisers would deal with Housing Scenario 4

First priority <i>Please tick one box</i>		Second priority <i>Please tick one box</i>		Third priority <i>Please tick one box</i>	
Contact the relevant department of the la/social landlord	22	Contact the relevant department of the la/social landlord	1	Contact the relevant department of the la/social landlord	0
Submit a formal request for the decision to be reconsidered	5	Submit a formal request for the decision to be reconsidered	7	Submit a formal request for the decision to be reconsidered	1
Submit an appeal against the decision	2	Submit an appeal against the decision	4	Submit an appeal against the decision	4
Seek legal advice	1	Seek legal advice	4	Seek legal advice	3
Submit a formal complaint to the la/social landlord	0	Submit a formal complaint to the la/social landlord	4	Submit a formal complaint to the la/social landlord	8
Complain to an ombudsman	0	Complain to an ombudsman	2	Complain to an ombudsman	5

Contact the client's MP, MSP or local councillor	1	Contact the client's MP, MSP or local councillor	4	Contact the client's MP, MSP or local councillor	3
Do something else					3
Number of responses					23

Using the weightings described in Sections 5.1 and 5.5 above, the courses of action which received the highest priority were: contacting the relevant local authority department (68 – 1st); requesting a reconsideration of the decision (30 – 2nd); and submitting an appeal (18 – 3rd).

5.9. Levels of agreement

Asking advisers how they would deal with the social security and housing scenarios revealed a very high level of agreement among respondents, especially in terms of what they regarded as their first priority. Table 15 reveals that, for three of the eight scenarios, 90 per cent or more of the respondents gave their first priority to one particular course of action, for two other scenarios, between 80 and 90 per cent did so, and for another two scenarios, between 70 and 80 per cent did so. In only one case did fewer than 50 per cent give top priority to the same course of action.

Table 15. Extent of agreement among respondents on how they would deal with each scenario

Scenario	No. giving first priority to a given option	No. of responses to question	percentage agreement
Social Security 1	26	35	92.8
Social Security 2	32	37	86.5
Social Security 3	16	38	42.1
Social Security 4	15	20	75.0
Housing 1	21	25	84.0
Housing 2	23	24	95.8
Housing 3	18	24	75.0
Housing 4	22	23	95.7

The levels of agreement among respondents as regards their second and third priorities were, not surprisingly, considerably lower.

5.10. Overall Priorities

Table 16 indicates that, in social security scenarios 1-3, respondents gave priority to approaching the original decision maker or their manager, or making a formal request for the decision to be reconsidered before submitting an appeal or a formal complaint. In social security scenario 4, where the client had already appealed, they gave priority to helping the client with the appeal but followed this up by approaching the original decision maker and submitting a formal request for the decision to be reconsidered. This anticipates a procedural change that was implemented in April 2013 as part of the Welfare Reform Act 2012 which means that, if someone wishes to disputes a decision, they will need to ask the Department for Work and Pensions (DWP) to reconsider the decision before they can appeal to a tribunal. This new procedure, which is known as 'mandatory reconsideration', aims to encourage people to provide additional evidence earlier in the process and to reduce the workload of the First-tier Tribunal.

In the four housing scenarios, respondents gave priority to contacting the relevant local authority department or the social landlord. This was usually followed up by making a formal request for the decision to be reconsidered before submitting an appeal.

Table 16. Respondents' highest priorities for each of the Social Security and Housing Scenarios

Scenario	Advisers' Highest Priorities*		
Social Security 1	Request reconsideration of decision (85)	submit appeal (62)	help client with appeal (54)
Social Security 2	contact the decision-maker (96)	contact manager (45)	submit formal complaint (35)
Social Security 3	submit formal complaint (71)	request reconsideration of decision (52)	submit appeal (43)
Social Security 4	help client with appeal (45)	contact the decision-maker (18)	request reconsideration of decision (15)
Housing 1	contact relevant local authority department (67)	seek legal advice (37)	request reconsideration of decision (19)
Housing 2	contact social landlord (69)	submit formal complaint (41)	do something else (16)
Housing 3	contact relevant local authority department (58)	request reconsideration of decision (36)	submit appeal (36)
Housing 4	contact relevant local authority department (68)	request reconsideration of decision (30)	submit appeal (18)

* The course of action that advisers gave first priority to was given a weighting of 3, what they would give second priority to was given a weighting of 2 and what they would give third priority to was given a weighting of 1. The figures in parenthesis correspond to the sum of these components.

Advisers gave priority to submitting an appeal in four of the eight scenarios and to submitting a formal complaint in three of the eight scenarios. In one of the scenarios where advisers would have given priority to submitting an appeal, which involved the local authority's failure to allocate a tenancy to a client who was given low priority on the waiting list (Housing Scenario 4), it is not clear who the client could have appealed to. The scenarios where advisers would have given priority to submitting a formal complaint included one request for a budgeting loan from the Social Fund where there is no right of appeal as such (in Social Security Scenario 2), one case where it was alleged that the client had been given incorrect advice in the past but the statutory limits on backdating would have prevented a tribunal from considering the issue (in Social Security Scenario 3), and one case involving the landlord's failure to repair damage caused by heavy rain some three months previously (Housing Scenario 2) where, again, there is no right of appeal as such. These examples suggest that advisers resort to using complaints procedures where there is no right of appeal.

5.11. Methodological caveat

It is clear that the instruments that were used in this project were not as good as they could have been. In an ideal world, the work that has been undertaken and is described in this report would have had the status of a pilot project which would have informed a larger (and more rigorous) piece of research in which, for example, the scenarios and list of options presented to advisers would have been expanded and improved. However, we do not live in an ideal world and a lack of resources for developing the project together with the probable abolition of the AJTC and its Scottish Committee mean that it is not, at present, possible to undertake any further work on this project.

6. SUMMARY OF MAIN FINDINGS

1. Advisers had a good understanding of the salient differences between appeals, complaints and reviews.
2. There was a very high level of agreement among advisers who took part in the survey about how they would deal with the problems they were presented with, particularly in terms of what they regarded as their first priority. For three of the eight scenarios, 90 per cent or more of the respondents gave their first priority to the same course of action, for two other scenarios, between 80 and 90 per cent did so, and for another two scenarios, between 70 and 80 per cent did so. In only one case did fewer than 50 per cent give top priority to the same course of action. Levels of agreement among respondents as regards their second and third priorities were, not surprisingly, considerably lower.
3. Advisers who took part in the survey tended to approach the original decision maker or their manager, or submit a formal request for the decision to be reconsidered before submitting an appeal or a formal complaint. This suggests that, where this is possible, advisers prefer to resolve disputes informally.
4. Advisers gave priority to submitting an appeal in four of the eight scenarios and to submitting a formal complaint in three of the eight scenarios. In one of the scenarios where advisers would have given priority to submitting an appeal, it is not clear who the client could have appealed to. The scenarios where advisers would have given priority to submitting a formal complaint included two cases where there was no right of appeal as such, and one case where statutory limitations would have prevented a tribunal from considering the issue. Thus complaints procedures appear to be used where there is no right of appeal.
5. In a few cases, significant numbers of respondents indicated that they would have done something other than the options that they were presented with. This suggests that the list of possible courses of action was not as comprehensive as it could have been. A careful analysis of advisers' responses points to a number of possible courses of action that could have been but were not considered.
6. Almost 90 per cent of advisers who took part in the survey thought that, speaking for themselves, the distinction between appeals, complaints and reviews was either quite clear (44.6 per cent) or very clear (42.9 per cent). However, when asked how clear they thought it was for their clients, more than 9 in 10 thought that it was either rather confusing (60.7 per cent) or very confusing (32.1 per cent).
7. Almost 90 per cent of advisers who took part in the survey thought that a common information platform would be helpful, although more (51.8 per cent) thought it would be of 'some help' rather than 'a great help' (39.3 per cent).

8. A smaller majority, about 60 per cent of advisers who took part in the survey thought that a 'one door approach' would be helpful. However, 30 per cent thought that it would actually make matters worse.
9. A similar majority of advisers who took part in the survey thought that merging appeals, complaints and reviews procedures and treating them all in the same way would be helpful. However, the degree of enthusiasm for such an approach was markedly less than for the 'one door approach'. On the other hand, fewer respondents (14 per cent) were totally opposed than were totally opposed to the 'one door approach' (30 per cent).

IMPLICATIONS FOR POLICY AND PRACTICE

This small survey provides support for developing common information 'platforms' that would provide information about how to lodge an appeal and how to make a complaint in the same leaflet or on the same webpage throughout the public sector. However, it does not really provide sufficient support for recommending a 'one door approach', since a sizeable minority thought this would actually make things worse, or for merging appeals and complaints systems, since levels of enthusiasm for this proposal were rather restrained. In any case, the degree of disruption associated with this proposal suggests that it should only be considered if support for it is overwhelming.

It was noted above that the project that is described in this report would, ideally, have the status of a pilot project that would inform a larger (and more rigorous) piece of research. Such a project would, ideally, access public service users directly and, through interviews or focus groups, investigate their perceptions and experiences of complaints and appeals and the different procedures for dealing with them. Only after undertaking such a project will it be possible to say, with confidence, whether or not the existing arrangements are problematic for users and, if they are, to know what users think about the alternative ways of dealing with the problem.

ACKNOWLEDGEMENTS

The SCAJTC wishes to acknowledge the very considerable help it received from Lauren Wood, Social Policy Officer with Citizens Advice Scotland (CAS), and from her colleague Keith Dryburgh, for helping to design the questionnaire for advisers on which this report is based and for encouraging advisers in local Citizens Advice Bureaux throughout Scotland to complete it. It also wishes to acknowledge the help it received from Martin Wilkie-McFarlane, National Services Manager with Shelter Scotland, for his willingness to secure the participation of Shelter advisers. Without their participation, it would not have been possible to carry out the survey on which this study is based.

APPENDIX

QUESTIONNAIRE FOR ADVISERS

1. Please indicate which of the statements below constitutes an appeal
2. Please indicate which of the statements below constitutes a complaint
3. Please indicate which of the statements below constitutes a complaint

a means of challenging the facts on which the decision was based	yes/no/not sure
a means of challenging the legality of the decision, i.e. whether it is correct in law	yes/no/not sure
a means of challenging the merits of the decision, i.e. whether it is a good decision	yes/no/not sure
a means of challenging the way in which the decision was made	yes/no/not sure
a means of challenging the behaviour of the officials who made the decision	yes/no/not sure
a means of challenging poor standards of service	yes/no/not sure

4. Please go down each column and tick those characteristics that are associated with an appeal (column 2), a complaint (column 3) and a review (column 4).

	Appeal	Complaint	Review
involves an internal procedure			
involves an external procedure			
is carried out by someone in the organisation			
is carried out independently			
usually takes a quite a long time			
is usually completed quite quickly			
can involve an oral hearing			
never involves an oral hearing			

5. Please indicate how much experience you have had with APPEALS in each of the policy areas listed below – a great deal, a fair amount, a little bit or none at all.
6. Please indicate how much experience you have had with COMPLAINTS in each of the policy areas listed below – a great deal, a fair amount, a little bit or none at all.
7. Please indicate how much experience you have had with REVIEWS in each of the policy areas listed below – a great deal, a fair amount, a little bit or none at all.

	A great deal	A fair amount	A little bit	None at all
Social security (DWP)				
Housing (local authorities/social landlords)				
Social work (local authorities/NHS)				
Income tax (HMRC)				

8. Please indicate which of the four policy areas you are most familiar with.

Social security (DWP)	Respond to the four scenarios in Question 9
Housing (local authorities/social landlords)	Respond to the four scenarios in Question 10
Social work (local authorities/NHS)	Respond to the four scenarios in Question 11
Income tax (HMRC)	Respond to the four scenarios in Question 12

Focusing on the policy area with which you are most familiar, please indicate, for each of the scenarios set out below, how you would deal with it. What would you do first, what would you do next and what would you do after that?

SOCIAL SECURITY (DWP)

Scenario 1

Ms A's partner applied for DLA six months ago but his application was turned down. He suffers from epilepsy, which is controlled somewhat by drugs, but he often falls and injures himself. Unfortunately his GP is quite dismissive and doesn't agree with people claiming benefits. The GP wrote on his report that there really were no problems with her partner's epilepsy. Ms A's partner also suffers from anaemia and last year had to be given a blood transfusion as his blood count was critical and a recent blood test confirmed that his blood count is very low again. He gets very breathless just bending over to put on his shoes and walking to the local shops is a real effort. He has been referred to a blood specialist but will have to wait for another two months until he gets an appointment.

Scenario 2

Ms. B is a single parent with two children aged 7 and 10 who has been on Income Support since her partner left her four months ago. She is experiencing great difficulty in making ends meet and applied to Job Centre for a budgeting loan to help her pay off her arrears on her weekly hire purchase payments for the three-piece suite she bought when she was still with her partner and for replacing the children's clothes and footwear which are either worn out or too small. Three weeks have passed but she has still not heard whether she will get any help.

Scenario 3

Mr. C was made redundant in July 2007, and received a redundancy payment of about £16,000 and three months' salary in lieu of notice. On 16 July he attended an interview at his local Jobcentre Plus office to claim income-based jobseeker's allowance. After he had signed a jobseeker's agreement, he said he would put the redundancy money into an offset account). According to Mr. C, the officer sought advice about the implications of that. She then advised him that the deposit against his mortgage counted as savings and, because his capital would be above a threshold, he would NOT be entitled to income-based jobseeker's allowance, and did not need to sign on as he would automatically receive National Insurance credits. Mr. C decided not to claim contribution-based jobseeker's allowance because it was taxable and normally paid for only six months. He also expected to start a new job soon.

In March 2009, Mr. C's capital fell below the threshold, and he contacted Jobcentre Plus about claiming income-based jobseeker's allowance. He said an adviser told him that he

had been given wrong advice in 2007, as money in an offset account did not count as savings. He asked for his claim to be backdated for the period 15 July 2007 to 4 March 2009 on the basis that he had been misadvised in July 2007. Jobcentre Plus told Mr. C that jobseeker's allowance could only be backdated three months.

Scenario 4

Ms D scored 0 points in the medical for claiming ESA last year despite passing the previous two medical tests she had had and despite her circumstances remaining the same. She suffers from severe anxiety, depression, agoraphobia and bouts of retching/vomiting. She was advised to make a fresh claim but again scored 0 points even though she submitted pages of evidence including letters of support from her GP and CPN, reports from her psychiatrist, endocrinologist, gastroenterologist, haematologist and occupational health specialist. This time she appealed and, having waited for several months, her appeal has now been set for next week. Her husband will be taking her to the tribunal but it is her 7-year old daughter's sports day on the day of the hearing - weather permitting - and if the tribunal runs late, she is worried that she will miss it.

9. How would you deal with each scenario?

First priority <i>Please tick one box.</i>	Second priority <i>Please tick one box.</i>	Third priority <i>Please tick one box.</i>	
contact the decision-maker in the local Job Centre Plus office	contact the decision-maker in the local Job Centre Plus office	contact the decision-maker in the local Job Centre Plus office	
contact a manager in the local Job Centre Plus office	contact a manager in the local Job Centre Plus office	contact a manager in the local Job Centre Plus office	
submit a formal request for the decision to be reconsidered	submit a formal request for the decision to be reconsidered	submit a formal request for the decision to be reconsidered	
submit an appeal against the decision	submit an appeal against the decision	submit an appeal against the decision	
help client with their appeal	help client with their appeal	help client with their appeal	
seek legal advice	seek legal advice	seek legal advice	
submit a formal complaint to the DWP	submit a formal complaint to the DWP	submit a formal complaint to the DWP	
complain to an ombudsman	complain to an ombudsman	complain to an ombudsman	
contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor	
do something else (please specify)	do something else (please specify)	do something else (please specify)	

HOUSING (local authorities/social landlords)

Scenario 1

Mr. and Mrs. A are the joint tenants of a local authority house. Four months ago, Mr. and Mrs. A split up: Mr. A left the house and immediately moved in with his new partner leaving Mrs. A and her two boys, aged 10 and 12, in the house. Mrs. A was distraught and has not been opening her mail but when she eventually did so, she saw that the local authority had written to her and Mr. A on several occasions about the accumulating rent arrears and that they had started eviction proceedings. Mr. A works full-time as a plumber and Mrs. A is employed part-time (for 20 hours a week) as a supermarket check-out operator but has not been claiming any benefits.

Scenario 2

Ms. B rents a ground-floor apartment in a two storey house belonging to a social landlord. As a result of very heavy rain, the walls in several of the rooms became very damp and the dampness caused a lot of damage to the interior of the apartment. Ms B reported this to the social landlord and asked them to supply a dehumidifier to damp areas the flat and to redecorate the flat. She also sent them some photographs of the damage caused by the dampness. The social landlord provided a dehumidifier for three weeks but, despite repeated reminders, have done nothing about the redecoration. Their response to enquiries is always to say that the painters and decorators are very busy and that she has to wait her turn. Ms C has now been waiting for three months.

Scenario 3

Ms C and her three children (aged 2, 4 and 6) had been living with her partner in a local authority house for the last three years. The relationship deteriorated and, when she told him that she intended to leave him, he attacked her with a knife. She was quite badly cut and went to the A and E Department of her local hospital where she was treated. She was discharged the following day and moved into a refuge. After three weeks, she applied to the local authority for another house but the local authority rejected her application on the grounds that she wasn't homeless because her former partner had left the house and she was free to return. She refuses to do so because she is afraid her partner will return and attack her again.

Scenario 4

Mr. D, who is 68 years old, and Mrs. D, who is 63 years old, would like to move to the area to be nearer to their family. They applied to the relevant local authority housing department for a house but didn't hear anything for six months. When they approached the housing department again they were told that their application had very low priority on the waiting list. They think this may be because Mrs. B is disabled and uses a wheelchair and a new house would need to be adapted to facilitate access from outside and mobility inside.

10. How would you deal with each scenario?

First priority <i>Please tick one box.</i>		Second priority <i>Please tick one box.</i>		Third priority <i>Please tick one box.</i>	
contact the relevant department of the la/ social landlord		contact the relevant department of the la/ social landlord		contact the relevant department of the la/ social landlord	
contact a manager in the la/social landlord		contact a manager in the la/social landlord		contact a manager in the la/social landlord	
submit a formal request for the decision to be reconsidered		submit a formal request for the decision to be reconsidered		submit a formal request for the decision to be reconsidered	
submit an appeal against the decision		submit an appeal against the decision		submit an appeal against the decision	
help client with their appeal		help client with their appeal		help client with their appeal	
seek legal advice		seek legal advice		seek legal advice	
submit a formal complaint to the la/ social landlord		submit a formal complaint to the la/ social landlord		submit a formal complaint to the la/ social landlord	
complain to an ombudsman		complain to an ombudsman		complain to an ombudsman	
contact the client's MP, MSP or local councillor		contact the client's MP, MSP or local councillor		contact the client's MP, MSP or local councillor	
do something else <i>(please specify)</i>		do something else <i>(please specify)</i>		do something else <i>(please specify)</i>	

ADULT SOCIAL/HEALTH CARE (local authorities/NHS)

Scenario 1

Mrs. A is the main carer of her father Mr. A who is 65 years old and severely disabled as a result of a car accident in 2005. He has mobility problems suffering complete paralysis from the waist down and no use of his right arm. He is doubly incontinent. Mrs. A's mother died in the same accident. Mrs. A lives about a mile away from her father who has continued to live in his home with assistance from carers provided by the local authority and herself. For the last three years he has received support for six hours per day. The local authority recently carried out an assessment of his care needs and advised that they will be reducing the number of hours support that they are willing to provide to two hours per day, one hour in the morning to assist her father to get up and one hour in the evening to assist him to get to bed. Mrs. A currently provides two hours per day from 7 until 9 as she also works full time and has her own family to care for. On questioning this reduction with the local authority, she is angry because the officer concerned insinuated that there were more deserving cases than her father facing reductions and the decision could not be changed. She was also told that there is not enough money in the day care budget to go round and that her options are to provide more care herself or consider persuading her father to move into residential care.

Scenario 2

Mr. B is the son of Mr. C who is 75 years old. Mr. C had lived in rented council property in England until 2011 when his wife died. In late 2011 he came to live with Mr. B and his wife and their three children in Scotland as they were concerned he was drinking heavily and not looking after himself. In summer of 2012 he was admitted to hospital suffering from a variety of alcohol related illnesses and his current health assessment states that he will require residential care for the rest of his life. He has been fit for discharge to a residential home for the last three months and Mr. C has been told that the delay in discharging him is due to the local authority refusing to accept that he is normally resident in their area. Due to the imminent arrival of their fourth child, Mr. B is unable to accommodate his father in either the short or long term and is extremely distressed by the situation.

Scenario 3

Miss D is the sister of Mr. E who suffers from Autism. She is his only living relative. Mr. E has been resident in various residential school settings for the last 10 years, funded by the local authority. Mr. E is about to reach his 18th birthday and the local authority intend to move him into a flat within a supported living complex on the basis that he is now an adult. Miss D is horrified as on her visit to the complex it was apparent that the average age of the residents is over 65 and she considers it entirely unsuitable for his needs. Currently, her brother's social worker is refusing to discuss matters further on the basis that Miss D holds no legal authority to act on her brother's behalf. Miss D is extremely distressed that her brother's largely stable condition will deteriorate rapidly in the proposed environment which she feels is unsafe.

Scenario 4

Miss F is a single 83 year old retired head teacher with no surviving family. She lives on her own in her own home which is in an isolated rural situation with no neighbours nearby. She normally keeps very good health and had little contact with the local health services until around three months ago when she fell heavily at home resulting in a broken right arm and fractured right hip. She was discharged from hospital two weeks ago and advised that her care would be followed up within the community. Since discharge she has received one visit from the district nurse who advised her that she would need to be assessed for her care needs. Miss F is a very private person who would not wish social work intervention but recognises that she is simply unable to look after herself in the short term. She has telephoned the local social work department and been told that there is a long waiting list for community care assessment and she is unlikely to be assessed for at least three months.

11. How would you deal with each scenario?

First priority <i>Please tick one box.</i>		Second priority <i>Please tick one box.</i>		Third priority <i>Please tick one box.</i>	
contact the relevant department of the local authority		contact the relevant department of the local authority		contact the relevant department of the local authority	
contact the GP		contact the GP		contact the GP	
submit a formal request for the decision to be reconsidered		submit a formal request for the decision to be reconsidered		submit a formal request for the decision to be reconsidered	

submit an appeal against the decision	submit an appeal against the decision	submit an appeal against the decision	
help client with their appeal	help client with their appeal	help client with their appeal	
seek legal advice	seek legal advice	seek legal advice	
submit a formal complaint to the local authority	submit a formal complaint to the local authority	submit a formal complaint to the local authority	
complain to an ombudsman	complain to an ombudsman	complain to an ombudsman	
contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor	
do something else <i>(please specify)</i>	do something else <i>(please specify)</i>	do something else <i>(please specify)</i>	

INCOME TAX (HMRC)

Scenario 1

Mr. A has received a letter from Sheriff Officers advising that HMRC have obtained a summary warrant against him for £3,250 income tax arrears. He is aged 58 and has no source of income although his wife is in full time employment. He cannot understand how he owes this money as he has been out of work for over three years and is now financially dependent upon his wife. He previously worked in the construction industry and says that tax was deducted at source from his pay. He cannot recollect any previous demands or letters about this and is adamant that the demand has simply come out of the blue.

Scenario 2

Ms B is a divorced mother of two young children aged 10 and seven. She is working part-time in a local pub to try and make ends meet. She works, on average, 20 hours per week and her take home pay is about £148.00 per week. Until very recently, her ex-husband paid her £600 per month in child maintenance payments but he was recently sentenced to 5 years imprisonment and all payments stopped. At the time she heard about his sentence she submitted an application to HMRC for Tax Credits but has received a notice from them saying she has a "nil" award.

Scenario 3

Mr. C is a single man aged 45 who works as a self-employed taxi driver. He has been doing this for the last five years and says that he has completed his self-assessment returns online and on time during that period. He has received a letter from HMRC stating that they are making some enquiries into his tax affairs and asking him to produce copies of all his bank statements, business and non-business, building society and/or savings accounts and receipts for both his personal and business expenditure. Mr. C is extremely worried and angry at the amount of information being demanded and feels that he is being victimised by HMRC.

Scenario 4

Miss D is a 28 year old single woman who is in her first year of study for a PhD. She has one child aged three for whom she is the sole carer. Between 2002 and 2006 she was a full-time student and supported herself with a series of part-time jobs and a student loan. Between 2006 and 2009 she worked full-time earning substantial sums of money on which she understands she paid both income tax and repayments to the student loan fund. In an effort to reduce her student loan debt she also made additional payments sporadically, directly to the Student Loan Company (SLC). She has also obtained funding from a charity for her PhD and secured a part-time contract with the University for some lecturing and tutoring duties. She is concerned that the Revenue are continuing to deduct large sums via her tax code from her salary and shows you a statement from the SLC indicating that she has an outstanding debt of over £10,000 which she believes is incorrect.

12. How would you deal with each scenario?

First priority <i>Please tick one box.</i>	Second priority <i>Please tick one box.</i>	Third priority <i>Please tick one box.</i>
contact the decision-maker in the local tax office	contact the decision-maker in the local tax office	contact the decision-maker in the local tax office
contact a manager in the local tax office	contact a manager in the local tax office	contact a manager in the local tax office
submit a formal request for the decision to be reconsidered	submit a formal request for the decision to be reconsidered	submit a formal request for the decision to be reconsidered
submit an appeal against the decision	submit an appeal against the decision	submit an appeal against the decision
help client with their appeal	help client with their appeal	help client with their appeal
seek legal advice	seek legal advice	seek legal advice
submit a formal complaint to the HMRC	submit a formal complaint to the HMRC	submit a formal complaint to the HMRC
complain to an ombudsman	complain to an ombudsman	complain to an ombudsman
contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor	contact the client's MP, MSP or local councillor
do something else <i>(please specify)</i>	do something else <i>(please specify)</i>	do something else <i>(please specify)</i>

13. For you, how clear is the distinction between an appeal, a complaint and a review?

14. For your clients, how clear is the distinction between an appeal, a complaint and a review?

	<i>Please tick one box</i>
very clear	
quite clear	
rather confusing	
very confusing	

15. Do you think that the existence of separate procedures for dealing with appeals, complaints and reviews is a problem for those who are unhappy about the decision in their case?

	<i>Please tick one box</i>
It clearly is a problem	
It probably is a problem	
It doesn't appear to be a problem	
don't know	

16. What difference do you think it would make if greater efforts were made to present information about appeals, complaints and reviews together in the same leaflet and/or on the same website?

17. Are you in favour of a one-door approach in which anyone who is unhappy about a decision of a public body can indicate that they want something done about it and the public body then decides whether the dispute should be regarded as an appeal, a complaint or a review.

	<i>Please tick one box</i>
this would be a great help	
this might be of some help	
this is unlikely to make much difference	
this would make matters worse	

18. Are you in favour of merging appeals, complaints and reviews and of treating them all in the same way, as is sometimes done in the private sector, e.g. the Financial Services Ombudsman deals with ALL disputes involving banks, building societies, pension funds etc.

	<i>Please tick one box</i>
Strongly in favour	
Somewhat in favour	
Somewhat opposed	
Totally opposed	

© Crown copyright 2013

Any enquiries regarding this publication should be sent to us at
Scottish Committee of the Administrative Justice & Tribunals Council,
George House, 126 George Street, Edinburgh, EH2 4HH

This document is available from our website at
www.ajtc.gov.uk/scottish/scottish.htm