

# Inverclyde Council Model Complaint Handling Procedure Part 1: Introduction & Overview



**Official**

Document Responsibility

Name	Title	Service
<b>Information Governance &amp; Complaints Officer</b>	Complaint Handling Procedure	Legal & Property Services

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1	March 2012	Local Authority MCHP published on SPSO website
1	December 2016	Social Work MCHP published on SPSO website
2	January 2020	Combined and revised version published on SPSO website

3	December 2020	Local Complaint Handling Procedure merging changes introduced by SPSO
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## Contents

Foreword.....	5
Structure of the Complaints Handling Procedure .....	7
Overview of the CHP.....	8
Expected behaviours .....	10
Maintaining confidentiality and data protection.....	13

## Foreword

*The Complaints Handling Procedure reflects Inverclyde Council's commitment to valuing complaints. It seeks to resolve customer and service user dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, the Council can make evidence-based decisions on the facts of the case.*

*The local authority procedure was first developed by local government complaints handling experts, working closely with the Scottish Public Services Ombudsman (SPSO). A separate procedure for social work complaints was developed by social work experts and third sector organisations working with SPSO.*

*The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. As part of this, the local authority and social work procedures re combined into a single procedure. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to local authorities and health and social care partnerships (HSCPs) handling social work complaints. The procedural elements tie in very closely with those of the National Health Service Complaints Handling Procedure, so where complaints cut across services, they can still be handled in much the same way as other complaints.*

*As far as is possible the Council have produced a standard approach to handling complaints across Scotland's public services, which complies with the [SPSO's guidance on a MCHP](#). This procedure aims to help us 'get it right first time'. The Council want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.*

*All staff across Inverclyde Council as identified by their manager as part of their personal development plan must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure (including recording complaints).*

*Complaints give us valuable information the Council can use to improve service provision and customer/service user satisfaction. The Council's Complaints Handling Procedure will enable us to address a customer's/service user's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers'/service users views and experience, and can highlight problems the Council may otherwise miss. Handled well, complaints can give our customers/service users a form of redress when things go wrong, and can also help us continuously improve our services.*

*Handling complaints early creates better customer/service user relations. Handling complaints close to the point of service delivery means the Council can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that the Council do not handle swiftly can greatly add to our workload and are more costly to administer.*

*The Complaints Handling Procedure will help us provide better services, improve relationships with our customers/service users and enhance public perception of Inverclyde Council. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.]*

## Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:
  - Overview and structure (part 1) – this document
  - When to use the procedure ([part 2](#)) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
  - The complaints handling process ([part 3](#)) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
  - Governance of the procedure ([part 4](#)) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
  - The customer-facing CHP ([part 5](#)) – information for customers/service users on how the Council handle complaints
2. When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO. [www.spsso.org.uk](http://www.spsso.org.uk)

## Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
4. The Council will try to resolve complaints to the satisfaction of the customer/service user wherever this is possible. Where this isn't possible, the Council will give the customer/service user a clear response to each of their points of complaint. The Council will always try to respond as quickly as the Council can (and on the spot where possible).
5. Our complaints procedure has two stages. The Council expect the majority of complaints will be handled at stage 1. If the customer/service user remains dissatisfied after stage 1, they can request that the Council look at it again, at stage 2. If the complaint is complex enough to require an investigation, the Council will put the complaint into stage 2 straight away and skip stage 1.

<b>Stage 1: Frontline response</b>	<b>Stage 2: Investigation</b>	<b>Independent external review (SPSO or other)</b>
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes the Council will need to put the decision in writing)</p> <p>The Council will tell the customer/service user how to escalate their complaint to stage 2</p>	<p>Where the customer/service user is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b></p> <p>The Council will contact the customer/service user to clarify the points of complaint and outcome sought (where these are already clear, the Council will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p>Where the customer/service user is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>In relation to social work decisions the SPSO can also look at professional decisions</p> <p>Some complaints may also have an alternative route for independent external review</p>



6. For detailed guidance on the process, see [Part 3: The complaints handling process.](#)

## Expected behaviours

7. *The Council expect all staff to behave in a professional manner and treat customers/service users with courtesy, respect and dignity. The Council also ask customers/service users raising a complaint should treat our staff with respect. The Council ask customers/service users to engage actively with the complaint handling process by:*
  - *telling us their key issues of concern and organising any supporting information they want to give us (the Council understand that some people will require support to do this)*
  - *working with us to agree the key points of complaint when an investigation is required; and*
  - *responding to reasonable requests for information.*
8. *The Council have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.*
9. The Council recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer/service user acting in an unacceptable way.
10. Customers/service users who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and the Council will treat all complaints seriously. However, the Council also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. The Council will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers/service users. Where the Council decide to restrict access to a customer/service user under the terms of our policy, the Council have a procedure in place to communicate that decision, notify the customer/service user of their right of appeal, and review any decision to restrict contact with us. <https://www.inverclyde.gov.uk/council-and-government/complaint> -refer to document Unacceptable Actions Policy
11. If the Council decide to restrict a customer's/service user's contact, the Council will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's/service user's access to the complaints process. The Council will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer/service user. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires manager approval. Where access to the complaint process is restricted, the Council must signpost the customer to the SPSO (see [Part 3: Signposting to the SPSO](#)).

12. The SPSO has [guidance on promoting positive behaviour and managing unacceptable actions](#).

13. Noted below are some examples of unacceptable behaviour:

### **Aggressive or abusive behaviour**

Aggressive or violent behaviour is not restricted to acts that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees, elected members and other representatives acting on behalf of the Council to feel afraid, threatened, humiliated or abused.

Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory, slanderous, offensive or libellous remarks, either verbal or written, and rudeness. The Council also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

### **Unreasonable demands**

Customers/service users may make what the Council consider unreasonable demands on the Council through the amount of information they seek or the nature and scale of the service they expect. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer/service users or their representative, including organisations that may contact us on behalf of their clients.

The Council considers these demands unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as taking up an excessive amount of staff time to the disadvantage of other customers/service users or functions.

### **Unreasonable levels of contact**

Some customers/service users will not or cannot accept that the Council are unable to assist them further or provide a level of service other than that already provided. Customers/service users may persist in disagreeing with the action or decision taken in relation to their complaint or issue.

The Council consider the actions of customers/service user making persistent levels of contact to be unacceptable when the amount of time spent talking to a customer/service user on the telephone, responding to e-mails and written correspondence, or responding to other forms of electronic communications impacts on our ability to deal with that issue or other customers'/service users' issues, and causes distress to either staff or other customers/service users.

### **Unreasonable persistence**

As highlighted above some customers/service users cannot or will not accept that the Council is unable to assist them further or provide a level of service other

than that already provided. This can result in unreasonable persistence. Unreasonable persistence is continued, incessant and unrelenting conduct that has a disproportionate and unreasonable impact on the Council's employees, elected members, and Services' time and / or resources.

Examples of actions grouped under this heading include:

- unreasonable use of the complaints process;
- persistent refusal to accept a decision made;
- persistent refusal to accept an explanation without presenting any new information;
- sending multiple emails to many members of staff or elected members;
- persistent, organised and targeted campaigns to deliberately disrupt the work of the Council;
- persistent use of social media or the internet to draw attention to a particular issue repeatedly

The Council considers the actions of persistent enquirers or serial complainants to be unacceptable when they take up what the Council considers to be a disproportionate amount of time and resources or have a negative impact on our employees.

The Council's Unacceptable Actions Policy details how the Council deal with individuals who display unacceptable behaviour.

## Maintaining confidentiality and data protection

14. Confidentiality is important in complaints handling. This includes maintaining the customer's/service user's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
15. This should not prevent us from being open and transparent, as far as possible, in how the Council handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as the Council can. When sharing information, the Council should be clear about why the information is being shared and our expectations on how the recipient will use the information.
16. The Council must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer/service user information. Should you require advice on data processing matters you can contact the Information Governance team on [Dataprotection@inverclyde.gov.uk](mailto:Dataprotection@inverclyde.gov.uk)
17. You can find the Council's Data Protection Policy at the following link <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information/data-protection-policy>.
18. The Information Commissioner's Office has produced detailed guidance on data sharing, the data sharing code of practice can be found at the following link [https://ico.org.uk/media/for-organisations/documents/1068/data\\_sharing\\_code\\_of\\_practice.pdf](https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf)
20. Information Sharing Protocol: <https://www.inverclyde.gov.uk/site-basics/privacy/information-sharing>
21. Policy for Retention and Disposal of Records Electronic and Paper <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information>
22. Privacy Notices <https://www.inverclyde.gov.uk/site-basics/privacy>
23. For information relating to complaints that are subject to FOIs please see: <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information/freedom-of-information-scotland-act-2002>
24. For information relating to Subject Access Requests please see: <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information>
25. Detailed below is some examples of situations where a response to a complaint may be limited by confidentiality, such as:
  - where a complaint has been raised against a staff member and has been upheld – the Council will advise the customer/service user that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.

- where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – the Council would look into this to check whether the safety concern had been properly dealt with, but the Council would not share any details of our findings in relation to the safety concern.