

Inverclyde Council

Part 5 - Complaints Handling Procedure



Official

Inverclyde
council

DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
Information Governance & Complaints Officer	Complaint Handling Procedure	Legal & Property Services

Change History		
Version	Date	Comments
1	March 2012	Local Authority MCHP published on SPSO website
1.1	December 2016	Social Work MCHP published on SPSO website
2	28/09/2017	Annual review of procedure and letter suite. Letter suite: Changes made to instructions for staff using the templates. Introduced new templates. Amended reference to senior management to "Corporate Management Team". Complaint Handling Procedure section that includes roles and responsibilities, reporting requirements and learning approach. Aligned to the Model CHP. Minor amendments & appendices to enhance.
v.2.1	11.12.2018	Minor change: SPSO office has moved. Changed the address within letters in CHP & Letter Suite
v2.2	January 2020	Combined and revised version published on SPSO website

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



**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER
THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT,
BRAILLE, ON AUDIOTAPE, OR COMPUTER DISC.**

Contents

What is a complaint?	4
What can I complain about?	4
What can't I complain about?.....	4
Who can complain?	5
How do I complain?	6
Our contact details.....	6
How long do I have to make a complaint?	7
Stage 1: Frontline response.....	7
Stage 2: Investigation.....	7
What if I'm still dissatisfied?.....	8
Care complaints.....	9
Getting help to make your complaint	9
Our contact details	Error! Bookmark not defined.

Inverclyde Council is committed to providing high-quality services.

The Council value complaints and use information from them to help us improve our services.

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

What is a complaint?

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

What can I complain about?

3. You can complain about things like:
 - failure or refusal to provide a service
 - inadequate quality or standard of service, or an unreasonable delay in providing a service
 - dissatisfaction with one of our policies or its impact on the individual
 - failure to properly apply law, procedure or guidance when delivering services
 - failure to follow the appropriate administrative process
 - conduct, treatment by or attitude of a member of staff or contractor (**except** where there are arrangements in place for the contractor to handle the complaint themselves); or
 - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).
4. Your complaint may involve more than one *Inverclyde Council* service or be about someone working on our behalf.

What can't I complain about?

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

- a routine first-time request for a service
 - a first-time report of a fault (for example, potholes or street lighting)
 - a request for compensation only
 - issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
 - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector – such as council tax, planning, or a parking ticket appeal
 - disagreement with decisions or conditions that are based upon social work recommendations, but determined by a court or other statutory body, for example decisions made by a children's panel, parole board or mental health tribunal
 - a request for information under the Data Protection or Freedom of Information (Scotland) Acts
 - a grievance by a staff member or a grievance relating to employment or staff recruitment
 - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
 - a concern about a child or an adult's safety
 - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where the Council have already given our final decision
 - abuse or unsubstantiated allegations about the Council or staff where such actions would be covered by our *Unacceptable Actions Policy*, or
 - a concern about the actions or service of a different organisation, where the Council have no involvement in the issue (**except** where the other organisation is delivering services on our behalf).
6. If other procedures or rights of appeal can help you resolve your concerns, the Council will give information and advice to help you.

Who can complain?

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

How do I complain?

8. You can complain in person at *any of our offices*, by phone, in writing, by email or via our complaints form <https://www.inverclyde.gov.uk/council-and-government/complaint>

And for HSCP complaints use the following form: <https://www.inverclyde.gov.uk/health-and-social-care/information-advice/complaints-procedure>

9. It is easier for us to address complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve the issue.

10. When complaining, please tell us:

- your full name and contact details
- as much as you can about the complaint
- what has gone wrong; and
- what outcome you are seeking.

11. Our contact details

Inverclyde Council	The HSCP
For Inverclyde Council please send your complaint by post to: Complaints Inverclyde Council Municipal Buildings Greenock Inverclyde PA15 1LY	For HSCP please send your complaint by post to: Inverclyde Health & Social Care Partnership Hector McNeil House 7-8 Clyde Square Greenock PA15 1NB
By email at comments@inverclyde.gov.uk download and print the pdf form to the left of this page or download and complete the word version.	By email at complaints.hscp@inverclyde.gov.uk
By telephone to the relevant department or in person at any of our offices, premises (e.g. libraries, museums, customer service centre etc.). You can also use the complaints form attached under the documents section on the left hand side of this page.	By telephone 01475 715280 or in person to any Social Work office or NHS establishment. You can also use the complaints form attached under the documents section on the left hand side of this page.

12. How long do I have to make a complaint?

Normally, you must make your complaint within six months of:

- the event you want to complain about; or
- finding out that you have a reason to complain.

13. In exceptional circumstances, the Council may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

What happens when I have complained?

14. The Council will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline response

15. The Council aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

16. The Council will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

17. If you are not satisfied with the response the Council give at this stage, the Council will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

18. In exceptional circumstances, the Council may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage 2: Investigation

19. Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.

20. When using stage 2:

- the Council will acknowledge receipt of your complaint within three working days
- the Council will confirm our understanding of the complaint the Council will investigate and what outcome you are looking for
- the Council will try to resolve your complaint where the Council can (in some cases the Council may suggest using an alternative complaint resolution approach, such as mediation); and
- where the Council cannot resolve your complaint, the Council will give you a full response as soon as possible, normally within 20 working days.

21. If our investigation will take longer than 20 working days, the Council will tell you. The Council will tell you our revised time limits and keep you updated on progress.

What if I'm still dissatisfied?

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

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

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

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

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

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

The SPSO's contact details are:

SPSO
 Bridgeside House
 99 McDonald Road
 Edinburgh

EH7 4NS

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

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

23. There are some complaints that have an alternative route for independent review. The Council will tell you how to seek independent review when the Council give you our final response on your complaint.

Care complaints

24. *If your complaint relates to a care service the Council provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them.*

The Care Inspectorate has several offices around Scotland. Please refer to: <http://www.scswis.com/>

Getting help to make your complaint

25. The Council understand that you may be unable or reluctant to make a complaint yourself. The Council accept complaints from the representative of a person who is dissatisfied with our service. The Council can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.
26. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: <http://www.siaa.org.uk>

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

Citizens Advice Scotland

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

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

Consent is normally provided on a mandate form (see Appendix 1) consent can be provided in a formal form or handwritten format so long as it clearly states the individual complaining, the individual acting on their behalf and the nature of information they are seeking the individual to act on their behalf in matters relating this complaint. E.g. they may wish the individual to act fully on their behalf and to be issued with the written response.

It would be expected that the mandate clearly specifies:

- the name of the complainant, the address and date of birth.
- It must specify that they are providing their consent to the individual that they are nominating to act on their behalf in matters relating to this complaint and any terms that they wish the Council to be aware of for this to be dealt this.

The individual acting on their behalf should have the following information confirmed within the mandate:

- The nominated individual's full name, address and date of birth

Finally the complainant must sign to confirm that they are providing their consent to have this nominated individual act on their behalf.

Having consent in place is sufficient for the service to respond to the matter working alongside their own local procedures. Additionally, other authority may be in place and sufficient for the complaint to be dealt with such as a Power of Attorney.

If further guidance is required please get in touch with the Information Governance and Complaints Officer or the information Governance team for further guidance.

Local Advocacy

Circles Network
Advocacy Service Inverclyde
21 Grey Place
Greenock
Inverclyde PA15 1YF

Phone: 01475 730797

Fax: 01475 727407

Info.inverclyde@circlesnetwork.org.uk

The Council are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, the Council will always ensure that reasonable adjustments are made to help customers/service users access and use our services. If you have trouble putting your complaint in writing, or if you want this information in another language or format, such as large font or Braille, please tell us in person, contact us on 01475 717171 or for hearing impaired 01475 717677 (office hours) email us at customerservices@inverclyde.gov.uk

(Appendix 1)
Data Protection Act 2018
Mandate to act on behalf of of a complainant

I, [full name of person raising complaint]

Residing at [address],_____

_____ date of birth **[insert DoB]** _____

do hereby authorise and instruct you, Inverclyde Council, Municipal Buildings, Clyde Square, Greenock, PA15, ILY, to correspond with my [relationship to person],_____

[insert full name of individual who will act on the customer/service user's behalf] _____

also/or [delete as appropriate] residing at]

in relation to my Complaint dated [insert date]_____ requesting a

[Terms that they wish the person to act on their behalf to do and the information you wish them to receive in relation to the complaint.]

Name of person raising the complaint:_____

Signed by: _____ Dated _____

Quick guide to our complaints procedure

Complaints procedure

You can make your complaint in person, by phone, by email or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress. *If your complaint relates to a care service you can choose to complain to us or to the Care Inspectorate.*

Stage 1: Frontline response

We will always try to respond to your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days**.

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.

Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

There are some complaints that have an alternative route for independent review. We will tell you how to seek independent review when we give you our final response on your complaint.

We will tell you how to do this when we send you our final decision.