



writing



phone



minicom



email



internet

have  
your  
say

# Complaints Handling Procedure

Issued: March 2017

# Foreword

This Complaints Handling Procedure has been developed to ensure a standard approach across Scottish local government and is in line with other statutory partners such as NHS.

The procedure aims to help us streamline the complaints process and 'get it right first time'.

This approach will reflect our commitment to valuing complaints and using feedback to allow us to continually improve our services. Listening carefully to people's views and dealing well with their concerns when they arise, is very important to us.

We will ensure that all our employees are well briefed on the process and on how to handle complaints in a thoughtful and helpful way. Handling complaints close to the point of service delivery means we can resolve them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload and are more costly to administer.

Complaints also give us valuable information we can use to improve the way we deliver our services and learn any lessons we can to prevent similar problems happening again. Through our regular monitoring reports, we will review ways our services can be improved as a result. The complaints handling procedure will help us do our job better, improve relationships with our customers and enhance public perception of the 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.

**Lindsay Freeland**  
Chief Executive

# Contents

## How to use this Complaints Handling Procedure (CHP)

### What is a complaint?

- Handling anonymous complaints
- What if the customer does not want to complain?
- Who can make a complaint?
- Complaints involving more than one service or organisation
- Complaints involving social work services
- Complaints about services commissioned by us
- Complaints for the Care Inspectorate
- Complaints relevant to other agencies

### The complaints handling process

#### Stage one: frontline resolution

- What to do when you receive a complaint
- Timelines
- Extension to the timeline
- Closing the complaint at the frontline resolution stage
- When to escalate to the investigation stage

#### Stage two: investigation

- What to do when you receive a complaint for investigation
- Timelines
- Extension to the timeline
- Alternative Resolutions such as Mediation
- Closing the complaint at the investigation stage
- Independent external review
- Factoring complaints

### Governance of the Complaints Handling Procedure

- Roles and responsibilities
- Complaints about senior employees
- Recording, reporting, learning and publicising
  - Recording complaints
  - Reporting of complaints
  - Learning from complaints
  - Publicising complaints performance information
- Maintaining confidentiality
- Managing unacceptable behaviour
- Supporting the customer
- Time limit for making complaints

### Appendix 1 - Frontline resolution - Complaints

### Appendix 2 - Frontline resolution – Social Work complaints

### Appendix 3 - What is not a complaint

### Appendix 4 - Complex social work scenarios

### Appendix 5 - South Lanarkshire Health and Care Partnership Complaints Handling

### Appendix 6 - Timelines

### Appendix 7 - Mediation Services

### Appendix 8 - The complaints handling procedure flowchart

### Appendix 9 - Complaints handling procedure unacceptable actions policy

# How to use this Complaints Handling Procedure (CHP)

This document explains to employees how to handle complaints. Our 'Have Your Say' booklet provides information for customers on the complaints procedure. Together, these form our complaints handling procedure.

It contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO.

[www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)

# What is a complaint?

South Lanarkshire Council's definition of a complaint is:

**'An expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority.'**

A complaint may relate to:

- delays in responding to your enquiries and requests, or delays in service provision;
- failure or refusal to provide a service;
- inadequate quality or standard of service;
- treatment by or attitude of an employee;
- our failure to follow the appropriate administrative process;
- dissatisfaction with council policy;
- disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter; or
- if you feel you did not get the service, help or information you expected due to your age, gender, gender identity, race, disability, sexual orientation or religion/belief.

This list does not cover everything. **Appendix 1 and Appendix 2 (for Social Work)** provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- a routine first-time request for a service;
- a request for compensation only from the council or other matter to be dealt with under the council's insurance arrangements;
- issues that are in court or have already been heard by a court or a tribunal, or other statutory body;
- disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax or planning; or
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

You must not treat these issues as complaints, and should instead direct customers to use the appropriate procedures. [Appendix 3](#) and [Appendix 4 \(for Social Work\)](#) gives more examples of 'what is not a complaint' and how to direct customers appropriately.

## Handling anonymous complaints

We value all complaints. This means we treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by a senior manager.

If an anonymous complaint makes serious allegations, we will refer it to a senior officer immediately.

This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

## What if the customer does not want to complain?

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. Encourage the customer to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If however, the customer insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that the customer's details are not recorded on the complaints database and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

Please refer to the example in [Appendix 1](#) and [Appendix 2](#) for further guidance.

## Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent (usually in the form of giving written consent).

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends and advocates. The third party should normally obtain the customer's consent. This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves. However, in certain circumstances, the third party may raise a complaint without receiving consent, such as when there are concerns over someone's wellbeing. The complaint should still be investigated, but the response may be limited by considerations of confidentiality. You must ensure that you follow the council's policies on gaining consent and information sharing.

Independent advocates may bring complaints on behalf of social work service users or other customers, if they are unable to raise an issue themselves, or if they are unable to identify when something is wrong. More information about using advocates to support customers is available in the section on [Supporting the customer](#).

If you have concerns that a complaint has been submitted by a third party without appropriate authority from the customer, you should seek advice from a more senior member of staff. The provision of a signed mandate from the customer will normally be sufficient for us to investigate a complaint. However, the timing of when we require this mandate may vary depending on the circumstances. If the complaint raises concerns that require immediate investigation, this should not be delayed while a mandate is sought. It will, however, be required before the provision of a full response to the third party.

## Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more local authority services, you must tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised. Standard Operating Procedures will be provided.

If a customer complains to the local authority about the service of another agency or public service provider, but the local authority has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where a complaint relates to a local authority service and the service of another agency or public service provider, (for example a housing association or a government department), and the local authority has a direct interest in the issue, you must handle the complaint about the local authority through the CHP. If you need to make enquiries to an outside agency in relation to the complaint, always take account of data protection legislation and our guidance on handling our customer's personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Such complaints may include:

- a complaint made to us about a claim for housing benefit where the customer's dissatisfaction relates to the service we have provided and the service the Department for Work and Pensions (DWP) has provided
- a complaint made to us about antisocial behaviour where the customer's dissatisfaction relates to the service we have provided and the service the housing association has provided.
- a complaint made about Health Services. Refer to appendix 5

## Complaints involving social work services and another service or organisation

The Public Bodies (Joint Working) (Scotland) Act 2014, which implements health and social care integration, requires adult social work functions to be delegated to Health and Social Care Partnerships (HSCPs). Other services such as children's social care and criminal justice social work may also be delegated, if there is local agreement to do so. As a consequence, there will be variance in the delegation of functions between partnership areas according to the local needs of each one. It is important for staff investigating stage 2 complaints to be aware of the delegation arrangements in their area, so they can take appropriate account of these, even if they are not themselves working within a delegated service. The following text sets out how cross-service complaints should be handled.

The legislation requires Integration Joint Boards to have a separate complaints handling procedure for handling complaints about their functions. This will be broadly in line with this CHP.

A complaint may relate to our social work service and another service provided by the council, or provided by another organisation, such as a health and social care partnership, the NHS or a housing association. Initially, these complaints should all be handled in the same way. They must be logged as a complaint, and the content of the complaint must be considered to identify which services are involved, and what parts of the complaint we can respond to and which parts are appropriate for another organisation. How these complaints

are then handled will depend on delegation arrangements and on the other organisation involved, as follows:

## Complaints relating to a social work service and another service provided by the council

Where a complaint relates to two services provided by us, these services must work together to resolve the complaint. A decision must be taken as to which service will lead on the response. You must ensure that all parties are clear about this decision. It is important to give a joint response from the lead service, and also ensure that both services contribute to this.

## Complaints relating to a social work service and another service provided by another organisation, such as a separate NHS organisation or a housing association

The aim with such complaints is still to provide a joint response (particularly where the organisations are linked, eg. NHS providers), though this may not always be possible. Contact must be made with the customer to explain that their complaint partly relates to services which are delivered by another organisation, and that to resolve their complaint, we will need to share information with this organisation. You must check whether you need specific consent from the customer before you can share their information with the other services, and take appropriate action where necessary, bearing in mind any data protection requirements.

If it is possible to give a joint response, a decision must be taken as to which service will lead the process. We must ensure that all parties are clear about this decision. The response must cover all parts of the complaint, explain the role of both services, and (for investigation stage complaints) confirm that it is the final response from both services.

If a joint response is not possible, you should explain to the person making the complaint the reasons why they will receive two separate responses, and who they can get in contact with about the other aspects of their complaint.

You must also write to both the customer and the other services involved, setting out which parts of the complaint you will be able to respond to.

**Remember, if you need to make enquiries to another organisation in relation to a complaint, always take account of data protection legislation and our guidance on handling our customers' personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.**

## Complaints about services commissioned by us

As part of the service provider's contractual obligations, they must provide a robust complaints process which complies with this CHP, and this obligation must be set out in their contract. This applies to all contracted services, including care services. The expectations around complaints handling by the provider should also be explained to service users in their service agreement with the provider. At the end of the investigation stage of any such complaints the provider must ensure that the customer is signposted to the SPSO, as with any other complaint made to the council

### Contracts with commissioned services should reflect the following good practice:

It is important that a complaint is resolved as quickly as possible and as close as possible to the time when the event being complained about occurred. The contracted service provider should be given the opportunity to respond to a complaint first, even if the customer has initially approached the council unless there is good reason why this would not be appropriate. However, the council will have discretion to investigate complaints about providers contracted to deliver services on its behalf.

These services may also be registered as a care service with the Care Inspectorate to deliver a care or support service. If this is the case, customers have the right to complain directly to the Care Inspectorate or to make use of the provider's CHP and thereafter make a complaint to the Care Inspectorate, regardless of any investigations undertaken by the council.

Where services are commissioned on behalf of the council customers can make complaints under this CHP in relation to the assessment of need, the commissioning or recommendation process, and any element of the service that has been publicly funded. Complaints about any part of a service that has been privately funded cannot be considered through this CHP.

Service providers who are not registered with the Care Inspectorate as a care or support service but who are contracted to deliver other services on behalf of the council must still comply with this CHP.

## Complaints for the Care Inspectorate

Local authorities and any contractors that provide care services must be registered with the Care Inspectorate. This is the independent scrutiny and improvement body for care and social work across Scotland, which regulates, inspects and supports improvement of care services.

The Care Inspectorate has a procedure for receiving information, concerns and investigating complaints, from members of the public or their representatives, about the care services they use. The Care Inspectorate's complaints procedure is available even when the service provider has an alternative complaints procedure in place.

The Care Inspectorate encourages people to complain directly to the organisation they receive a service from. However, some people are not comfortable doing this and to support them, the Care Inspectorate will take complaints about care services directly.

When complaints are brought to us about registered care services, we have the right to share complaint information about the registered care provider with the Care Inspectorate, to decide who is best placed to investigate the complaint. We can also share the outcome of complaints about contracted and registered services with the Care Inspectorate.

The Care Inspectorate's contact details can be found on their website:

[www.careinspectorate.com](http://www.careinspectorate.com)

or

phone: 0345 600 9527

complete an online complaints form at [www.careinspectorate.com](http://www.careinspectorate.com) or

email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

## Complaints about Personal Assistants

Where an individual directly employs a Personal Assistant to provide their support, using a Direct Payment (as part of a Self-directed Support package), they are not subject to registration with the Care Inspectorate under the Public Services Reform (Scotland) Act 2011, its regulations and amendments. The employer remains responsible for the management of their employee, including their performance management. The Care Inspectorate would only be able to take complaints about such support workers if they work for a registered care agency.

## Complaints relevant to other agencies

Customers may raise concerns about issues which cannot be handled through this CHP, but which other agencies may be able to provide assistance with or may have an interest in. This may include:

### **The Mental Welfare Commission:**

Email: [enquiries@mwscot.org.uk](mailto:enquiries@mwscot.org.uk)

Phone: 0800 389 6809

(service users and carers only)

Website: [www.mwscot.org.uk](http://www.mwscot.org.uk)

### **The Children's Commissioner:**

Email: [inbox@cypcs.org.uk](mailto:inbox@cypcs.org.uk)

Phone: 0800 019 1179

Website: [www.cypcs.org.uk](http://www.cypcs.org.uk)

### **The Scottish Social Services Council:**

Email: via their website

Phone: 0345 60 30 891

Website: [www.sssc.uk.com](http://www.sssc.uk.com)

Customers may also raise concerns that information has not been provided in line with information sharing and data protection legislation, in which case they should be signposted to the council's data protection/information service. Any correspondence they have received from the council will also specify the next steps to take if there are ongoing concerns, including signposting to the Information Commissioner:

Email: [scotland@ico.org.uk](mailto:scotland@ico.org.uk)

Phone: 0131 244 9001

Website: [www.ico.org.uk](http://www.ico.org.uk)

This list is not exhaustive, and it is important to consider the circumstances of each case, and whether another organisation may also have a role to play.

# The complaints handling process

Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained employees.

Our complaints process provides two opportunities to resolve complaints internally:

- frontline resolution, and
- investigation.

## The Model Complaints Handling Procedure

### Frontline resolution

For issues that are straightforward and easily resolved, requiring little or no investigation.

'On-the-spot' apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.

Complaint details, outcome and action taken recorded and used for service improvement.

### Investigation

For issues that have not been resolved at the frontline or that are complex, serious or 'high risk'.

A definitive response provided within 20 working days following a thorough investigation of the points raised.

Responses signed off by senior management.

Senior management have an active interest in complaints and use information gathered to improve services.

### Independent external review (SPSO or other)

For issues that have not been resolved by the service provider.

Complaints progressing to the SPSO will have been thoroughly investigated by the service provider.

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider.

For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within the council but means seeking to resolve complaints at the initial point of contact where possible.

## Stage one: frontline resolution

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any employee may deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking an appropriate employee to deal directly with the complaint.

[Appendix 1 and Appendix 2 \(for Social Work Staff\)](#) gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer, either by the employee receiving the complaint or other identified employee.

In either case, you may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and where possible, what will be done to stop this happening again. You may also explain that as an organisation that values complaints, we may use the information given when we review service standards in the future.

A customer can make a complaint in writing including using our freepost complaints card, in person, by phone, by email, online, or by having someone complain on their behalf. You must always consider frontline resolution, regardless of how you have received the customer's complaint.

Where a customer complains directly to the Chief Executive, the complaint will be passed to the relevant Resource Executive Director to investigate and respond (Please see 'Governance of the Complaints Handling Procedure' for further information).

## What to do when you receive a complaint

- 1 On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see [Appendix 3 and Appendix 4 \(for Social Work Staff\)](#) for examples and refer to Standard Operating Procedures).
- 2 If you have received and identified a complaint, record the details on our complaints system.
- 3 Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.
- 4 Where you think frontline resolution is appropriate, you must consider four key questions:
  - What exactly is the customer's complaint (or complaints)?
  - What does the customer want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I cannot resolve this, who can help with frontline resolution?

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

It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer for more information and probe further to get a full picture.

## What does the customer want to achieve by complaining?

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.

## Can I achieve this, or explain why not?

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject:

### SPSO guidance on apology

The customer may expect more than we can provide. If so, you must tell them as soon as possible. An example would be where the customer is so dissatisfied with a kitchen refurbishment that they demand a new kitchen, but we are only willing to repair any broken units.

A Social Work example would be where the customer is very dissatisfied that their child has not been assigned to the social worker they were expecting, when this worker is no longer available.

You are likely to have to convey the decision face to face or on the telephone. If you do so face to face, by telephone or by email, you are not required to write to the customer as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to the customer.

## If I can't resolve this, who can help with frontline resolution?

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can attempt to resolve it.

## Timelines

Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other services to resolve the complaint at this stage. However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.

### Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the customer (**ten working days for Social Work complaints**). This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When you ask for an extension, you must get authorisation from the appropriate senior manager, who will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include employees or contractors being temporarily unavailable. If however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You must tell the customer about the reasons for the delay, and when they can expect your response.

If the customer does not agree to an extension but it is unavoidable and reasonable, a senior manager must decide on the extension. You must then tell the customer about the delay and explain the reason for the decision to grant the extension.

It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be

extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint (**fifteen working days for Social Work complaints**).

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

Examples of where an extension may be required at frontline stage are:

- Occasionally, repair works are delayed because specific parts require to be ordered. This therefore may require an extension to be granted in order to receive and fit the appropriate part.
- A meeting is arranged which will not take place until after the deadline and the outcome of the meeting is required to allow the complaint to be resolved.

**Appendix 6** provides further information on timelines.

### **Closing the complaint at the frontline resolution stage**

When you have informed the customer of the outcome, you are not obliged to write to the customer, although you may choose to do so. You must ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision reached and given to the customer. The complaint should then be closed and the complaints system updated accordingly.

Examples of when it would be appropriate to provide written confirmation of a decision at frontline stage would be:

- When a missed/delayed appointment is rescheduled
- When confirming council policy
- When re-iterating council service standards
- When confirming agreed actions

### **When to escalate to the investigation stage**

A complaint must be escalated to the investigation stage when:

- frontline resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint. This may be immediately on communicating the decision at the frontline stage or could be some time later
- the customer refuses to take part in the frontline resolution process
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.

Take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. The council defines potential high-risk or high-profile complaints as those that may include health and safety, equality or environmental implications such as:

- those involving a death or terminal illness
- those involving serious service failure, for example major delays in providing, or repeated failures to provide, a service
- those that generate significant and ongoing press interest
- those that pose a serious risk to local authority operations
- those that present issues of a highly sensitive nature, for example concerning:
  - immediate homelessness
  - a particularly vulnerable person
  - child protection
  - adult protection
- an incidence of discrimination, harassment or victimisation
- those that give rise to legal challenge

Specific examples might include:

- erection of scaffolding which could be accessed by children playing
- using calor gas heaters as an emergency form of heating without built-in precautions being taken
- unsecured roof tiles falling from council property
- unfair treatment of a service user on the grounds of their age, disability, gender, gender identity, race, religion or belief, or sexual orientation
- failure to meet care and support needs

## Stage two: investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents our final position.

### What to do when you receive a complaint for investigation

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the customer and the service understand the investigation's scope.

It may be helpful to discuss and confirm these points with the customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the customer, consider three key questions:

- 1 What specifically is the customer's complaint or complaints?
- 2 What does the customer want to achieve by complaining?

### 3 Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide. If so, you must make this clear to the customer as soon as possible.

Where possible you should also clarify what additional information you will need to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

Details of the complaint must be recorded on the system for recording complaints. Where appropriate, this will be done as a continuation of frontline resolution. The details must be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, you must hand over all case notes and associated information to the officer responsible for the investigation, and record that you have done so.

### Timelines

The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within **three working days**
- you should provide a full response to the complaint as soon as possible but not later than **20 working days** from the time you received the complaint for investigation.

### Extension to the timeline

Not all investigations will be able to meet this deadline. Nevertheless, it is important that every effort is made to meet the timeline, as failure to do so may have a detrimental effect on the customer. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, senior management will set time limits on any extended investigation, as long as the customer agrees. You must keep the customer updated as to the

reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then senior management must consider and confirm the extension. The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from employees, customers or others but they cannot help because of long-term sickness or leave.
- you cannot obtain further essential information within normal timescales.
- operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- the customer has agreed to mediation as a potential route for resolution.

These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.

If a joint response is being prepared to a complaint that covers more than one service, the lead service must inform the customer of the reasons for any delay and when they can expect a response, even if the delay relates to input from the other service.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20 day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

**Appendix 6** provides further information on timelines.

An example of a complaint that may require an extension to the 20 day timeline may be:

- about ongoing dampness within a tenant's home this may take a considerable time to resolve satisfactorily and can be hazardous to health
- where it involves a third party delivering services on behalf of the council

## Alternative Resolutions such as Mediation

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators, or other impartial officers of the council, to try to resolve the matter and to reduce the risk of the complaint escalating further.

Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.

If you and the customer agree to mediation, revised timescales will need to be agreed.

Some examples of the issues our mediation service has helped to resolve include:

- noise
- parking
- boundaries
- common areas
- clash of lifestyles

See **Appendix 7** for more information.

## Closing the complaint at the investigation stage

You must let the customer know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. You must record the decision, and details of how it was communicated to the customer, on the system for recording complaints. You must also make clear to the customer:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO.

## Signposting to the SPSO

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

The SPSO have powers to look at the actions of social workers and consider the merits of social work decisions in terms of professional judgement. This is in line with the SPSO powers to consider the clinical judgement of health practitioners. The standard used in relation to professional judgement is whether a decision was reasonable. This means that the SPSO do not consider whether another decision or course of action was possible, but whether the judgement and resulting decision and actions of the organisation were reasonable.

The SPSO recommends that you use their wording (see information about the SPSO) to inform customers of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, **The Ombudsman and your organisation**, which you may find helpful in deciding how and when to refer someone to the SPSO.

### Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish councils. If you remain dissatisfied with a council after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the council's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

Office address:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

If writing:

Freepost SPSO (this is all you need to write on the envelope, and you don't need to use a stamp)

Freephone: 0800 377 7330

Online contact:

[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Email: [CSA@spsso.org.uk](mailto:CSA@spsso.org.uk)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

Mobile site: [m.spsso.org.uk](http://m.spsso.org.uk)

## Factoring complaints

The SPSO does not normally look at complaints about our factoring service. Such complaints will be dealt with through the Housing and Property Chamber First-tier Tribunal for Scotland. They will work to resolve complaints and disputes between homeowners and property factors.

If a factoring customer is still dissatisfied after our investigation stage, they can contact or find more information about the Housing and Property Chamber First-tier Tribunal for Scotland at the following:

Housing and Property Chamber First-tier Tribunal for Scotland  
4th Floor  
1 Atlantic Quay  
Glasgow G2 8JB

Phone: 0141 302 5900

Fax: 0141 302 5901

Email: [HPCAdmin@scotcourtsribunals.gov.uk](mailto:HPCAdmin@scotcourtsribunals.gov.uk)

Website: [www.housingandpropertychamber.scot](http://www.housingandpropertychamber.scot)

# Governance of the Complaints Handling Procedure

## Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Chief Executive and senior management.

Our final position on the complaint must be signed off by an appropriate senior officer and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

**Chief Executive:** The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. Whilst the Chief Executive will take an interest in all complaints, responsibility for the implementation of the complaint handling procedure lies with Executive Directors. Regular management reports will assure the Chief Executive of the quality of the council's complaints performance. There will be quarterly monitoring reports to the Corporate Management Team (CMT) as well as, annual reports to the council's Executive Committee and the Ombudsman's Office.

**Executive Directors:** On the Chief Executive's behalf, Executive Directors will be responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints
- deputising for the Chief Executive on occasion

However, Executive Directors may delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior employees.

Where this happens, Executive Directors will retain ownership and accountability for the management and reporting of complaints. They will also be responsible for preparing and signing decision letters to customers, so that they are satisfied that the investigation is complete and their response addresses all aspects of the complaint.

**Chief Social Work Officer (CSWO):** The CSWO has an important role in the consideration of complaints information and, on occasion, the content of individual complaints. Their role in overseeing the effective governance of social work services and monitoring these arrangements includes complaints about social work services. The CSWO should also take appropriate account of complaints information in fulfilling their obligations to promote continuous improvement and best practice. Furthermore, the CSWO or their delegated officers may have specific interest in complaints relating to individuals for whom they have decision-making responsibilities.

**Heads of service** will also be involved in the operational investigation and management of complaints handling. As senior officers they will be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Specific Standard Operating Procedures (SOP's) will be used by employees to implement the complaints handling procedure in each service.

**Complaints investigator** is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team, and will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the council.

**All employees:** A complaint may be made to any employee in the council. So all employees must be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to handle the matter

personally. We encourage all employees to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation (Please refer to Standard Operating Procedures).

**Council SPSO liaison officer** role includes providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

## Complaints about senior employees

Complaints about senior employees can be difficult to handle, as there may be a conflict of interest for the employee investigating the complaint. When serious complaints are raised against senior employees, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

As per our Confidential Reporting Procedures the public rightly has an expectation of high standards of service from the council. As a result of a customer complaint, there may be occasions when it will be necessary for an employee or a group of employees to bring concerns to the attention of their Head of Service, Executive Director, the council's Monitoring Officer, the Risk and Audit Manager, trade union representative, or where this is not appropriate, to the Chief Executive.

## Complaints and appeals

While some social work decisions may be reviewed under alternative arrangements at a local level (for example through appeal or peer review), the SPSO has the power to consider professional social work decisions. The customer should not be required to seek a reconsideration of a decision under both appeal and complaint processes, nor should they be required to make further complaint if dissatisfied with the outcome of an appeal.

Therefore, whilst we have discretion to operate appeals procedures, these must be regarded as a special form of complaint investigation (stage 2 of this CHP). Such appeals processes must be compliant with this procedure in terms of the rigour and documentation of the process, must be concluded within 20 working days with a written response to the customer, and must be recorded as a stage 2 complaint on the relevant complaints database. If the customer raises additional issues of dissatisfaction as well as challenging a professional decision, then the process must consider and respond to every element of the customer's dissatisfaction so that no additional complaint process is required.

The final response letter must provide relevant text advising the customer of their right to refer the matter to the SPSO for independent consideration. The SPSO will then investigate matters in full, in line with their standard procedures.

## Recording, reporting, learning and publicising

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across South Lanarkshire. We must record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and where appropriate, identify training opportunities and introduce service improvements.

### Recording complaints

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)

- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken.

We have structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy customers.

### Reporting of complaints

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We publish on a quarterly basis the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.

We must:

- publicise on a quarterly basis complaints outcomes, trends and actions taken
- use case studies and examples to demonstrate how complaints have helped improve services.

This information will be reported quarterly to our Corporate Management Team.

### Learning from complaints

At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the customer and employees of the resource involved understand the findings of the investigation and any recommendations made.

Senior management will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file
- systematically review complaints performance reports to improve service delivery

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- we must ensure that we learn from complaints

Examples of where we have learned from complaints and made changes are:

- Following complaints from local residents that both employees and visitors to a council facility were routinely parking inappropriately the resource issued clear guidance to all employees who are based at and use the facility regularly and has also placed up information for those visiting to have due consideration for local residents and their needs to access their premises and local community. There is now improved flow of traffic due to staff finding appropriate parking and pavements are now accessible to all living and working in the local area.
- Our customers told us that they were not aware of upcoming Events in their area which require Public Entertainment licenses. We told them that they could be included in an "opt in" list. This would mean that when a public entertainment application was received, the customer would receive a letter or email notifying them of the proposed event. This arrangement will highlight events to our customers and keep them better informed.
- A customer complained that the carers for their elderly parent did not turn up as planned and therefore a relative had to attend the home to assist. An apology was given to the individual and the family and the process has been reviewed to ensure when a member of staff unable that another member of staff will provide cover and that individuals and family will be informed. This means that appropriate care will be given.

## Publicising complaints performance information

We also report on our performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

## Maintaining confidentiality

Confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customers' information.

## Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our employees. We will, therefore, apply our policies and procedures to protect employees from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of an unacceptable actions policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.

See [Appendix 9](#) for our unacceptable actions policy.

## Supporting the customer

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language, who are Deaf or blind may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure. Where this is the case employees should refer to the council interpretation and translation policy for guidance and support.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate and to ensure fair access.

If a customer needs help writing down a complaint, you can do this on their behalf. If they prefer an independent person they can be advised to call into any council or Q and A office, where employees will be happy to help.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

**To find out about advocacy groups in South Lanarkshire contact the Scottish Independent Advocacy Alliance.**

Phone: 0131 260 5380

Website: [www.siaa.org.uk](http://www.siaa.org.uk)

**Citizens Advice Scotland can provide details of the nearest Citizens Advice Bureau**

Phone: 0131 550 1000

Website: [www.cas.org.uk](http://www.cas.org.uk)

## Current Advocacy groups in South Lanarkshire are:

### Older adults:

The Advocacy Project  
0141 420 0961

[enquiry@theadvocacyproject.org.uk](mailto:enquiry@theadvocacyproject.org.uk)

### Adults with mental ill health issues:

The Advocacy Project  
0141 420 0961

[enquiry@theadvocacyproject.org.uk](mailto:enquiry@theadvocacyproject.org.uk)

### Adults affected by learning disability/ communication disorder:

Speak Out Advocacy Project  
01698 283228

[info@speak-out.org.uk](mailto:info@speak-out.org.uk)

### Children and young people:

Who Cares? Scotland  
0141 226 4441

[enquiries@whocares-scotland.org](mailto:enquiries@whocares-scotland.org)

### People First:

Collective advocacy for adults with learning disabilities

[jimquigley1st@aol.co.uk](mailto:jimquigley1st@aol.co.uk)

The Mental Health (Care and Treatment) (Scotland) Act 2003 gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This legislation says that independent advocacy must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice. The Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland.

## Time limit for making complaints

This complaint handling procedure sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

## Frontline resolution - Complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggest possible actions to achieve resolution.

Complaint	Possible actions to achieve resolution
The customer complains that her council tax direct debit has been set up wrongly.	Apologise to the customer and resolve the issue by properly updating the direct debit details.
The customer has provided evidence to verify his claim for benefits, but the Benefits Service has not updated his case records with this information.	<ul style="list-style-type: none"> <li>• Apologise to the customer.</li> <li>• Update the customer's benefit record to record receipt of evidence.</li> <li>• Check that the benefit award is corrected from the appropriate date.</li> </ul>
The customer complains that a workman did not attend to carry out a housing repair as we had agreed.	<ul style="list-style-type: none"> <li>• Speak to the workman, the service or the service manager to explain the customer's complaint and to agree how to resolve the issue, for example by arranging a new time and date to do the repair.</li> <li>• Explain the reasons for the failed appointment and apologise to the customer.</li> </ul>
The customer complains that the quality of a repair done by us or our contractor is not satisfactory.	<ul style="list-style-type: none"> <li>• Ask the service department to examine the repair to assess whether or not it is acceptable.</li> <li>• If appropriate, agree that the service department should do more work to resolve the matter.</li> <li>• Explain and apologise to the customer.</li> <li>• Obtain a report from the service or contractor to confirm that the repair is now complete.</li> <li>• Feedback the lessons learned from the complaint into a service improvement plan.</li> </ul>
The customer complains that a road is not on our winter gritting route so has not been gritted.	<ul style="list-style-type: none"> <li>• Find out which roads are on our agreed gritting routes, and explain this route to the customer.</li> <li>• Use the customer's concerns to inform our future approach to gritting roads.</li> </ul>

Complaint	Possible actions to achieve resolution
<p>A person attending a school show has a hearing impairment and notifies staff he is having difficulty hearing the show. The customer asks if a loop system is available and is informed that there is no one who knows how to work it. The person makes a complaint.</p>	<ul style="list-style-type: none"> <li>● Apologise to the customer.</li> <li>● Implement staff training to ensure they know how the loop system works for future.</li> <li>● Ensure customers are asked about their requirements prior to events and that all systems are working.</li> </ul>
<p>A pupil from a high school was hanging about in communal area of a block of flats across from the school and causing a disturbance to the residents in their homes and as they were coming and going.</p>	<ul style="list-style-type: none"> <li>● Apologise to the customer.</li> <li>● Investigate the complaint.</li> <li>● Liaise with customer and school to ascertain patterns of behaviour in order to identify the pupil and take appropriate action.</li> </ul>
<p>The customer complains that a night-working refuse collector woke her up by making excessive noise.</p>	<ul style="list-style-type: none"> <li>● Explain our policy on refuse collection, in particular the approach to night working.</li> <li>● Tell the customer that you will pass on details of the complaint to the service to highlight the noise issue and ask the service to do what they can to control noise.</li> <li>● Apologise to the customer for the inconvenience.</li> </ul>
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> <li>● Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint.</li> <li>● In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</li> </ul>
<p>Delay in housing repairs being carried out.</p>	<ul style="list-style-type: none"> <li>● Apologise to the customer.</li> <li>● Organise a revised date for the repair to ensure the works are completed.</li> </ul>
<p>Storm damage works to customer's home remain outstanding.</p>	<ul style="list-style-type: none"> <li>● Apologise to customer for delay.</li> <li>● Liaise with maintenance section to establish priority / timescale for works to be carried out and advise customer accordingly.</li> </ul>

## Frontline resolution - Social Work complaints

The following tables give examples of complaints that may be considered at the frontline stage, and suggest possible actions to achieve resolution.

Complaint	Possible actions to achieve resolution
The customer complains that his home carer turned up late and was smoking.	<ul style="list-style-type: none"> <li>• Contact the care service to discuss the matter with a service manager</li> <li>• The care service should check the timetable for visits and discuss with the home carer the complaint about smoking. The care service should let you know the outcome</li> <li>• You in turn contact the customer to explain the policy, confirm the timing of visits (for example between 08:00 and 12 noon) and, where appropriate, apologise for the inconvenience.</li> </ul>
A service user complains that a social worker did not turn up for a planned visit.	<ul style="list-style-type: none"> <li>• Apologise to the service user</li> <li>• explain that you will look into the matter</li> <li>• contact the social worker/manager to find out the reason for the missed appointment, then</li> <li>• explain the reasons and offer a new appointment.</li> </ul>
A member of the public complains that a home carer parked in a private resident's car parking place.	<ul style="list-style-type: none"> <li>• Take the customer's details and explain that you will look into the matter</li> <li>• contact the home care service to find out if this is the case</li> <li>• if so, request that this does not happen again, and</li> <li>• contact the customer, apologise and advise that the worker has been asked to find alternative parking.</li> </ul>
A member of public complains that his neighbours (residents of a children's house) have been playing football in the street where they live and are being abusive to passers-by.	<ul style="list-style-type: none"> <li>• Explain to the customer that you will look into the matter and call them back</li> <li>• contact the manager of the children's house to verify the facts</li> <li>• request that the manager meet with the neighbour to apologise and engender good relations, then</li> <li>• call back the customer to update them.</li> </ul>
A complaint about a service provider commissioned by social work services.	<ul style="list-style-type: none"> <li>• Discuss with the customer the different ways for this complaint to be handled, ie by a complaint to the Care Inspectorate or through the provider's own CHP, and</li> <li>• ensure, whatever process is agreed, that the customer is clear how they can progress their complaint to the next stage, should they remain dissatisfied. This may be within the provider's CHP, to the council, or to the Care Inspectorate. The customer should be advised that they can come back to the council for further advice if they need to at any stage.</li> </ul>

Complaint	Possible actions to achieve resolution
<p>A service user complains that their care needs assessment does not accurately reflect their needs, or that the care package proposed would not meet the needs identified in their assessment.</p>	<ul style="list-style-type: none"> <li>● Clarify with the customer whether the complaint relates to an assessment of needs or a proposed care package. Establish specifically what the customer is complaining about and what has happened so far. Ask them what they are seeking from their complaint, and explain that you will look into the matter</li> <li>● make internal enquiries to establish what stage the assessment and care planning processes are at</li> <li>● while considering the complaint, if the team indicate that a new assessment or care planning meeting may be offered, pass this offer onto the customer, and ask the team to contact the customer to take this forward, and</li> <li>● if the team are not prepared to look at the matter again, explain why the assessment or care package decision is considered to be adequate, and signpost to the next stage of the CHP.</li> </ul>
<p>A customer complains about social work services impacting on their discharge from hospital.</p>	<ul style="list-style-type: none"> <li>● Check with the hospital social work team about the customer's care planning in relation to discharge from hospital, and the timing of medical decisions and social work input</li> <li>● it may become apparent at that stage that the discharge process was complicated by a range of issues, in which case it may be appropriate to escalate the complaint to investigation</li> <li>● it may also become apparent that the customer is still in hospital, and may or may not be considered ready for discharge. If they are ready, then pass the complaint onto the team directly involved to respond to as quickly as possible</li> <li>● if the situation is not current, and there were delays from social work services, find out why these happened, and</li> <li>● respond to the customer by their preferred method, to inform them of the outcome of their complaint. Offer an apology if appropriate, and outline what steps have been put in place to prevent a recurrence of the situation.</li> </ul>

## What is not a complaint

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for a service.

A customer may also be concerned about various local authority decisions. These decisions may have their own specific review or appeal procedures and where appropriate, customers must be directed to the relevant procedure. The following paragraphs provide examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route for resolution based on the individual case.

### Example 1: Planning

Customers may express dissatisfaction after the refusal of planning or other related permissions. An example would be dissatisfaction with a condition of consent or an enforcement action.

Planning applicants, or their agent, have the right to appeal to Scottish Ministers on planning or related matters determined by Committee or decided under delegated powers. Appeals are usually, but not always, decided by a Reporter from the Directorate of Planning and Environmental Appeals and can be considered on the basis of written submissions or by a hearing or public inquiry. The Reporter appointed to consider the appeal will manage the whole process and consider how to gather enough information to make a decision.

Customers who are dissatisfied with one of our planning decisions, and who have a right to appeal to Scottish Ministers, should be directed to this service. They will have a right of appeal to Scottish Ministers within six months of the decision. For further information on how to appeal see our website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk). However, some complaints about planning matters are from third parties such as neighbours. These customers do not have the right of appeal to Scottish Ministers. These complaints should therefore be considered through the CHP.

### Example 2: Benefits

A customer may be dissatisfied or disagree with a decision about their housing or council tax reduction entitlement. This is not a complaint. The customer may ask us to review the decision. If they remain dissatisfied at the outcome of the review or reconsideration of their claim, they may also appeal against our decision to an independent appeal tribunal. Where they want to do so, you should direct them appropriately. For more information about how to appeal contact the appropriate area Q and A office or see our website [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk).

### Example 3: Claims for compensation

A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you must not handle them through the complaints handling procedure. You should be clear, however, that where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, or the condition of a public road causing damage to a motor vehicle, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you do this, you must notify the customer and explain that the complaint will be fully considered when the compensation claim has been resolved.

If you receive a compensation claim, you should explain to the customer the process for seeking resolution in line with our policy on these claims. For more information on compensation or other matters to be dealt with under the council's insurance arrangements for example, damage to a vehicle, person or property contact 01698 455849 or email [claims@southlanarkshire.gov.uk](mailto:claims@southlanarkshire.gov.uk) or for a third party liability claim relating to a road defect issue phone 0303 123 1015.

You can still make 'time and trouble' payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

### Example 4: Licence decisions

We are responsible for issuing various licences, including public entertainment, HMO (houses in multiple occupation), liquor and taxi licences. These have their own legal redress. Customers who are dissatisfied with these decisions will have to pursue this through the correct procedure for the type of licence they want.

### Example 5: School exclusions and placing requests

Decisions on appeals against a pupil's exclusion from school or a refusal of a school placing request are made by Committee. Once the Committee has ruled, the customer cannot then use the complaints process to continue their case.

### Example 6: School exam results

Schools have devolved authority to offer examinations on the awarding body's behalf. In most cases this will be the SQA. If a customer is dissatisfied with the result of an exam, the school should refer it to the awarding body.

Remember that although there may be an alternative form of redress for the customer as detailed above, you must consider carefully whether or not a customer's representations should be managed within the complaints handling procedure. Dissatisfaction with certain local authority decisions may simply require an explanation and directing to the correct route for resolution. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the complaints handling procedure. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in reaching that decision.

### Example 7: Housing investment programme work

Defects identified in works carried out in homes as part of the council's Housing Investment Programme (e.g. kitchens and bathrooms, doors and windows, central heating installations) are subject to a one year warranty period and within that timescale, would not be treated as complaints. Such defects would be referred to the Housing Investment Team for repair.

## Complex social work scenarios

A concern may not necessarily be a complaint. In some cases a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner. Issues that commonly arise include:

### 1. Child or adult protection concerns

Customers may express concerns that a child or adult is at risk, but frame their concern in terms of dissatisfaction that 'nothing has been done about this'. The member of staff will need to consider whether the person is authorised to make complaints on behalf of the child or adult in question, whether they expect the matter to be handled as a complaint and whether the professional view is that these matters are best addressed through initiating the applicable protection procedures. Where the need to initiate protection procedures and investigate concerns within those procedures is identified, this will usually represent [the organisation's] final response to the complaint, and the complaint should be closed. The person making the complaint should be advised that this is the outcome of the complaint and signposted to the SPSO.

Where a complaint is received about some aspect of protection processes that have already been initiated, for example in relation to the way the processes was applied, this should be considered a complaint, and progressed within the complaints handling procedure.

### 2. Complaints about professional decisions

A customer may wish to complain about or appeal against a social work decision. Such decisions must be considered in line with the timescales for complaints as specified in the CHP.

Some decisions may be considered through an internal appeal procedure. However, any such appeal route must be considered as constituting a special form of stage 2 of this procedure, in that it will result in a thorough response **to all concerns** and onward referral to the SPSO.

### 3. Legal action

Legal action takes several forms and each must be handled in a distinctive way:

- (a) **Judicial Review:** If a person wishes to seek judicial review of a social work decision then they should be encouraged to seek legal advice.
- (b) **Litigation:** Where a customer says that they are seeking compensation and that legal action is being actively pursued, this is not a complaint. Where a customer indicates that they intend to litigate but have not yet commenced legal action, they should be informed that if they take such action, they should notify the complaints team and that the complaints process will be closed. If it becomes apparent that legal action is being pursued, the complaints team must clarify with the customer if all the issues they have raised will be considered through legal action; any outstanding issues must still be addressed through the CHP.
- (c) **Legal tribunals, etc:** Sometimes the matter complained of may be the subject of ongoing consideration by a relevant legal body, for example where a customer complains of lack of contact with their child who is being looked after by the council, when that matter falls to be determined by the Children's Panel. In such cases the customer should be directed to raise the matter either directly or through their legal representatives within that other defined process and the matter should not be accepted as a complaint.

This is distinct from a complaint that the council and its staff have failed to properly carry out their roles and responsibilities. In the example above, a Children's Panel may have set contact frequency but it is not being properly facilitated by social work staff due to staffing shortages or some other factor. That is a matter of legitimate complaint under this procedure.

### 4. Complaints about the content of reports submitted to legal bodies

The council may receive complaints about the accuracy of reports by professional social work staff submitted to Courts or other bodies such as Children's Panels, Parole Boards or Mental Health Tribunals. In such circumstances, the report is provided as a service to the court or tribunal, not as a service to the customer. The customer has no right to veto such reports or insist that content is subject to their approval but they can complain about the content of the report.

The council should consider each complaint and it will usually be necessary to undertake a short screening process to establish whether the issue is appropriate for the CHP. This will depend on the nature and seriousness of alleged inaccuracy, and the status of the report in relation to the progress of court or other proceedings. In particular the council should consider whether the complaint relates to accuracy of facts, to opinion or to the standard and quality of the work carried out by the professional concerned, and should take one of three actions accordingly:

- 1 advise the customer that, due to the timescales involved, the issue should be raised when the report is presented in court/to the relevant body, as that is the appropriate forum for deciding on the matter
- 2 advise the customer that the complaint raises issues that will be considered under the CHP (such as issues of fact), and progress accordingly, or

- 3 advise the customer that the complaint raises a mixture of issues that will be considered under the CHP and other issues that should be raised within the relevant forum when the report is submitted.

If you refuse to consider some or all issues as per 1 or 3 above and direct the customer to raise the matter within the legal process, you must still provide clear information about the reason for this decision, and signpost the customer to the SPSO for access to a review of this decision.

The council should also consider whether the complaint relates to a breach of data protection legislation, in which case it must be processed accordingly, with a potential referral to the Information Commissioner.

### 5. Campaigns

The introduction of a new policy or changes in service, such as the closure of a facility, may lead to a high volume of complaints being received. These should be handled under this procedure on an individual basis on their merits, addressing the issue of how that particular customer is affected by the change. It may be appropriate to provide information about the process that led to the changes, or when the policy may next be reviewed.

Occasionally, however, such complaints are evidently part of an organised campaign. Indicators may be that all complaints have identical content or are on a 'form' letter or that all complainers are known to be members of a pressure group that has made separate representations through [the organisation's] petitions or elected members.

The council should not accept an unreasonable burden on its complaints processes produced by an organised campaign. Instead, the council may either issue a single 'form' response or may ask the organisers to nominate a single person to make a single complaint on behalf of the group. In such circumstances it would be important to be clear that all the complaints being brought to the council are identical,

and setting out clearly what issues are being considered under the complaint. Any other additional concerns that individuals may have would need to be handled as new complaints.

### 6. Persons under investigation

The council is likely to have a role in investigating the actions of individuals towards other, more vulnerable people, for example those suspected of child or adult abuse or Guardians and Powers of Attorney who are allegedly misusing their powers.

Those individuals are still customers as defined within this procedure and any complaint from them must be considered on its individual merits. For example, a complaint about an improper exercise of investigative procedures should be looked into as a complaint. Any response should take into account any confidentiality issues, and this should be explained to the customer.

However, if it is evident that the person is not complaining about the process or the actions of staff, but is complaining that they are under investigation, this should not be accepted as a complaint. Instead it should be explained to the customer that the council has a statutory obligation to investigate such matters, and this is not conditional upon their agreement or approval. Their objection to the process is not considered to be a complaint, though they may be directed to seek appropriate legal advice to protect their rights.

### 7. Looked after and accommodated children/adults under local authority guardianship

The council has a special duty of care to children in its care or adults for whom it exercises decision-making powers. Special care should be taken when investigating complaints made by or on behalf of those individuals.

Artificial barriers of confidentiality should not be imposed to prevent people with a relevant interest in the affairs of an incapacitated adult from complaining on their behalf.

Children who are looked after by the Local Authority may complain. They may have little in the way of a support network and may be estranged from their family. It may also be inappropriate for the family to represent the child's interests. Particular care, therefore, should be taken to ensure that the child's complaint is understood and, particularly for younger children, that the response is understood by them.

In both cases, the need for personal contact with the customer, and the possible involvement of advocacy services, should be actively considered.

### 8. Grievances/Staff complaints

This procedure is for external customers of the council to complain about services received by them or affecting them or to complain on behalf of others. It is not an appropriate procedure for the handling of complaints by staff, which should be routed through the usual HR/Personnel processes.

## 9. Allegations of fraud/ criminality/professional malpractice or incompetence

Discretion is required where the complaint is so serious as to immediately merit investigation under disciplinary processes or referral to another agency.

If it is determined that the complaint falls into this category, you should always try to respond to the complaint within the CHP timescales. Even where the outcome of the complaint leads to further internal procedures being followed, the customer can still be advised of this as an outcome, and the complaint closed, with signposting to the SPSO.

However, in some cases, particularly where the police are involved, you may have to await the outcome of another process before you can decide on the outcome of the complaint. Where such a decision is made you must inform the customer and advise them of their right to come to the SPSO if they are dissatisfied with this approach.

## 10. Complaints brought by foster carers

Complaints brought by foster carers can relate to the support services they receive from the council, the way our staff engage with them, or services a child in their care is or was receiving or has requested from us.

Any complaint brought by a foster carer on behalf of a foster child in the care, or formerly in their care, should be considered under this CHP. A foster carer has sufficient interest in the wellbeing of a child to complain on their behalf. Where possible, the views of the child should also be taken into account and if they are different from the views of the foster carer, this should be referred to in the response.

Foster carers who are recruited and supported by us may bring complaints about these services. However, approval and de-registration of the carer by the council may

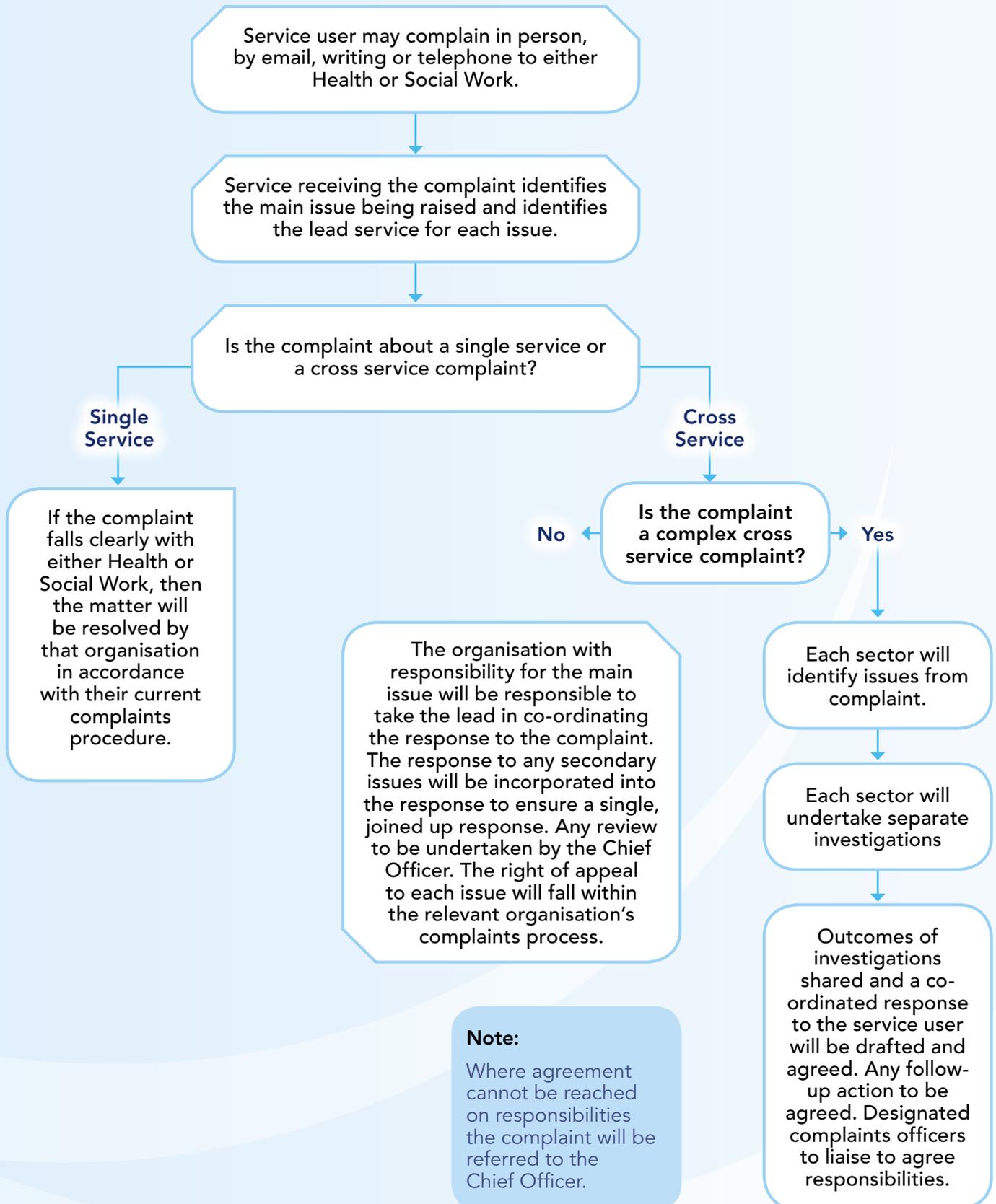
be considered through alternative appeal mechanisms. As noted under the section 'Complaints and appeals', these appeals must be handled in line with the CHP timescales and end with signposting to the SPSO.

Complaints from foster carers supported by private agencies will not be addressed within this CHP if the complaint is wholly about their own circumstances and support rather than those of the child. Such complaints should be directed to the complaints process of the relevant agency.

An agency foster carer may still complain about the way our staff have interacted with them or about any element of service that they might reasonably expect to be provided by the council, for example invitations to meetings, provision of information about the child in their care or the manner and content of communications with the council. This list is not exhaustive and such complaints should be carefully considered in terms of the role of [the organisation's] staff, before directing them to pursue their complaint with their fostering agency.

Where a complaint cannot be considered in part or in whole by the council, the customer must be given a clear explanation as to why this is, what (if any) parts of their complaint will be investigated and how they may refer the matter to the SPSO.

# Complaints about Health and Social Work



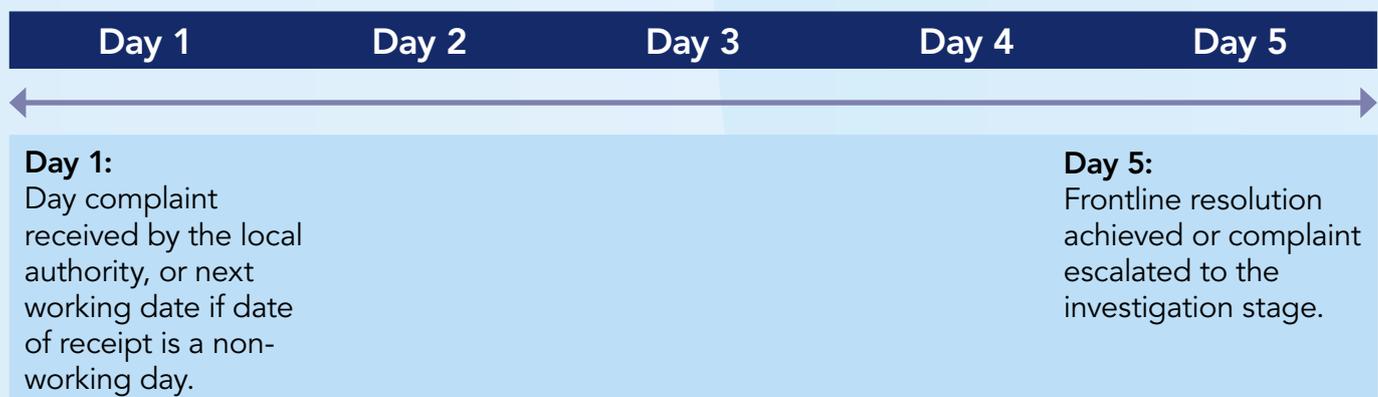
## Timelines

### General

References to timelines throughout the complaints handling procedure relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

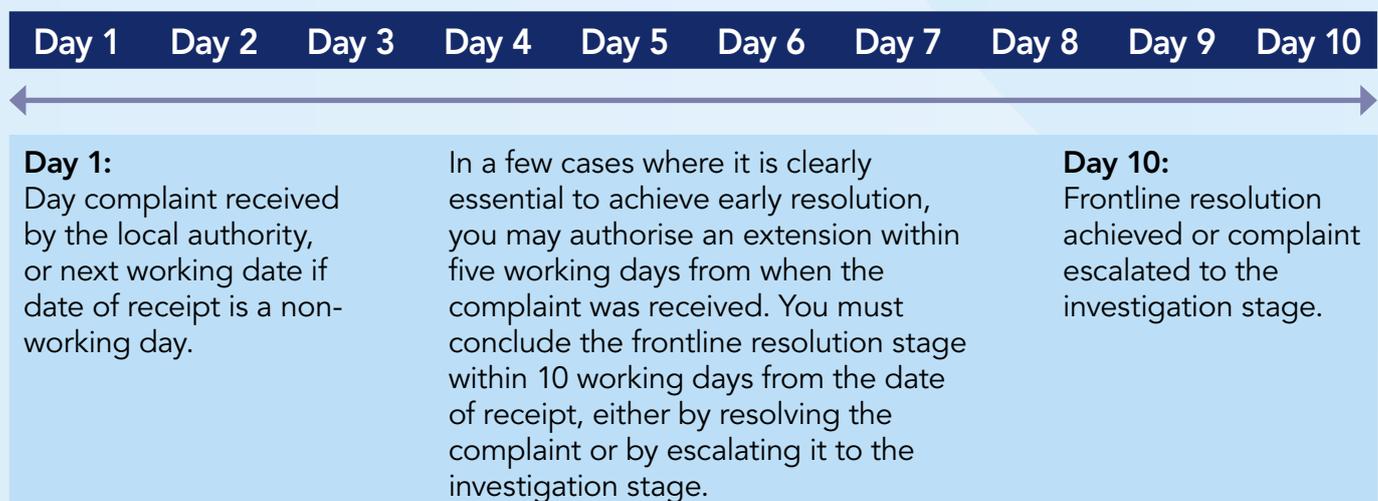
### Timelines at frontline resolution

You must aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



### Extension to the five-day timeline

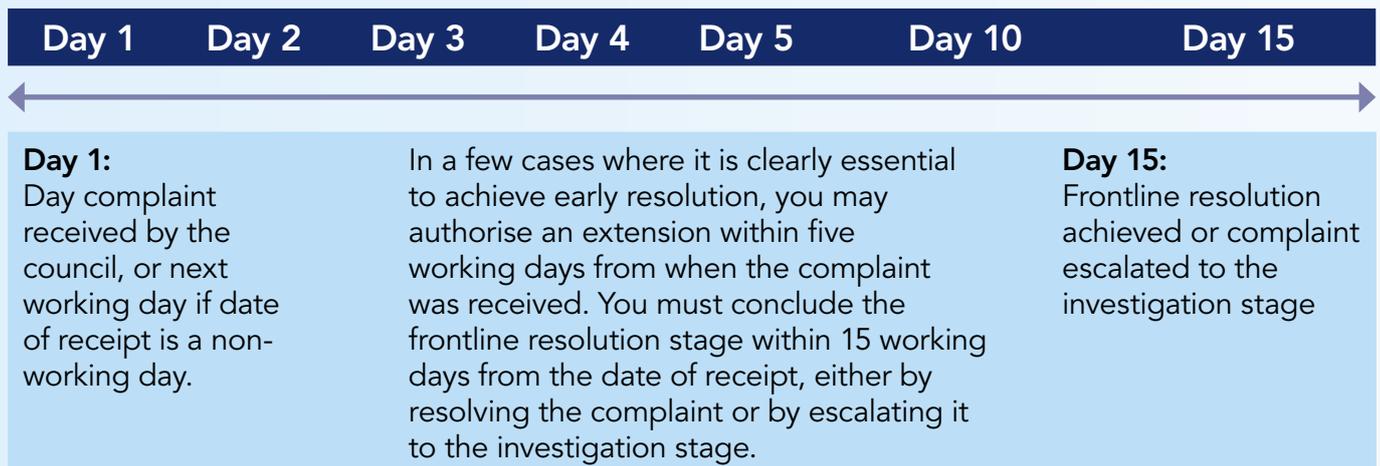
If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response must take no longer than 10 working days from the date of receiving the complaint.



## For Social Work Complaints Only

### Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the CHP, the revised timetable for the response must take no longer than 15 working days from the date of receiving the complaint.



### Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the customer wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Acknowledgement

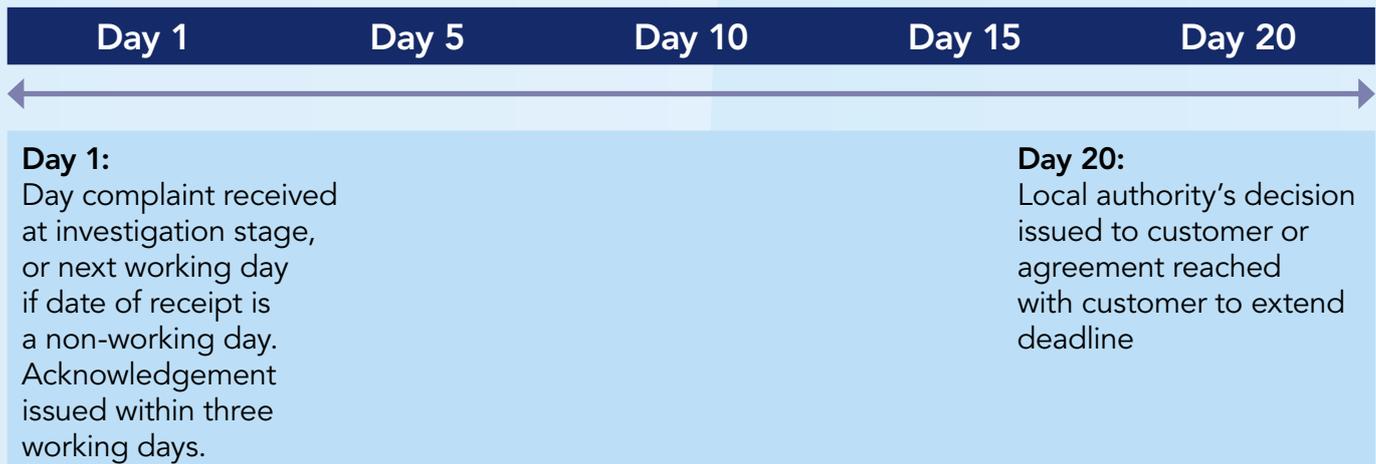
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

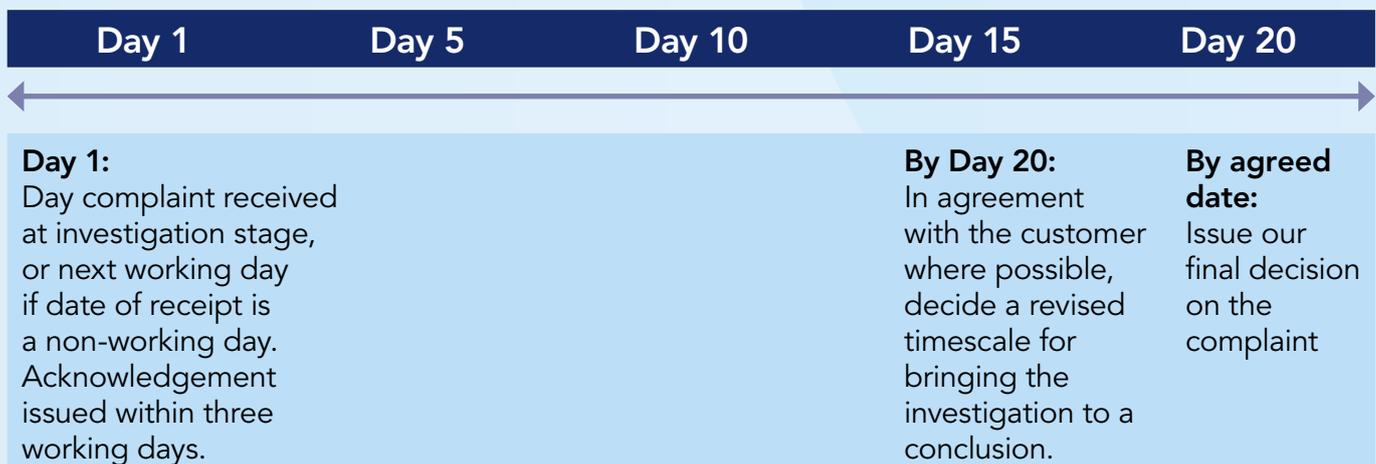
## Investigation

You should respond in full to the complaint within 20 working days of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.

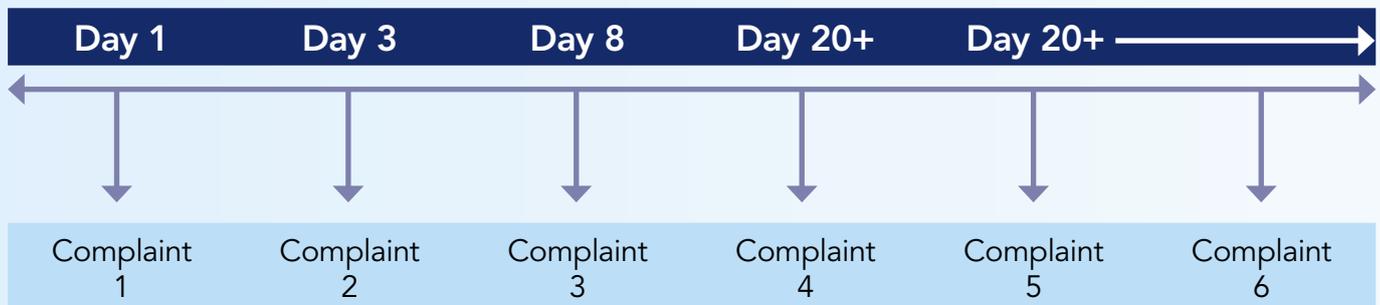


Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the customer, and agree with them a revised timescale.



## Timeline examples

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.



The circumstances of each complaint are explained below:

### Complaint 1

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and where appropriate, an apology. Such a complaint can be resolved on day 1.

### Complaint 2

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

### Complaint 3

Complaint 3 refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

### Complaint 4

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the customer within the 20-day limit.

### Complaint 5

We considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage the customer was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

### Complaint 6

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

## Mediation Services

### About our mediation service

Our mediation service offers help in the following areas:

- community disputes
- young people facing homelessness because of a family dispute
- anti-social behaviour.

The service helps people resolve their differences without involving the police or getting involved in a long and expensive legal battle. It is independent, confidential and free to everyone who lives in South Lanarkshire. Some examples of the issues the service has helped to resolve include:

- noise
- parking
- boundaries
- common areas
- clash of lifestyles

Mediators also help those facing homelessness because of a family dispute. This can prevent young people leaving home too soon, re-establish communication with their family, or help them move back home if everyone is in agreement and the situation is safe.

### What happens when a referral is made?

When a referral is made mediators visit individually those involved in the dispute to listen to each point of view.

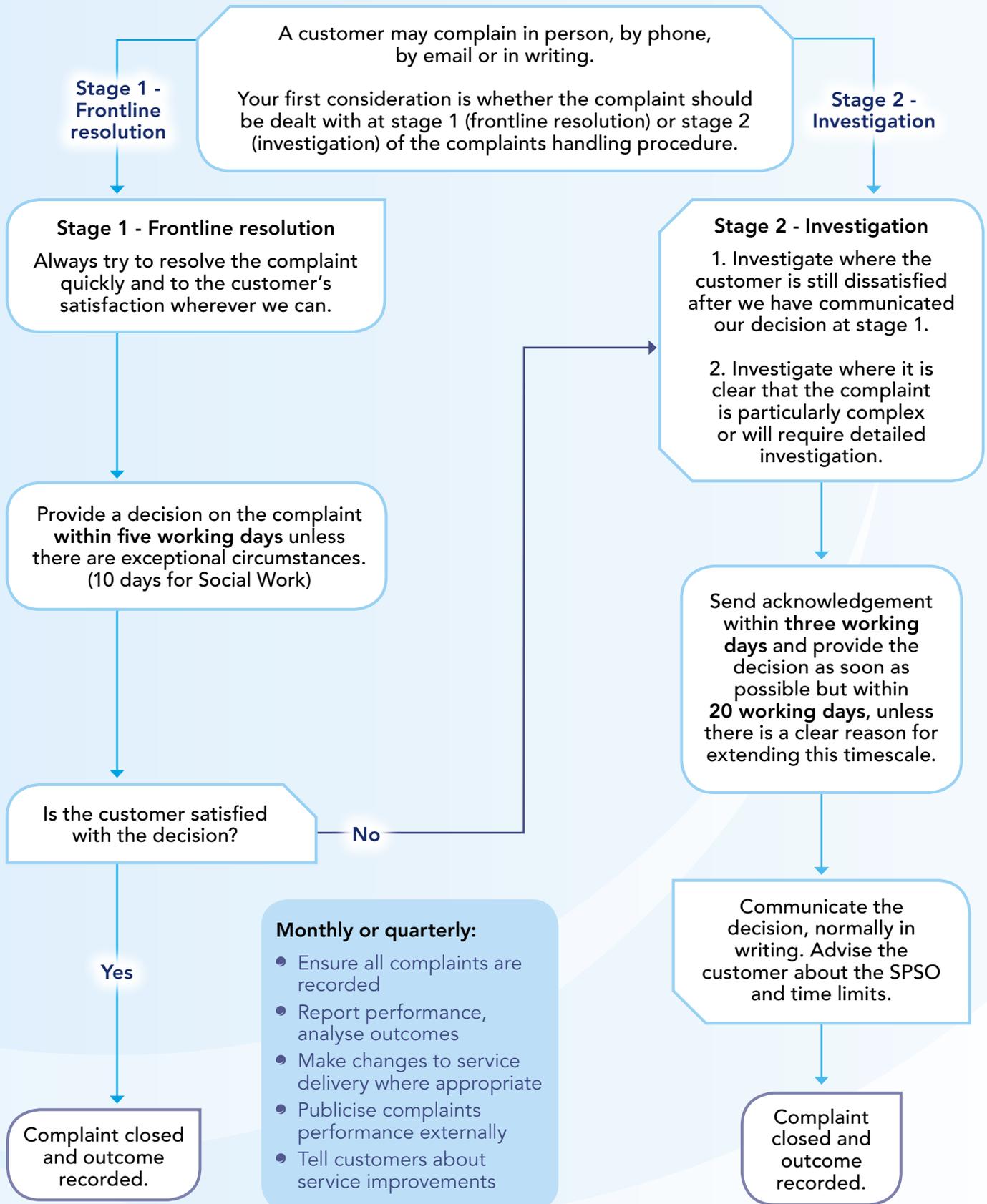
If everyone is willing, mediators will help to work towards a mutual agreement, either through a joint session or separately.

Mediation can help to improve communication and help clear up the misunderstandings that are often at the root of a dispute.

### How to make a referral

Use our online mediation referral form to make a request, or the Mediation Service can be contacted on **0141 584 2667** or **0141 584 2665**. The service is open **Monday to Thursday** from **8.45am to 4.45pm** and **Friday** from **8.45am to 4.15pm**. A message can be left outside of normal working hours. Or email [mediation.service@southlanarkshire.gov.uk](mailto:mediation.service@southlanarkshire.gov.uk) and they will respond to the enquiry within three working days.

# The complaints handling procedure



# Complaints handling procedure unacceptable actions policy

We believe that complainants have a right to be heard, understood, and respected. Occasionally, the behaviour or actions of individuals using our services makes it very difficult for us to deal with their complaint. In a small number of cases the actions become unacceptable because they involve abuse of our employees or our process.

When this happens we have to take action to protect our employees. We consider the impact of the behaviour on our ability to do our work and provide a service to others.

This Policy explains how we will approach these situations.

## What actions do we consider to be unacceptable?

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to the council. We do not view behaviour as unacceptable just because a complainant is forceful or determined. However, we do consider actions that result in unreasonable demands on the council or unreasonable behaviour towards our employees to be unacceptable. It is these actions that we aim to manage under this Policy.

## Aggressive or abusive behaviour

We understand that many complainants are angry about the issues they have raised in their complaint. If that anger escalates into aggression towards council employees, we consider that unacceptable. Any violence or abuse towards employees will not be accepted.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause employees to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness. We also consider inflammatory statements and unsubstantiated allegations to be abusive behaviour.

## Unreasonable demands

A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on the work of the council. Examples of this include:

- repeatedly demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular employee when that is not possible
- repeatedly changing the substance of a complaint or raising unrelated concerns

An example of such an impact would be that the demand takes up an excessive amount of employees' time and in doing so disadvantages other complainants and customers of the council.

## Unreasonable levels of contact

Sometimes the volume and duration of contact made to the council by an individual causes problems. This can occur over a short period, for example, a number of calls in one day or one hour. It may occur over the lifespan of a complaint when a complainant repeatedly makes long telephone calls to the council or inundates the council with copies of information that has been sent already or that is irrelevant to the complaint. We consider that the level of contact has become unacceptable when the amount of time spent talking to a complainant on the telephone, or in person at our offices, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deal with that complaint, or with other people's complaints or with other customers of the council.

## Unreasonable use of the complaints process

Individuals with complaints about the council have the right to pursue their concerns through a range of means. They also have the right to complain more than once about an organisation with which they have a continuing relationship, if subsequent incidents occur. However, this contact becomes unreasonable when the effect of the repeated complaints is to harass, or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision. We consider access to a complaints system to be important, and it will only be in exceptional circumstances that we would consider such repeated use is unacceptable – but we reserve the right to do so in those exceptional cases.

## Examples of how we manage aggressive or abusive behaviour

The threat or use of physical violence, verbal abuse or harassment towards council employees is likely to result in a termination of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened. We will not accept any correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. We will tell the complainant that we consider their language offensive, unnecessary and unhelpful and ask them to stop using such language. We will state that we will not respond to their correspondence if the action or behaviour continues.

Employees will end telephone calls or ask the complainant to leave the office if they consider them to be aggressive, abusive, or offensive. They have the right to make the decision, to tell the complainant that their behaviour is unacceptable and end the call or ask them to leave if the behaviour persists. In extreme situations, the council will tell the complainant in writing that their name is on a

‘no personal contact’ list. This means that we will limit contact with them to either written communication or through a third party.

## Examples of how we deal with other categories of unreasonable behaviour

We have to take action when unreasonable behaviour impairs the functioning of our services. We aim to do this in a way that allows a complaint to progress through our process. We will try to ensure that any action we take is the minimum required to solve the problem, taking into account relevant personal circumstances including the seriousness of the complaint and the needs of the individual.

## Actions we may take

Where a complainant repeatedly phones, visits our offices, raises repeated issues, or sends large numbers of documents where their relevance isn't clear, we may decide to:

- limit contact to telephone calls from the complainant at set times on set days
- restrict contact to a single, named council employee who will deal with future calls or correspondence from the complainant
- see the complainant by appointment only
- restrict contact from the complainant to writing only
- return any documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed
- take any other action that we consider appropriate

Where we consider continued correspondence on a wide range of issues to be excessive, we may tell the complainant that only a certain number of issues will be considered in a given period and we ask them to limit or focus their requests accordingly. In exceptional cases, we reserve the right to refuse to consider a complaint or future complaints from an individual. We will take into account the impact on the individual and also whether there would be a broader public interest in considering the complaint further. We will always tell the complainant what action we are taking and why.

### The process we follow to make decisions about unreasonable behaviour

Any council employee who directly experiences aggressive or abusive behaviour from a complainant has the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy. With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the council are only taken after careful consideration of the situation by a more senior employee. Wherever possible, we will give a complainant the opportunity to change their behaviour or action before a decision is taken.

### How we let people know we have made this decision

When a council employee makes an immediate decision in response to aggressive or abusive behaviour, the complainant is advised at the time of the incident. When a decision has been made by senior management, a complainant will always be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place. This ensures that the complainant has a record of the decision.

<sup>1</sup> this can be supplemented if written communication is not the most appropriate form for the individual

### The process for appealing a decision to restrict contact

It is important that a decision can be reconsidered. A complainant can appeal a decision to restrict contact. If they do this, we will only consider arguments that relate to the restriction and not to either the complaint made to us or to our decision to close a complaint. An appeal could include, for example, a complainant saying that: their actions were wrongly identified as unacceptable; the restrictions were disproportionate; or that they will adversely impact on the individual because of personal circumstances.

A senior manager who was not involved in the original decision will consider the appeal. They have discretion to quash or vary the restriction as they think best. They will make their decision based on the evidence available to them. They must advise the complainant in writing<sup>1</sup> that either the restricted contact arrangements still apply or a different course of action has been agreed.

### How we record and review a decision to restrict contact

We record all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records. A decision to restrict complainant contact as described above may be reconsidered if the complainant demonstrates a more acceptable approach. A member of the senior management team reviews the status of all complainants with restricted contact arrangements on a regular basis.

## Policy availability and review

Copies of this policy are available for free, online and on request from South Lanarkshire Council. This policy is reviewed on a regular basis to make sure that its aims are being achieved.

### If you need further information about this policy, please contact us:

Phone: 0303 123 1015

Fax: 01698 454637

Email: [customer.services@southlanarkshire.gov.uk](mailto:customer.services@southlanarkshire.gov.uk)

In writing: Freepost RSGJ-EYAE-EGBC,  
CSC, South Lanarkshire Council,  
45 John Street, Blantyre,  
Glasgow G72 0JG

### Customer Service Centre opening hours:

Monday to Friday 8am to 6pm

If you need this information in another language or format,  
please contact us to discuss how we can best meet your needs.

Phone: 0303 123 1015

Email: [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)

[www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)



writing



phone



minicom



email



internet