

Social Work Complaints Handling Procedure

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Chief Executive Foreword

This complaints handling procedure reflects Moray Council's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure has been developed by social work experts and third sector organisations working closely with the Scottish Public Services Ombudsman (SPSO). This procedure has been developed specifically for our social work services, so that staff has all the information they need to handle social work complaints effectively. The procedural elements tie in very closely with those of the Council's own corporate and National Health Service (NHS) complaints handling procedures, so where complaints cut across services, they can still be handled in much the same way as other complaints.

As far as is possible we have produced a standard approach to handling complaints across local government and the NHS, which complies with the SPSO's guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time.' We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

Good complaints handling includes providing joint responses to complaints whenever they relate to more than one service. This procedure gives our staff information and guidance on how and when to do this, to ensure that our customers get a comprehensive response to their complaints whenever this is possible.

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems we may otherwise miss to allow us to learn and improve.

Resolving complaints early creates better customer relations. 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.

The complaints handling procedure will help us do our job better, improve relationships with our customers and enhance public perception of Moray Council. It will help us keep the customer at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

The Social Work Complaints Handling Procedure

Introduction

This document provides a full description of complaints procedures in relation to Social Work complaints regarding employees of or services delivered by Moray Council.

The SPSO Social Work Model Complaints Handling Procedure (SWMCHP) was published on 15 December 2016 under section 16B of the Scottish Public Services Ombudsman (SPSO) Act 2002 (as amended by the Public Services Reform (Scotland) Act 2010). Under section 16C of said Act, the SPSO has notified all relevant authorities in Scotland that the SWMCHP applies to them with effect from 1 April 2017. This applies to all organisations under the SPSO's jurisdiction that deliver social work services.

Changes to social work complaint handling have been brought about through the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016. Consequently these procedures apply to complaints about Social work Services that fall within the scope of this order. These changes include provision for the SPSO to consider the merits of social work decisions as part of their independent investigation of complaints.

The order repeals the Social Work (Scotland) Act 1968 Section 5B as amended by NHS and Community Care Act 1990 Section 52, the Social Work (Representations Procedure) (Scotland) Order 1990 and Circular SWSG5/1996 that provided Directions and Guidance for previous policy and procedures.

The Public Bodies (Joint Working) (Scotland) Act 2014 sets out the legislative framework for integrating health and social care, allowing Health Boards and Local Authorities to integrate health and social care services. On 1st April 2016, in Moray, the Health Board and Local Authority delegated the responsibility for adult health and social care services to the Moray Integration Joint Board (IJB).

The Moray Integration Joint Board, plans for and oversees delivery of health and social care services that are delivered for it by Moray Council and Grampian Health Board's Health and Social Care Moray workforce.

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.

Responsibility for service delivery is defined below:

Service	Area of Responsibility
Health and Social Care Moray	Social work services for adults 18 years and over.
Education and Social Care Integrated Children's Services	Social work services for all children and young people under the age of 18 yrs. Through-care/aftercare services for those aged 18 – 24 yrs

ABOUT COMPLAINTS

What is a Complaint?

Our definition of a complaint is: 'An expression of dissatisfaction by one or more members of the public about the Social Work Service's action or lack of action or about the standard of service provided by and on behalf of the social work service'.

Any complaints about other services will be handled under the Moray Councils standard CHP.

What can a member of the public or their representative complain about?

A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure of administrative processes
- delays in service provision
- treatment by or attitude of a member of staff
- disagreement with a decision made in relation to social work services.

What can't they complain about?

A complaint is not:

- a routine first-time request for a service
- a claim for compensation only
- a disagreement with decisions or conditions that are based upon social work recommendations, but determined by a court or other statutory body, for example decisions made by a children's panel, parole board or mental health tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

Who can complain?

Anyone who receives, requests, or is affected by our social work services can make a complaint. This is not restricted to 'service users' and their relatives or representatives, but may also include people who come into contact with or are affected by these services, for example people who live in close proximity to a social work service provision, such as a care home or day centre. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

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.

How can they complain?

A complaint can be made in person, by phone, by e-mail, in writing or on-line through the Council's website at:

complaintsadmin@moray.gov.uk

They can speak directly to a social worker or a member of staff in our local social work office;

Contact us on 01346 08 12 07;

When complaining they should tell us:

- full name and contact details;
- as much as they can about the complaint;
- what has gone wrong; and
- how they expect us to resolve the matter.
- How long do they have to make a complaint?

Normally, a complaint must be made within six months of: the event they want to complain about; or finding out that they have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If they feel the time limit should not apply to their complaint, they can tell us why and advise us of their complaint.

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.

Contact details for the Care Inspectorate can be found on their website:

www.careinspectorate.com/

Or:

telephone 0845 600 9527

fax 01382 207 289

complete an online complaints form at www.careinspectorate.com/ or email 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 services

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

Tel: 0800 389 6809 (service users and carers only)

Website: www.mwscot.org.uk

The Children's Commissioner:

Email: inbox@cymps.org.uk

Tel: 0800 019 1179

Website: www.cycps.org.uk

The Scottish Social Services Council:

Email: via their website

Tel: 0345 60 30 891

Website: 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 *Moray Council's data protection/ information service*. Any correspondence they have received from *Moray Council and our Health & Social Care Partnership* will also specify the next steps to take if there are ongoing concerns, including signposting to the Information Commissioner:

Email: scotland@ico.org.uk

Tel: 0131 244 9001

Website: 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.

Getting help to make the complaint / Mandates

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to ensure that all customers can access our services. A mandate may be required to allow us to fully progress a complaint enquiry. The complaint will still be recorded and enquiry commenced whilst the mandate is being sought.

Complaints about Social Work Services

All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Therefore we understand that they may be unable, or reluctant, to make a complaint themselves and customers may need independent support to overcome these barriers to accessing the complaints system.

We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if they have given them consent to complain for them.

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.

Scottish Independent Advocacy Alliance

Tel: 0131 524 1975

Fax: 0131 550 9819

Website: www.siaa.org.uk

Customers who do not have English as a first language, including British Sign Language users, may need help with interpretation and translation services. Other customers may need other forms of communication support, including documents written in accessible language such as easy read format.

Some may need support workers or advocates to help them understand their rights, and help them to communicate their complaints. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If they have trouble putting their complaint in writing, or want this information in another language or format, such as large font, or Braille, they can let us know and we will help. If they have trouble putting their complaint in writing they can tell us in person, email us at complaintsadmin@moray.gov.uk

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 handle it through the CHP. 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, you should record the complaint 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.

Can a complaint be withdrawn?

Yes. Usually this will terminate an investigation but not always. It may be necessary for us to continue to consider any issues raised to ensure the quality of the service provided or for child protection reasons.

Can we receive an anonymous complaint?

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. The details of the complaint and decision not to pursue it must be recorded on the complaints database.

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

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.

Complaints about Senior Management

The Chief Executive will delegate such complaints to a Corporate Director or the Complaints Officer.

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, we may consider using services such as mediation or conciliation using suitably trained and qualified mediators 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 Moray Council and the customer agree to mediation, revised timescales will need to be agreed.

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 Integration Joint Boards. 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 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 sets out how cross-service complaints should be handled. The introductory text is different for retained and delegated services. The subsequent procedure is the same for both.

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 another department within Moray Council, or provided by another organisation, such as an Integration Joint Board, 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 another department within Moray 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, e.g. 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 Moray 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 Moray Council, unless there is good reason why this would not be appropriate. However, Moray 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 organisation].

Where services are commissioned on behalf of Moray 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 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 Moray Council must still comply with this CHP.

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, and
- 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

Details of complaints 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 should be reported regularly (and at least quarterly) to our senior management team.

Senior Management review/Learning from complaints

At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the customer and staff of the department 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 where possible
- record the details of corrective action in the complaints file, and
- 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 completed
- 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 Moray Council staff learns from complaints.

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 complaint and key performance details, for example on the time taken and the stage at which complaints were resolved.

Managing unacceptable behaviour

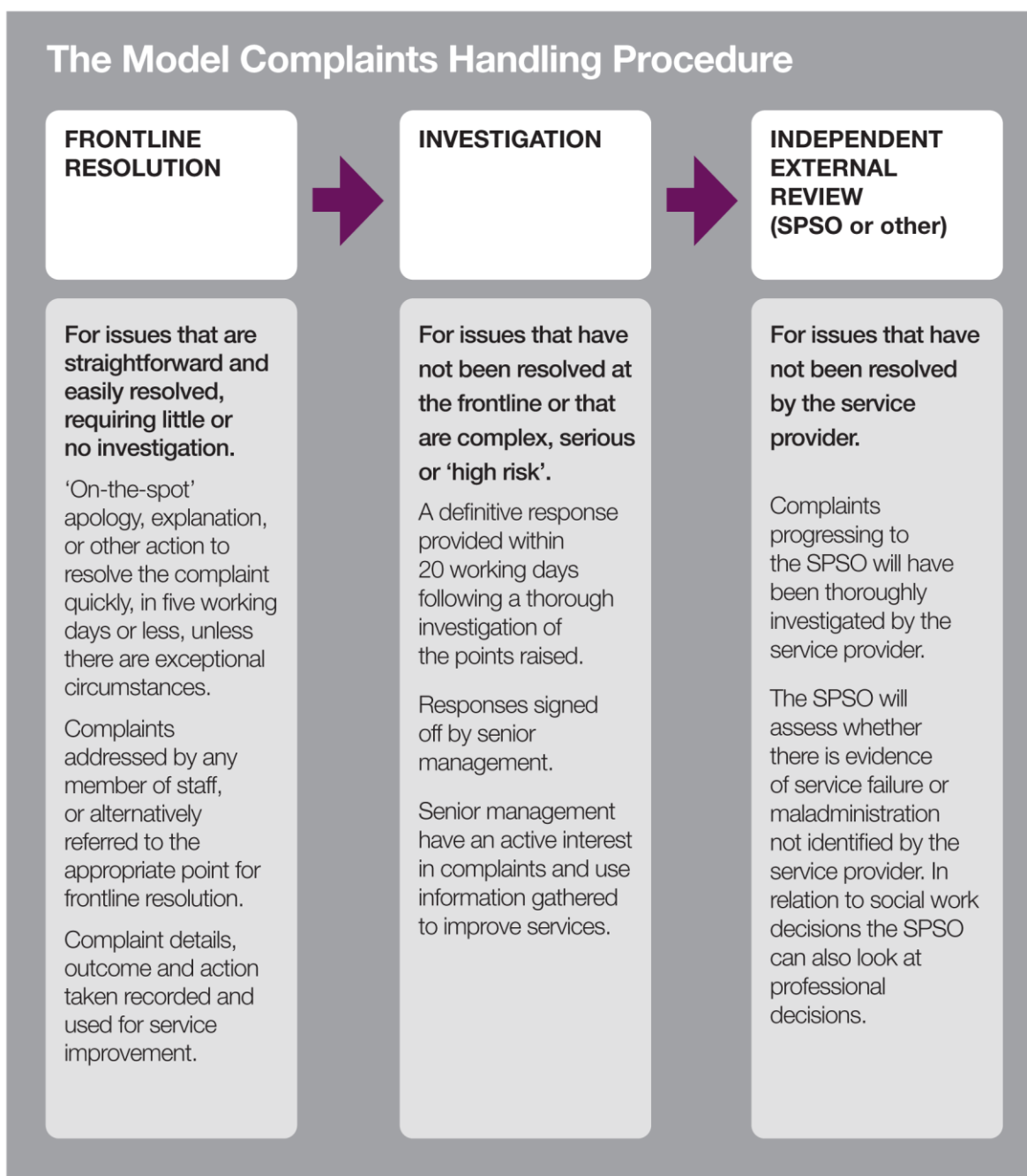
People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance. We do not consider assertive behaviour as unacceptable; however, we will not tolerate abusive behaviour or acts of harassment towards staff, verbal or otherwise.

Depending on the form of unacceptable conduct, appropriate action will be taken. This may mean that we refuse to investigate a complaint where we consider either the complaint itself to be unacceptable or the person making the complaint's behaviour to be unacceptable. In such cases, we will inform the person making the complaint of any decision in writing.

Section A: A Quick CHP Guide

This policy aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints handling procedure (CHP) provides two opportunities to resolve complaints internally: **frontline resolution** and **investigation**.



What we will do when we receive a complaint

Stage 1: Frontline Resolution

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage; if the member of staff receiving the complaint is not able to provide a response, then it should be referred on to a more appropriate member of staff.

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 face-to-face discussion with the service user, or asking an appropriate member of staff to handle the complaint.

Complaints may be made in writing, in person, by phone, by email or having someone complain on their behalf. We must always consider frontline resolution, regardless of how we have received the complaint.

Where a social work complaint relates to two or more services provided by us, these services will work together to resolve the complaint. A decision will be taken by the Head of Service¹ (HofS) as to which service will lead on the enquiry and provide the joint response for all services involved. That decision will be recorded by the relevant administrator on the complaints database. Frontline resolution complaints will be dealt with as follows:

- On receiving a complaint, the HofS or staff member must decide if the issue can be defined as a complaint as previously detailed. The service user may express dissatisfaction about more than one issue. This may mean that we treat one part as a complaint, while directing the service user to pursue another part through an alternative route.
- Once it has been identified as a frontline resolution complaint, the relevant administrator will record the details on the complaints database at the earliest opportunity. The date of receipt is always 'day one', regardless of when a complaint is recorded.
- The HofS or staff member will decide whether or not the complaint is suitable for frontline resolution and may allocate the complaint to an enquiry officer. Some complaints may identify the need for more extensive investigation before we can give the service user a suitable response and these must be immediately escalated to the investigation stage.
- Where frontline resolution is considered appropriate, we will consider four key questions:

¹ Health and Social Care Moray – Head of Adult Health and Social Care
Education and Social Care – Head of Integrated Children's Services

- What exactly is the service user's complaint?
 - What outcome does the service user want to achieve by complaining?
 - Can we achieve this, or explain why not?
 - If we cannot resolve this, who can help with frontline resolution?
-
- Frontline resolution must be completed within five working days, although in practice we should aim to resolve the complaint much sooner. It is important that we respond to the service user within five working days, either resolving the matter or explaining that their complaint will need to move to the investigation.
 - In exceptional circumstances, where there are clear and justified reasons for doing so, the HofS may agree an extension of 10 working days allowing up to 15 working days to resolve the complaint. This must only happen when an extension will make it more likely that the complaint will be resolved at frontline resolution.
 - For integrated service complaints that include an NHS complaint aspect, the HofS may agree an extension of up to 5 working days. This will ensure that it aligns with NHS policy as they are only permitted to extend their frontline resolution by up to five working days. This will allow 10 working days to resolve a council/NHS enquiry.
 - The HofS will advise their administrator of any authorised extension, the period of extension and the reasons for it. The administrator will record this on the complaints database.
 - The proportion of complaints that exceed the five working days timeline will be evident from reported statistics, and should be kept to a minimum.
 - When we inform the service user of the complaint outcome, we are not obliged to write to them, although in some instances it may be appropriate to do so. We must ensure that the response we provide addresses all complaint issues and that we advise the service user what to do if they remain dissatisfied.
 - The enquiry officer should advise the relevant HofS and administrator of the service user update so that a full and accurate record can be added to the complaints database.
 - Where a previously closed complaint is escalated from frontline resolution to investigation, the administrator should reopen the complaint on the complaints database and update it accordingly.
 - SPSO recommendations and actions taken will be reported by the Complaints Officer to Audit and Scrutiny Committee.

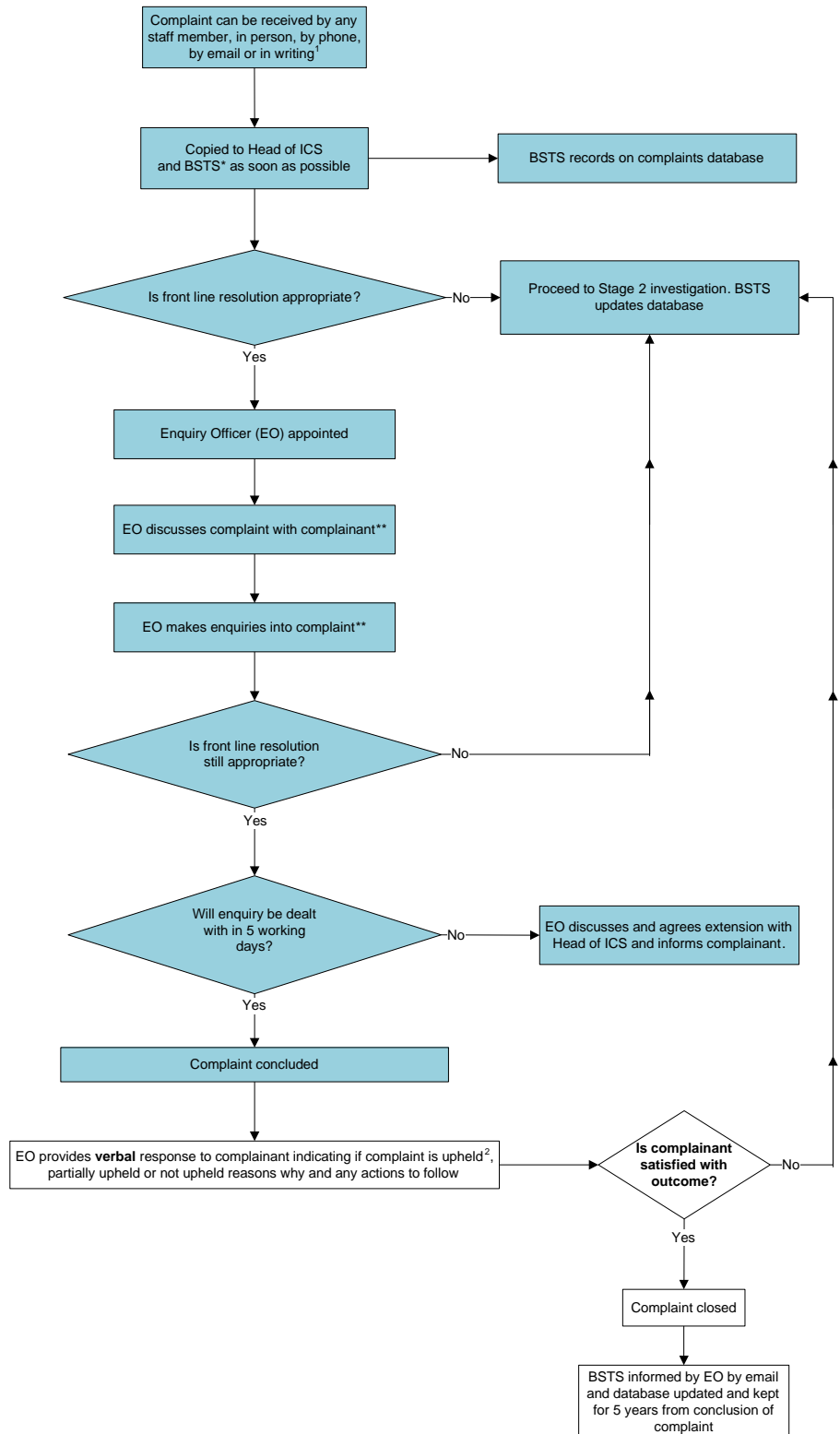
Quick guide to frontline resolution – Education and Social Care Integrated Children’s Services

ICS Complaints Procedure Stage 1 Front Line Resolution

To be completed within
5 days

OR

15 days if extension
agreed (Council)
10 days if extension
agreed (Council/NHS)



* Business Support Team Secretary

** Summary notes of discussion should be typed up and emailed to BSTS to attached to complaints data base along with concluding email

¹ Initial complaint must relate to an issue which has taken place within 6 months of making complaint unless extenuating circumstances

² Initial complaint can be upheld or not upheld. Two or more complaints considered at the same time can be not upheld, upheld or partially when not all aspects of the complaint are upheld

Stage 2: Investigation

Not all complaints will be suitable for frontline resolution or 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 state our position. These complaints may 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 service user a full, objective and proportionate response that represents our final position.

- On receiving a complaint, the HofS or staff member must decide if the issue can be defined as a complaint as detailed at point 8 in Section B. The service user may express dissatisfaction about more than one issue. This may mean that we treat one part as a complaint, while directing the service user to pursue another part through an alternative route.
- Once the HofS or staff member has identified it as an investigation, the administrator will record details of the complaint and the appointed enquiry officer on the complaints database. The administrator will acknowledge the complaint within three working days, day one being the date of receipt.
- Where investigation is considered appropriate we will consider four key questions:
 - What exactly is the service user's complaint?
 - What outcome does the service user want to achieve by complaining?
 - Can we achieve this, or explain why not?
 - If we cannot resolve this, who can help with investigation?
- The enquiry officer will make contact with the complainant to clarify complaint issues and manage their expectations. They will prepare a draft response covering all complaint issues for authorisation by the HofS as soon as possible but not later than 20 working days from date of receipt of the complaint.
- Not all investigations will meet this deadline. In exceptional circumstances, where there are clear and justified reasons for doing so, the HofS may agree a further period of extension. The enquiry officer must update the service user giving the reasons for the extension and the extended date for a final response. They must also advise the administrator who will update the complaints database.
- Where it has been necessary to request a written mandate for a representative to make a complaint on behalf of a client, enquiry will still take place whilst awaiting the signed mandate from the authorised representative.
- The HofS must let the service user know the final outcome of the investigation, in writing or by their preferred method of contact. The final outcome will address all of the complaint issues raised with supporting reasons given for all decisions made. It will also inform the service user, if they remain dissatisfied, of their right to refer their complaint to the SPSO.

- The HofS will update their administrator of the final outcome who will input this on the complaints database.
- To ensure consistency in final responses for this stage, the concluding paragraph will as detailed below:

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 failure and maladministration (administrative fault), and the way we have handled the complaint. In relation to social work decisions, they can also look at professional judgement.

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about local councils and the NHS in Scotland. If you remain dissatisfied when you have had a final response from Moray Council, 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:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

FREEPOST SPSO

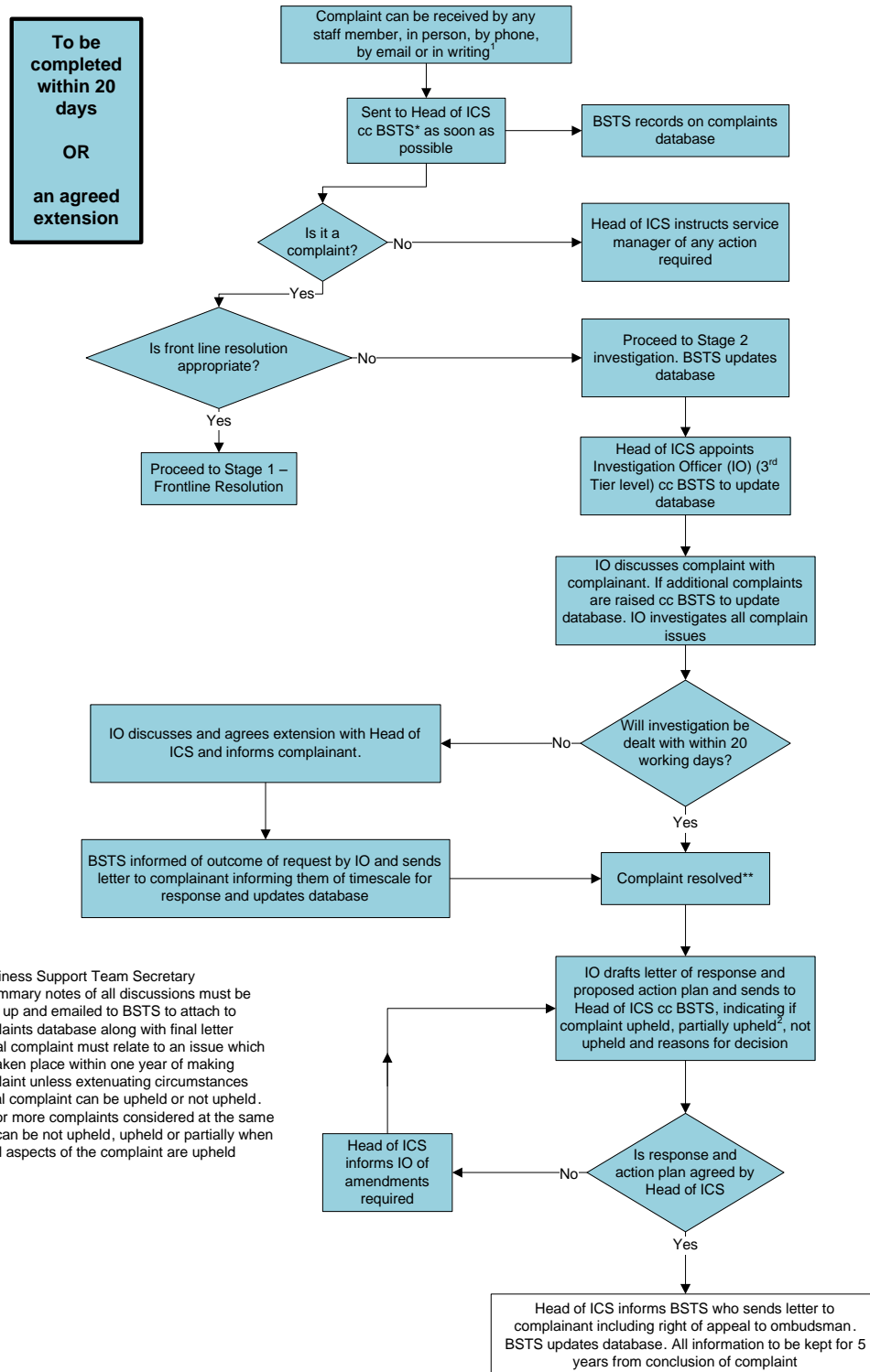
Freephone: 0800 377 7330

E-mail contact: ask@spsso.org.uk

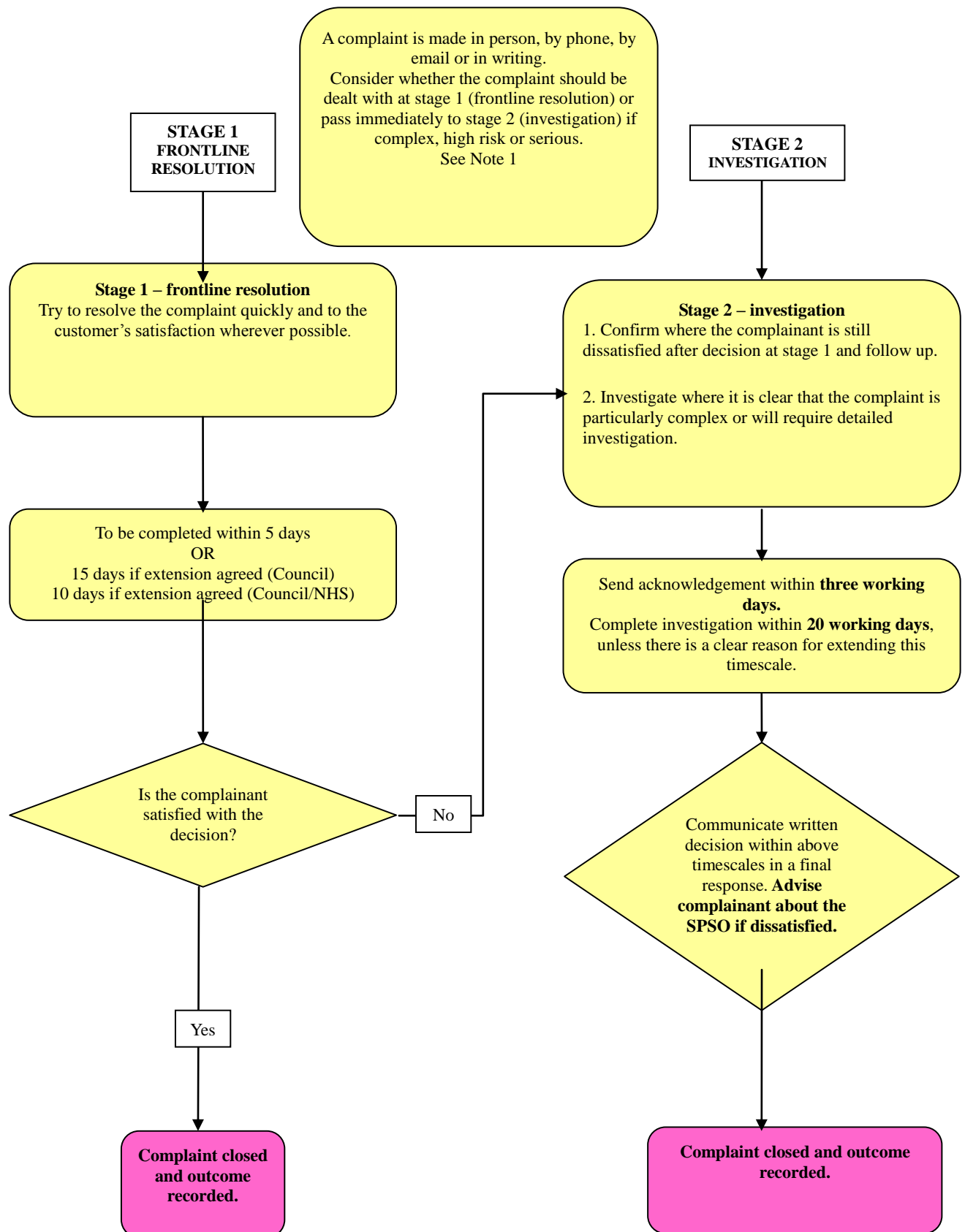
Website: www.spsso.org.uk

Quick guide to investigation - Education and Social Care Integrated Children's Services

ICS Complaints Procedure Stage 2 - Investigation



Complaints handling procedure - Health and Social Care Moray



External Bodies

SPSO

Where a complainant remains dissatisfied with the outcome of their complaint, they may refer it to the Scottish Public Services Ombudsman (SPSO) after it has fully completed stages 1 and 2 outlined above. The information contained in the above paragraph will be included in every stage two decision letter, as noted above. When we are notified by the SPSO that they have received a complaint for review, the relevant admin will update the complaints database to incorporate this information on that complaint's initial e-Form.

Integration Joint Board (IJB) Complaints

Integration Joint Boards provide strategic direction for health and social care services. The SPSO requires them to have a separate complaints handling policy for handling complaints about their functions. Such complaints will not be dealt with in terms of the Social Work Policy.

Section B: Roles and Responsibilities

1. **Chief Executive/Chief Officer** – The Chief Executive or (for Health and Social Care Moray) Chief Officer of Moray Integration Joint Board, 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 complaints we receive. The Chief Executive/Chief Officer may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to senior staff. Regular management reports assure the Chief Executive/Chief Officer of the quality of complaints performance.
2. **Chief Social Worker Officer (CSWO)** – They have an important role in the consideration of complaints information and on occasions, the content of individual or joint complaints. Their role is the effective governance of social work services and monitoring these arrangements includes complaints about social work services. They should also take account of complaints information in fulfilling their obligations to promote continuous improvement and best practice. Furthermore they or their delegated officers may have specific interest in complaints relating to individuals for whom they have decision-making responsibilities.

Their advice should be sought on:

- anonymous complaints
 - complaints made on behalf of a group of service users
 - a complaint from an organised campaign
 - abusive or threatening complainants
 - persistent or vexatious complainants
 - an apparent duplicate complaint
3. **Corporate Directors** – On the Chief Executive's behalf, Corporate Directors may 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.

They may also be responsible for preparing and signing off decisions for service users, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. However, Corporate Directors may decide to delegate some elements of complaint handling (such as investigating and the drafting of response letters) to other senior staff. Where this happens, Corporate

Directors should retain ownership and accountability for the management and reporting of complaints.

4. **Heads of Service (HofS)** – Heads of Service will be involved in the operational assessment, investigation and management of complaint handling. As senior officers they are responsible for preparing and signing decision letters to service users, so should be satisfied that the investigation is complete and their response addresses all aspects of the complaint. They should ensure that all staff are briefed on how to deal with minor frontline complaints, made at the point of service.
5. **Enquiry Officers (EO)** – They are responsible and accountable for the management of the investigation. They will be involved in the investigation and in co-ordinating all aspects of the response to the service user. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across Moray Council. They may take the lead in an integrated service complaint enquiry, will be responsible for liaison with other agencies and providing the collated response to the service user.
6. **Complaints Officer** – They will carry out the SPSO liaison officer role. This will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on Moray Council's behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented. They will provide assistance to the Chief Executive, Corporate Directors, CSWO, Heads of Service and Enquiry Officers on complaint handling matters. This may entail carrying out the sole role of enquiry officer or working with another enquiry officer.
7. **Administrator** – They are responsible for the day to day administration of the complaints database for their service, providing sufficient recording information and updates.
8. **An integrated service complaint** is an expression of dissatisfaction by one or more members of the public about NHS Grampian and the Social Work service's action or lack of action or about the standard of service provided by or on behalf of Moray Integration Joint Board.
9. **A complainant** is any person who submits a complaint. A complainant may be a service user, authorised representative or any other person with an interest. (This list is not exhaustive.)
10. **A service user** is a person, including a person under the age of 16:
 - for whom the Department provides a service either directly or indirectly.
 - whose request for such a service has been refused by the Department.

- whose need or possible need for a service, which the Department has a power or a duty to provide, has come to the Authority's attention.
11. **An authorised representative** is a person with a statutory entitlement, or an explicit mandate in writing to complain on behalf of a service user including:
- a) For service users under the age of 16:
 - A person with parental rights in respect of a child
 - b) A person duly appointed under the Adults with Incapacity (Scotland) Act 2000 as an attorney, intervenor or guardian with specific power to act as a representative.
 - c)
 - d) Any other person with a written mandate to represent a service user re: the complaint.
12. **All Staff** – Persons employed by the service department or by a third party providing services to clients on its behalf, or other Moray Council staff designated to receive complaints on behalf of the department. All staff are empowered to resolve minor complaints themselves, at the point of service. They must ensure that they inform their complaint administrator so that the complaint and their actions are formally recorded.
13. Though not an exhaustive list, a **social work complaint** would normally arise from:
- a) Failure or refusal to provide a service
 - b) Inadequate quality or standard of service
 - c) Dissatisfaction with our policy or its impact on the individual
 - d) Failure to properly apply the law, procedure or guidance when delivering services
 - e) Failure of administrative process
 - f) Delays in service provision
 - g) Treatment by or attitude of a member of staff
 - h) Disagreement with a decision made in relation to social work services.
14. Complaints may be made by an individual service user or authorised representative.
15. Social work complaints procedure should **not** be initiated in the following circumstances:
- a) Matters pursued through legal action are not considered under the statutory procedures and will not be determined through them. This would include criminal acts.

- b) The subject of the complaint is itself a matter determined by a judicial body (e.g. a children's hearing). The complainant should be referred back to the judicial body unless the complaint refers to the Department's application of the decision.
- c) The complaint involves allegations of a serious nature against staff, and where the outcome of the complaint investigation leads to a potential investigation under Disciplinary Procedures. Aspects of the complaint may still be dealt with in accordance with the CHP and the complainant advised that individual actions of staff, may be addressed through HR procedures.
- d) The issue of the complaint concerns the behaviour of an individual who is neither employed by the Department nor employed by a third party contracted to provide services on behalf of the Department, nor in receipt of payment from the Department to provide a service.

16. The procedure is also **not** an appropriate process for:

- a) Campaigns for new or amended services, or increased resources for groups of service users or potential service users.
- b) Challenges about legislation or judicial decisions underpinning service delivery.
- c) Bringing allegations of criminal behaviour to the attention of the Department.
- d) Applying for compensation or damages arising from alleged actions or inaction by the Department.

Section C: Core Principles of the Complaints Process

1. All staff should be trained in complaint handling and be familiar with these complaints procedures.
2. All complaints should be acted upon.
3. Complaints may be submitted: in person, by telephone, in writing via letter, fax, e-mail or other electronic format. Social media is excluded from this.
4. Staff should facilitate access to the complaints procedure for service users who are expressing dissatisfaction with services.
5. Complaints should be resolved as close to the point of service delivery as possible.
6. Complaint leaflets should be available online and in all Social Work service units and offices and in all facilities where social work services are

provided under contract to the department. Complaint leaflets should also be distributed to all local groups who represent service users, particularly providers of independent advocacy.

7. Where the complainant has difficulty in communicating, in accessing or comprehending written information, staff should consider the need for representation or assistance in making a complaint.
8. Complaints should be dealt with quickly. Response times for either stage should be taken as the maximum, not the standard, period for response. The reason for any extension to the complaint period should be authorised and explained to the complainant.
9. On receipt of any complaint, the details should be logged on the complaints database by the relevant administrator. All complaints should be recorded, even if the complaint is withdrawn. Outcomes should be monitored and identified service deficiencies improved upon.
10. In dealing with complaints, enquiry officers should avoid delay, maintain confidentiality and keep the complainant and their administrator regularly updated.
11. Complainants should be reassured that their complaint will be treated in confidence and without prejudice to their future service delivery.
12. No officer should be involved in investigating a complaint relating to their own behaviour.
13. Where necessary or where requested by the complainant the investigation can involve a meeting.
14. Unless the complainant has withdrawn the complaint, all complaints should culminate in a full record of action taken on the complaints database. Related documentation can be referenced instead of being added to the complaints database.
15. Responses should address all issues raised by the complainant in the original complaint and during the course of the investigation.
16. Where the complaint has been upheld or partially upheld, formal responses should include an apology and how we will rectify the issues raised.
17. All investigation responses will conclude by advising the complainant of their right to proceed to the SPSO, should they remain dissatisfied.

Section D: Non-standard Complaints/Complaint Issues

Whilst Section B of this document deals with processes for the most common types of complaints, this section deals with complaints arising from more unusual sources or circumstances requiring special attention or varied responses.

Representatives and Advocates

1. On receipt of a complaint from a complainant who is not the service user, staff must consider:
 - a) Are they an authorised representative of the service user? If so, the complaint should be dealt with.
 - b) If the complainant is neither a service user nor authorised representative but it appears that they nevertheless wish to make a complaint on their own behalf, the matter should be referred to the HofS.
 - c) If they claim to be an authorised representative but they are unable or unwilling to provide satisfactory evidence (e.g. a written mandate), the matter should be referred to the HofS who will determine how the complaint is to be handled.

2. On receipt of a complaint from a solicitor or other legal representative staff should ascertain:
 - a) Is the complaint being made in the context of legal action against the Department? If so, the complaints procedure must be suspended pending the outcome of legal action and correspondence should be referred by the CSWO to the Head of Legal & Democratic Services who will advise the complainant as to procedures in place. This must be recorded on the complaints database.
 - b) Is the complainant simply representing the service user in relation to a complaint? If so, staff should write to the complainant requesting a written mandate from the service user before proceeding unless (c) below applies.
 - c) Is the complainant known to have represented the service user in past dealings with the Department? If so, a mandate will not be necessary.

3. On receipt of correspondence or verbal contact from an elected member concerning an issue of service delivery to an individual service user, the CSWO should:
 - a) Clarify with the elected member, if necessary, whether the matter in question is an enquiry, requiring only a response to the elected member, or an enquiry about a complaint on behalf of a service

user requiring a response to both the elected member and service user.

- b) Unless otherwise indicated, treat the matter as an investigation complaint requiring an acknowledgement to the elected member within three working days and a response in writing to the complainant within 20 working days with a copy to the elected member.

Disclosure of Confidential Information

1. Occasionally, it may not be possible to investigate fully or respond to a complaint without disclosing confidential information which:
 - a) Relates to a third party who has not consented to disclosure
 - b) Is sensitive information relating to the service user and cannot be disclosed to the authorised representative
 - c) May cause serious harm to the service user or another person if disclosed
 - d) Have implications for the prevention, detection or prosecution of a crime.
2. In such circumstances, the investigating officer should make every effort to proceed with the complaint investigation by:
 - a) Seeking the permission of third parties to disclose information to the complainant or their representative
 - b) Seeking the explicit permission of the service user to disclose sensitive information to the authorised representative
 - c) Explaining the difficulties to the complainant and seeking her/his agreement to deal with the complaint within the imposed limits of confidentiality.

Complaints by Children

1. Due to their vulnerability, special considerations apply to complaints made by children including those who are looked after & accommodated by the local authority or by another organisation under contract.
2. When a complaint is received by a young person, a decision must be made by staff receiving the complaint (in consultation with the HofS) on the basis of issues in the complaint, as to whether the complaint should be dealt with through Child Protection Procedures or the complaints handling procedure.
3. Children are likely to require extra support and guidance to use the complaints procedure. The emphasis should be on problem solving in an open and trusting culture. The involvement of the Children and Young Person's Rights Worker and or referral to Who Cares? Scotland at an early stage can be helpful.

4. Complaints relating to issues that can be resolved by staff who work directly with those young people should be dealt with informally by the staff who received the complaint. These may be individual issues or collective concerns. These complaints should be recorded on the complaints database.
5. Where a frontline resolution cannot be achieved, or the young person is dissatisfied with the outcome, or expresses the wish to have the complaint dealt with through an investigation, they can:
 - a) Make a complaint within the formal procedures.
 - b) Raise concerns with another worker who can instigate the complaints procedure on the young person's behalf. This could be the Children and Young Person's Rights Worker, Who Cares? Scotland or ChildLine Scotland.
 - c) Raise concerns with another adult who can advocate on their behalf.
6. Children in out-of-area placements and secure care require particular assistance to voice complaints about the care and controls exercised over them. They should be given written information about the complaints procedure at their reviews and verbal reinforcement by their social worker on admission and at visits. They should be given access to a telephone to contact the Children and Young Person's Rights Worker or their own social worker if they wish to complain.

Fostering & Adoption

1. There is scope for three types of complaint in relation to foster care:
 - a) foster carers complaining on behalf of children
 - b) foster carers being complained about by children and
 - c) foster carers complaining about services they receive from social work services including the appropriate process.
2. Appeals against council decisions about Fostering and Adoption assessments / approvals are handled separately by a tripartite Fostering and Adoption Appeal Panel constituted independently from arrangements between Moray, Aberdeenshire and Aberdeen City. These must still be in line with the timescales for a complaint within the CHP.

Kinship Care Procedures

1. Applicants who's Kinship Carer Assessments are not approved have an avenue of appeal to the Head of Integrated Children's Services, Moray Council, High Street, Elgin, IV30 1BX. This to be made in writing, within 21 days of the date recorded within the written decision from the Placement Confirmation meeting.

2. Complaints regarding practice or the assessment/approval process should be dealt with via the Council's normal complaints procedure for Social Work matters and must still be in line with the timescales for a complaint within the CHP.

Complaints on Behalf of Adults with Incapacity

1. Where persons have been duly appointed under the Adults with Incapacity (Scotland) Act 2000, with specific power to act as a representative they will automatically be accorded the status of authorised representative in the context of complaints.
2. In other cases where a person seeks to represent an adult with incapacity, staff receiving the complaint will satisfy themselves as to the basis of authority by which that person seeks to act. Should there be any doubt the advice of the CSWO should be sought on a case-by-case basis.
3. Complaints such as these must still be dealt with in line with the timescales for a complaint within the CHP.

Complaints in respect of the Charging Policy Appeals

1. Complaints relating to charges and the charging policy should be escalated to investigation; following the outcome of the investigation if the service user or their representative is still dissatisfied then they should be advised to make a request to SPSO for further consideration.

APPENDIX 1: Useful Contacts

<p>Chief Executive's Office Moray Council High Street Elgin IV30 1BX complaintsadmin@moray.gov.uk 01343 563001</p>	<p>Chief Officer Health and Social Care Chief Executive's Office Moray Council High Street Elgin IV30 1BX 01343 563552</p>
<p>Complaints Against Councillors Head of Legal and Democratic Services The Moray Council High Street Elgin IV30 1BX 01343 543451</p>	<p>Corporate Director Education & Social Care Moray Council High Street Elgin IV30 1BX 01343 563530</p>
<p>Scottish Public Services Ombudsman 4 Melville Street Edinburgh EH3 7NS FREEPOST SPSO 0800 377 7330 ask@spsso.org.uk</p>	<p>Care Inspectorate (local office) Phoenix House 1 Wards Road Elgin IV30 1QL 01343 559890</p>
<p>Information Commissioner's Office – Scotland 45 Melville Street Edinburgh EH3 7HL 0131 244 9001 scotland@ico.org.uk</p>	<p>Public Standards Commissioner for Scotland 39 Drumsheugh Gardens Edinburgh EH3 7SW 0131 347 2890</p>
<p>Childline 0800 1111 NSPCC Weston House 42 Curtain Road London EC2A 3NH</p>	<p>Children & Young People's Rights Worker in Moray (Children 1st) Highfield House Annexe Northfield Terrace Elgin IV30 1NE 0800 169 4394</p>

If you need information from the Moray Council in a different language or format, such as Braille, audio tape or large print, please contact:

إذا كنتم في حاجة إلى معلومات من قبل مجلس موراي وتكون بلغة مختلفة أو على شكل مختلف مثل البراي، أسطوانة أوديو أو أن تكون مطبوعة باستعمال حروف غليظة فالرجاء الإتصال ب

Je pageidaujate tarnybos Moray tarybos teikiamą informaciją gauti kitokiu formatu, pvz., Brailio raštu, garso įrašų ar stambiu šriftu, kreipkitės:

Jeśli potrzebują Państwo informacji od Rady Okręgu Moray w innym formacie, takim jak alfabet Braille'a, kasety audio lub druk dużą czcionką, prosimy o kontakt:

Se necessitar de receber informações por parte do Concelho de Moray num formato diferente, como Braille, cassete áudio ou letras grandes, contacte:

Ja Jums vajadzīga informācija no Marejas domes (*Moray Council*) citā valodā vai formātā, piemēram, Braila rakstā, audio lentā vai lielā drukā, sazinieties ar:

اگر آپ کو مورے کونسل سے کسی دیگر زبان یا صورت میں معلومات درکار ہوں مثلاً "بریلے، آڈیو ٹیپ یا بڑے حروف، تو مہربانی فرما کر رابطہ فرمائیں:



Social Work Services, Moray Council, High Street, Elgin, IV30 1BX



Children: 01343 563165

Adults: 01343 567122



Children: ComplaintsCandF@moray.gov.uk

Adults: ComplaintsCC@moray.gov.uk