

## **Health & Social Care Partnership Board**

# **COMPLAINTS HANDLING PROCEDURE**

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**DRAFT September 2017**

# STENZEN CONTENTS

<b>FOREWORD</b>	1
<b>INTRODUCTION</b>	2
<b>ABOUT THE HSCP COMPLAINTS HANDLING PROCEDURE</b>	2
<b>WHAT IS A COMPLAINT?</b>	4
<b>WHO CAN MAKE A COMPLAINT</b>	4
<b>HANDLING ANONYMOUS COMPLAINTS</b>	4
<b>IF THE CUSTOMER DOES NOT WANT TO COMPLAIN</b>	5
<b>COMPLAINTS INVOLVING THE HEALTH &amp; SOCIAL CARE PARTNERSHIP BOARD OR MORE THAN ONE ORGANISATION</b>	5
<b>COMPLAINTS HANDLING PROCESS</b>	6
▪ Stage one: frontline resolution	7
▪ Stage two: investigation	9
▪ Independent external review	11
<b>GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE</b>	12
▪ Roles and responsibilities	12
▪ Complaints about senior staff	13
▪ Recording, reporting, learning and publicising	14
▪ Maintaining confidentiality	15
▪ Managing unacceptable behaviour	15
▪ Supporting the complainant	16
▪ Time limit for making complaints	16
<b>Appendix 1 - Timelines</b>	17
<b>Appendix 2 - The complaints handling procedure Flowchart</b>	21

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## FOREWORD

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The East Dunbartonshire Complaints Handling Procedure reflects our commitment to valuing complaints. It seeks to resolve dissatisfaction as soon as possible and will conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure introduces a standardised approach to handling complaints, which complies with the SPSO's Guidance on a Model Complaints Handling Procedure (CHP). This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution.

Complaints give us valuable information we can use in terms of how we fulfil our responsibilities. Our complaints handling procedure will enable us to address dissatisfaction and may also prevent the same problems that led to the complaint from happening again. Handled well, complaints can give customers/complainants a form of redress when things go wrong, and can also help us continuously improve.

Resolving complaints early saves money and creates better customer relations. Addressing complaints as close to the point of service as possible means we can deal with 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.

It will help the HSCP Board keep the public at the heart of the process, while enabling us to better understand how to improve how we deliver our responsibilities by learning from complaints.

**Susan Manion**  
**Chief Officer**  
East Dunbartonshire  
Health & Social Care Partnership

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## INTRODUCTION

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The Public Bodies (Joint Working) (Scotland) Act (2014) sets out a framework within which Local Authorities, NHS Boards and Health & Social Care Partnership Boards (HSCP Boards) integrate health and social care service planning and provision. East Dunbartonshire HSCP Board has responsibility for the strategic planning, direction and operational oversight of a range of health and social care services whilst East Dunbartonshire Council and NHSGGC Health Board retain responsibility for direct service delivery of social work and health services respectively, as well as remaining the employer of health and social care staff. Under these integrated arrangements, there will remain separate complaints handling procedures for the planning and delivery of health and social care services.

As a public body, the HSCP Board is required to develop complaint handling procedures in line with its area of responsibility but also link where appropriate to each of the constituent bodies' policies and procedures. The alignment of these complaints handling procedures aims to provide consistency and clarity around the handling of integrated complaints. The purpose is to make it simpler for people to complain and identify and make best use of lessons from complaints

Application of these procedures must ensure the organisation complies with the duties placed on it by equalities legislation to treat all individuals on an equitable basis, with an understanding of issues relating to age, disability, gender, race, religion, sexual orientation, or socio-economic status in accordance with the equality legislation.

In practice, this includes:

- + providing accessible information in appropriate formats
- + supporting complainants or their representative needing assistance
- + resolving complaints immediately to prevent where possible progressing to a formal complaints investigation process
- + being open and transparent whilst safeguarding confidentiality and data protection compliance.

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## ABOUT THE HSCP BOARD COMPLAINTS HANDLING PROCEDURE

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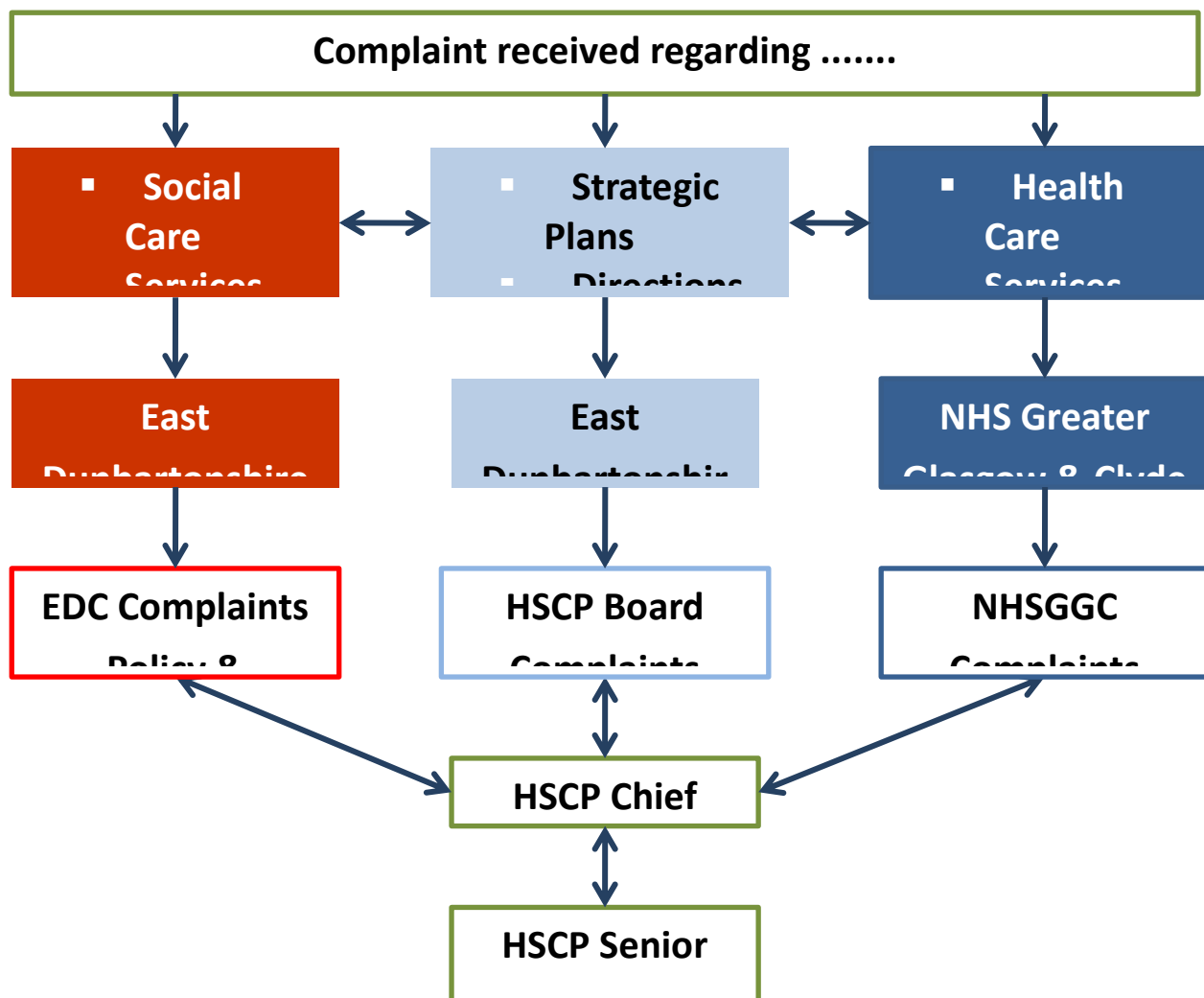
This Complaints Handling Procedure has been approved by the SPSO and has been developed from the SPSO's Model Complaints Handling Procedure for the Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland. It explains how the HSCP Board will handle complaints. The HSCP Board provides information for customers on the complaints procedure and together, these form the organisation's Complaints Handling Procedure.

The HSCP Board is responsible for complaints relating to its own Directions, Accounts and Strategic Plans whilst service or employee complaints will refer to EDC and NHSGGC complaints handling policies and procedures where appropriate. This Complaints Handling Procedure explains the processes the HSCP Board will follow in responding to complaints regarding the business of the Board. It contains references and links to more details on parts of the procedure, such as how to record complaints); the steps taken to ensure that the people are aware of how they can give feedback or make a complaint; and

how complaints inform learning and improvement. These explain how to process, manage and reach decisions on different types of complaints. The HSCP Board, through the Chief Officer, will ensure that staff working within the Health & Social Care Partnership are aware of and comply with this and their employing organisations' complaints handling policies and procedures.

Diagram 1 describes the accountability arrangements for complaints relating to the strategic planning and delivery of health and social care services by East Dunbartonshire Council, NHSGGC and the HSCP Board.

**Diagram 1 Complaints Accountability Arrangements**



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## WHAT IS A COMPLAINT?

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East Dunbartonshire Health & Social Care Partnership Board complaints relate to:

‘An expression of dissatisfaction, by one or more members of the public about the IJB Board’s action or lack of action, or about the standards of Service of the IJB has provided in fulfilling its responsibility as set out in the Integration Scheme.

A complaint may relate to **dissatisfaction with**:

- East Dunbartonshire HSCP Board policies;
- East Dunbartonshire HSCP Board decisions; and
- the administrative or decision-making processes undertaken by East Dunbartonshire HSCP Board in coming to a decision

Complaints regarding health and social care employees, direct health and/or social care service delivery or members of the HSCP Board are not covered by this Complaints Handling Procedure. These complaints are covered by East Dunbartonshire Council and NHS Greater Glasgow & Clyde Complaints Handling procedures.

A complaint is **not**: (this list is not exhaustive)

- a first time request made to EDHSCP;
- a request for compensation only;
- issues that are in court or have already been heard by a court or a tribunal;
- disagreement with a decision where a statutory right of appeal exists; and
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

The HSCP Board will not treat these issues as complaints, but will instead direct the customer/complainant to the appropriate procedures.

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## WHO CAN MAKE A COMPLAINT

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Anyone who is affected by the decisions made by the HSCP Board can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. Complaints brought by third parties will be accepted as long as the customer has given their personal consent.

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## HANDLING ANONYMOUS COMPLAINTS

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The HSCP Board value all complaints. This means treating all complaints including anonymous complaints seriously and will take action to consider them further, where this is appropriate. Generally, the HSCP Board will consider anonymous complaints if there is sufficient information in the complaint to enable the organisation to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable further action to be taken, the HSCP Board 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, it will be considered by a senior manager immediately. If an anonymous complaint is pursued, the issues will be recorded as an anonymous complaint on the complaints system. This will help to ensure the

completeness of the complaints data recorded and allow corrective action to be taken where appropriate.

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## **IF THE CUSTOMER DOES NOT WANT TO COMPLAIN**

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If a customer has expressed dissatisfaction in line with the definition of a complaint but does not want to complain, they will be advised that the HSCP Board considers all expressions of dissatisfaction, and that complaints offer the opportunity to improve services where things have gone wrong. Customers are encouraged to submit their complaint and allow it to be dealt with through the Complaints Handling Procedure. This will ensure that they are updated on the action taken and receive a response to their complaint.

If however, the customer insists they do not wish to complain, it will be recorded as an anonymous complaint. This will ensure that their 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 full consideration of the matter and take corrective action where appropriate.

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## **COMPLAINTS INVOLVING THE HEALTH & SOCIAL CARE PARTNERSHIP BOARD OR MORE THAN ONE ORGANISATION**

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A complaint may relate to a decision that has been made by the HSCP Board, as well as a service or activity directed by the HSCP Board to the constituent bodies (EDC and NHSGGC). 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, which parts of the complaint the HSCP Board can respond to and which parts are appropriate for others to respond to. A decision must be taken as to who contributes and investigates each element of the complaint, and that all parties are clear about this decision. The final response must be a joint response, taking into account the input of all those involved.

Where a complaint relates to a decision made jointly by the HSCP Board and the Health Board or Local Authority, the elements relating to the HSCP Board should be handled through this Complaints Handling Procedure. Where possible, working together with relevant partners, a single response addressing all of the points raised should be issued.

Should a member of staff who represents the HSCP Board receive a complaint in relation to HSCP Board business, and they have the relevant and appropriate information to resolve it, they should attempt to do so. If the staff member feels unable to offer a response, the complaint should be passed to the HSCP Senior Management Team as early as possible to allow a response/resolution.

If a customer makes a complaint to the HSCP Board about services of another agency or public service provider, but HSCP Board has no involvement in the issue, the complainant will be advised to contact the appropriate organisation directly.

If the HSCP Board needs to make enquiries to an outside agency in relation to a complaint, data protection legislation and SPSO guidance on handling customer's personal information will always be taken into account. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice. Complaints related to the HSCP Board should be directed to mail box East Dunbartonshire HSCP Board Complaints.

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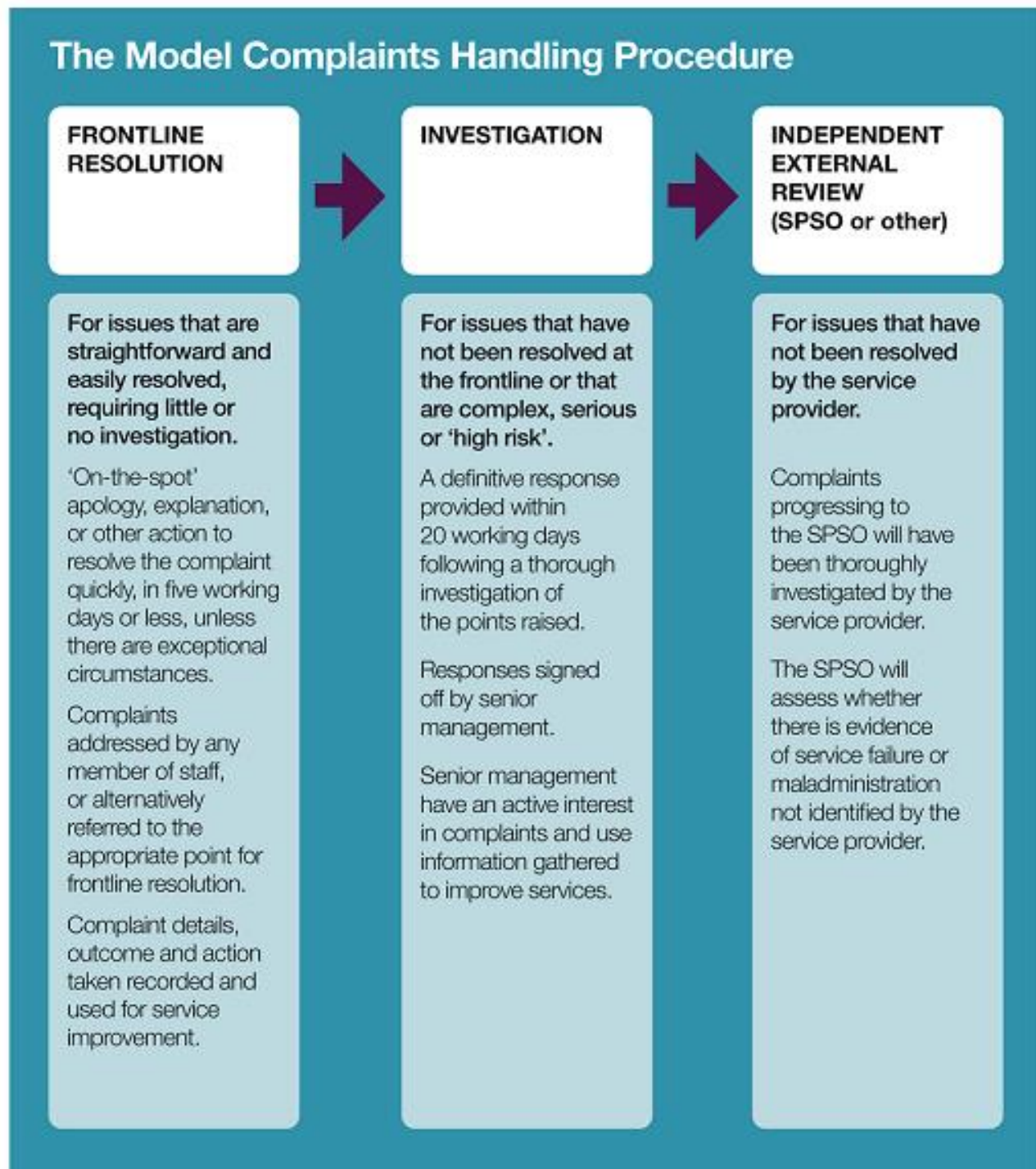
## COMPLAINTS HANDLING PROCESS

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The Complaints Handling Process aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff. This process provides two opportunities to resolve complaints internally:

- **frontline resolution**, and
- **investigation**.





### Stage one: 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. This may mean a face-to-face discussion.

Whoever responds to the complaint, it may be settled 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. They may also explain that, as an organisation that values complaints, the information given will be used when reviewing policies and processes in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Frontline resolution will always be considered, regardless of how the complaint has been received.

### **What will the HSCP Board do on receiving a complaint**

- 1 On receiving a complaint, the HSCP Board will first decide whether the issue can indeed be defined as a complaint. The customer/complainant may express dissatisfaction about more than one issue. This may mean we treat one element as a complaint, while directing them to pursue another element through an alternative route.
- 2 After receiving and identifying a complaint, the details are recorded on the HSCP Board complaints system.
- 3 Next, a decision will be made as to the suitability of the complaint for frontline resolution. Some complaints will need to be fully investigated before a suitable response is provided and in this case a senior manager will escalate these complaints immediately to the investigation stage.
- 4 Where frontline resolution is deemed to be appropriate, four key questions are considered:
  - What exactly is the complaint (or complaints)?
  - What does the complainant want to achieve by complaining?
  - Can this be achieved, or explain why not?
  - If it cannot be resolved, who can help with frontline resolution?

#### **What exactly is the complaint(s)?**

It is important to clarify exactly what the customer is complaining about. Supplementary questions may need to be asked to gain a full picture.

#### **What does the complainant want to achieve by complaining?**

At the outset, it is important to clarify the outcome the complainant wants. The complainant, however, may not be clear about this, so there may be a need to probe further to find out what they expect and whether they can be satisfied.

#### **Can this be achieved, or explain why not?**

If the expected outcome can be achieved by providing an on-the-spot apology this should be provided or explain why this is not possible. If an apology is deemed suitable, the SPSO's guidance on the subject should be followed which can be found on the SPSO website.

The customer/complainant may expect more than the HSCP Board can provide. If their expectations appear to exceed what the organisation can reasonably provide, a senior manager will advise them as soon as possible in order to manage expectations about potential outcomes.

Decisions at this stage may be conveyed face-to-face, by telephone or via e-mail. In these instances, there is not a requirement to write to the customer, although this may be an option. A full and accurate record of the decision reached must be kept, including the information provided to the customer.

#### **If this cannot be resolved, who can help with frontline resolution?**

If the complaint raises issues which cannot be responded to in full, for example, it relates to an issue or area of service a health or social care employee is unfamiliar with, they must hand over to a member of the HSCP Senior Management Team who will try to resolve it.

## Timelines

Frontline resolution must be completed within **five working days** of the HSCP Board receiving the complaint, in practice it is to be expected that the complaint will be resolved sooner.

Staff may need to obtain more information or seek advice to resolve the complaint at this stage. However, they will respond to the complainant within **five working days**, either resolving the matter or explaining that further investigation is required.

## Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, the Senior Management Team may agree an extension of no more **than five working days** with the complainant. This will only happen when an extension is likely to resolve the complaint at the frontline resolution stage.

If, however, the issues are so complex that the complaint cannot be resolved in five days, it will be appropriate to escalate the complaint straight to the investigation stage.

If the complainant does not agree to an extension and it is unavoidable and reasonable, a Senior Manager can still decide upon an extension. In those circumstances, the complainant will be informed about the delay, with reasons for this being provided for the decision to grant an extension.

Such extensions are not considered normal practice. The timeline at the frontline resolution stage will be extended on rare occasions. All attempts to resolve the complaint at this stage will take no longer than **ten working days** from the date the HSCP Board received the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will be presented to East Dunbartonshire Health & Social Care Partnership Board on a quarterly basis.

**Appendix 1** provides further information on timelines.

## Closing the complaint at the frontline resolution stage

When staff have informed the complainant of the outcome, they are not obliged to write to the complainant, although they may choose to do so. The response to the complaint must address all areas the HSCP Board is responsible for and must explain the reasons for the decision. Staff will keep a full and accurate record of the decision reached. The complaint will then be closed and the complaints system updated accordingly. The complaints resolved at the frontline stage will be reported to the HSCP Board on a quarterly basis.

## When to escalate to the investigation stage

The HSCP Board will escalate a complaint to the investigation stage when:

- frontline resolution has been attempted but the complainant remains dissatisfied and requests an investigation. This may happen immediately when the decision at the frontline stage is communicated, or some time later
- the complainant refuses to take part in frontline resolution
- 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.

The HSCP Board will take particular care to identify complaints that might be considered serious, high risk or high profile. The SPSO defines potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to an organisation's operations
- present issues of a highly sensitive nature, for example concerning a particularly vulnerable person or child protection.

### 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 the 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 complainant a full, objective and proportionate response that represents our final position.

### What will the HSCP Board do on receiving a complaint for investigation

It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that all involved – including the complainant - understand the investigation's scope. It may be helpful for an investigating officer to discuss and confirm these points with the complainant 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 complainant, the investigating officer will consider three key questions:

1. What specifically is the complaint or complaints?
2. What does the complainant want to achieve by complaining?
3. Are the complainant's expectations realistic and achievable?

It may be that the complainant expects more than the HSCP Board can provide. If so, staff will make this clear to them as soon as possible. Where possible the HSCP Board will

also clarify what additional information will be needed to investigate the complaint. The complainant may need to provide more evidence to help the HSCP Board reach a decision.

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

If the investigation stage follows attempted frontline resolution, staff will ensure that all relevant information will be passed to the officer responsible for the investigation, and record that they have done so.

### Timelines

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

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

### Extension to the timeline

Not all investigations will be able to meet this deadline. 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 we will 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 complainant agrees. They will keep the complainant updated on the reason for the delay and give them a revised timescale for completion. If the complainant does not agree to an extension but it is unavoidable and reasonable, then Senior Management can 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 staff, customers or others but they cannot help because of long-term sickness or leave.
- Further essential information cannot be obtained within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- The complainant has agreed to mediation as a potential route for resolution.

These are only a few examples, and the Senior Management Team will judge the matter in relation to each complaint. However, an extension would be the exception and we will always try to deliver a final response to the complaint within a further 20 working days but before the 40 day deadline.

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 will be presented to the HSCP Board on a quarterly basis.

**Appendix 1** provides further information on timelines.

## Mediation

Some complex complaints, or complaints where complainants and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, mediation or conciliation services may be considered 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 the HSCP Board and the complainant agree to mediation, revised timescales will need to be agreed.

## Closing the complaint at the investigation stage

The complainant will be informed of the outcome of the investigation, in writing or by their preferred method of contact. This response to the complaint will address all areas the HSCP Board is responsible for and explain the reasons for the decision. The decision will be recorded, and details of how it was communicated to the complainant, on the system for recording complaints. The complaint will then be closed and the complaints system updated accordingly. The complaints resolved at the investigation stage will be reported to the HSCP Board on a quarterly basis.

In responding to the complainant, it will be made clear:

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

### Independent external review

Once the investigation stage has been completed, the complainant 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 HSCP Board will use the wording below to inform complainant of their right to ask SPSO to consider the complaint. The SPSO provides further information for organisations on the 'Valuing Complaints' website. This includes details about how and when to signpost customers 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 the Scottish Government, NDPBs, agencies and other government sponsored organisations. If you remain dissatisfied with an organisation 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 organisation'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**

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

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

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## GOVERNANCE OF THE COMPLAINTS HANDLING PROCEDURE

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### Roles and responsibilities

East Dunbartonshire Health & Social Care Partnership Board as per the Public Bodies (Joint Working) Act and as specified within the integration authority's Integration Scheme, the Chief Officer's role is to provide a single senior point of overall strategic and operational advice to the integration authority. In line with this, overall responsibility and accountability for the management of complaints lies with the Chief Officer.

The final position on a complaint must be signed off by an appropriate senior officer who will confirm that this is the final response. This ensures the Senior Management Team owns and are accountable for the decision. It also reassures the complainant that their concerns have been taken seriously.

### Chief Officer:

The Chief Officer provides leadership and direction in ways that guide and enable the HSCP Board to perform effectively. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how the HSCP Board learns from the complaints received. The Chief Officer will take a professional interest in all complaints, but may delegate responsibility for the Complaints

Handling Procedures to appropriate members of the Senior Management Team. Regular management reports assure the HSCP Board of the quality of complaints performance.

### **Senior Management Team:**

The Senior Management Team of the Health & Social Care Partnership is responsible for:

- managing complaints and the learning from complaints
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints
- deputising for the Chief Officer.

The Senior Management Team may delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this is the case, the Senior Management Team should retain ownership and accountability for the management and reporting of complaints and retain responsibility for preparing and signing decision letters to customers and should therefore be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

### **Complaints investigator:**

The complaints investigator is responsible and accountable for the management of the investigation, co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes that could result in wider opportunities for learning across the organisation.

### **All staff:**

A complaint may be made to any member of staff working within the Health & Social Care Partnership. All staff must be aware of both their employing organisation's and the HSCP Board complaints handling procedures including how to handle and record complaints at the frontline stage. Staff should also be aware of whom to refer a complaint to if they are not able to personally handle the matter. The HSCP Board encourages all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

### **The HSCP Board SPSO Liaison Officer [Head of Administration]:**

The HSCP Head of Administration will provide complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on behalf of the HSCP Board in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

### **Complaints about senior staff**

Complaints concerning health and social care practitioners, Senior Management staff, Chief Officer or HSCP Board members can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. Such complaints must be handled through the employing/appointing organisation's complaints handling procedure.

### **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 East Dunbartonshire Health & Social Care Partnership. All complaints are recorded in systematic way so that these can be used for data analysis and management reporting. Recording and using complaints information in this way means the root causes can be



identified and addressed, and where appropriate, learning opportunities for improvement can be embedded.

### **Recording complaints**

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

- the complainant's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- 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.

The HSCP Board has structured systems for recording complaints, their outcomes and any resulting action.

### **Reporting of complaints**

Complaints details are analysed for trend information to ensure we identify procedural failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform improvement actions.

The HSCP Board publishes the outcome of complaints and the actions that has been taken in response on a quarterly basis. This demonstrates the improvements resulting from complaints and shows that complaints can influence processes. It also helps ensure transparency in the complaints handling service and will help the public to see that their complaints are valued.

The HSCP Board must:

- publicise on a quarterly basis complaints outcomes, trends and actions taken
- complaints where and when possible, use case studies and examples to demonstrate how complaints have led to improvements.

### **Learning from complaints**

At the earliest opportunity after the closure of the complaint, officers involved in handling the complaint will make sure that the complainant and HSCP Board members understand the findings of the investigation and any recommendations made.

The Senior Management Team will review the information gathered from complaints regularly and consider whether processes could be improved or internal policies and procedures updated.

As a minimum, the HSCP Board will:

- 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, and
- systematically review complaints performance reports to improve processes.

Where there is an identified need for improvement:

- the action required must be agreed by the HSCP Board
- the Senior Management Team will designate 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 should be monitored to ensure that the issue has been resolved
- the HSCP Board should demonstrate learning from complaints.

### **Publicising complaints performance information**

The HSCP Board will report on complaints performance 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 complainant's confidentiality and explaining to them the importance of confidentiality generally. The HSCP Board must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customer's 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 complainant acting in an unacceptable way. Complainants who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A complainant's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, all complaints will be treated seriously and properly assessed. However, it is recognised that the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards staff. The HSCP Board will, therefore, work with the Health Board and the Council to apply the relevant organisational policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour. Where a decision is made to restrict access to a complainant under the terms of an unacceptable actions policy, the relevant constituent body's procedure will be followed 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.

#### **Supporting the complainant**

All members of the public have the right to equal access to the HSCP Board complaints handling procedure. Complainants who do not have English as a first language may need help with interpretation and translation services. Other customers may have specific needs that the HSCP Board will seek to address to ensure easy access to the complaints

handling procedure taking into account a commitment and responsibilities to equality. This includes making reasonable adjustments to processes to help the complainants where appropriate.

East Dunbartonshire has a local support and advocacy group/organisation available to support individuals in pursuing a complaint and customers/complainants should be signposted to:

Ceartas Advocacy

Unit 5-7, McGregor House

10 Donaldson Cres, Kirkintilloch

Glasgow G66 1XF.

### **Time limit for making complaints**

This Complaints Handling Procedure sets a time limit of six months from when the complainants first knew of the problem, within which time they may ask the HSCP Board to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

The HSCP Board will apply this time limit with discretion. In making this decision the HSCP Board 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 complaint will lead to a request for external review of the matter, the HSCP Board may decide that this satisfies the special circumstances criteria. This will enable the HSCP board to consider the complaint and try to resolve it.

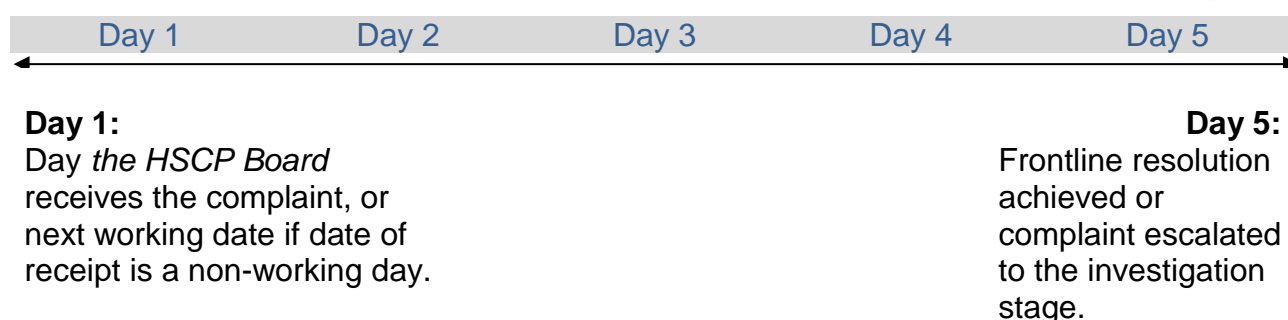
## APPENDIX 1 - Timelines

### General

References to timelines throughout the complaints handling procedure relate to working days. When measuring performance against the required timelines, the HSCP Board does 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

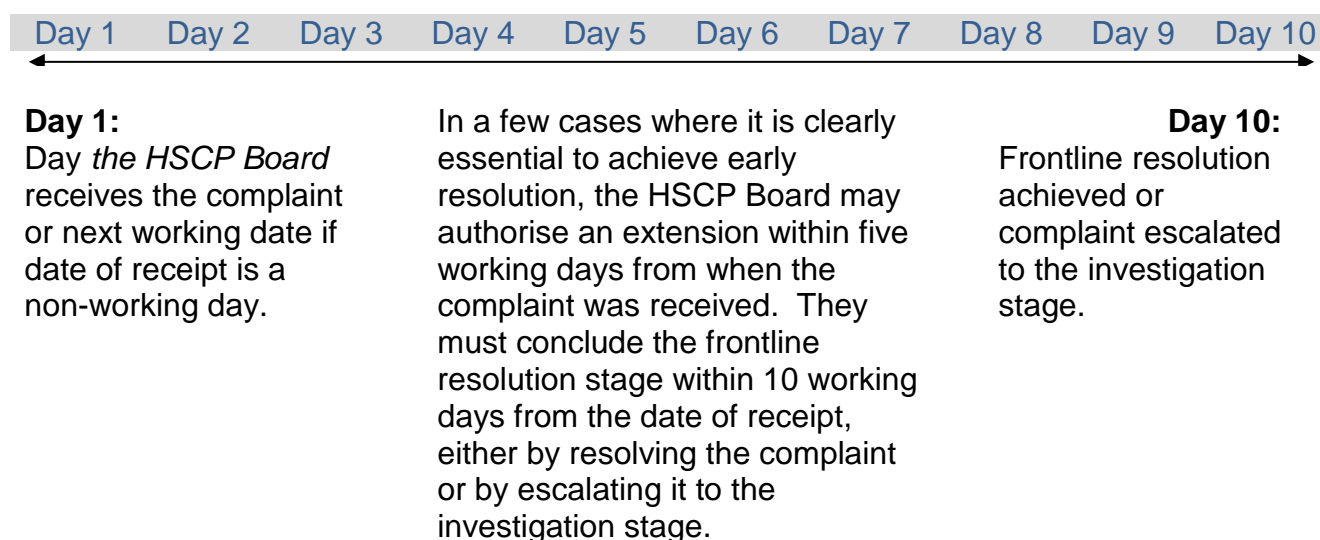
The HSCP Board aims to achieve frontline resolution within five working days. The day the Chief Officer receives the complaint is day 1. Where they receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



The date of receipt will be determined by the HSCP Board's usual arrangements for receiving and dating of mail and other correspondence.

### Extension to the five-day timeline

If the HSCP Board has extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response will take no longer than 10 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 complainant 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 complainant is told this will happen.

## Timelines at investigation

The HSCP Board may consider a complaint at the investigation stage either:

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

## Acknowledgement

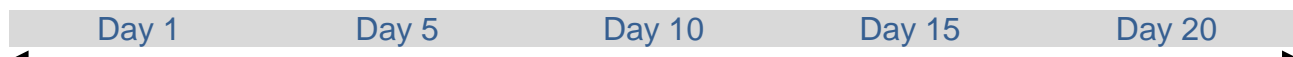
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- 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 complainant asks for an investigation after a decision at the frontline resolution stage. It is important to note that a complainant may not ask for an investigation immediately after attempts at frontline resolution, or
- the date *the HSCP Board* receives the complaint, if it is sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Investigation

The HSCP Board will 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. There is 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



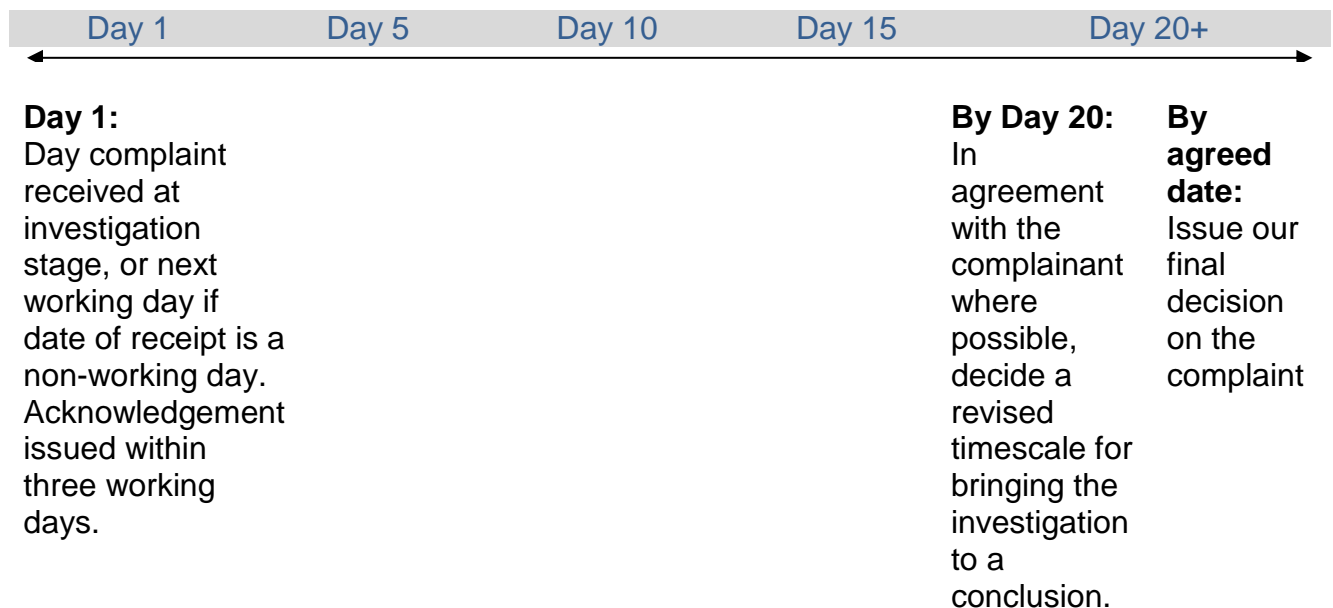
### Day 1:

Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.

### Day 20:

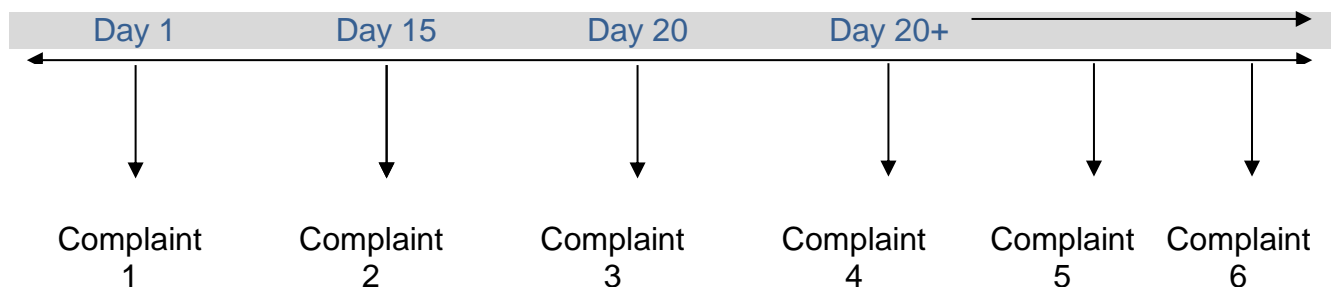
The decision issued to complainant or agreement reached with them to extend deadline

Exceptionally the HSCP Board may need longer than the 20-day limit for a full response. If so, the Chief Officer will explain the reasons to the complainant, and agree with them a revised timescale.



### Timeline examples

The following illustration provides examples of the point at which the HSCP Board concludes 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 it was considered appropriate for frontline resolution. The complaint was not resolved in the required timeline of five working days. However,

an extension was authorised with a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. The HSCP Board 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. A frontline resolution was not tried; rather the case was investigated immediately. The HSCP Board issued a final decision to the complainant within the 20-day limit.

#### **Complaint 5**

The HSCP Board considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage the complainant was still dissatisfied. At their request, an investigation was conducted and a final response issued within 20 working days. Although the end-to-end timeline was 30 working days The HSCP Board 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. The HSCP Board did not complete the investigation within the 20-day limit, so it was agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

## APPENDIX 2 - Complaints handling procedure flowchart

