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EAST DUNBARTONSHIRE COUNCIL

SOCIAL WORK

COMPLAINTS HANDLING PROCEDURE

JUNE 2017

FOREWORD

East Dunbartonshire Council and the Health & Social Care Partnership aim to work together to strategically plan for and provide high quality social work services that protect children and adults from harm, promote independence and deliver positive outcomes for our residents.

An effective complaints policy and procedure can help us achieve our goals by upholding the right of citizens to seek redress where they feel that services are not of the highest quality or that they have been unfairly treated. Complaints can give us valuable information that can be used to improve service provision and service user/customer satisfaction.

Our Complaints Handling Procedure reflects East Dunbartonshire Council's commitment to valuing complaints. It seeks to resolve service user/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, evidence-based decisions are made regarding the response to complaints.

The Policy and Procedure reflects the Scottish Public Services Ombudsman Model Complaints Handling procedure, has been developed specifically for social work services and links closely with the ED HSCP Policy and Procedure.

We believe the vast majority of our service users/customers have a positive experience of the support they receive but we cannot underestimate the impact on services users who have a less positive experience, given they are often amongst the most vulnerable members of society. It is important therefore that we fully recognise and record those experiences.

Where problems are identified these should be acknowledged fully, honestly and transparently and rectified swiftly. Complaints can therefore provide a first-hand account of the service user/customers' views and experience, and can highlight problems and experiences we may otherwise miss. Resolving complaints can help maintain good relationships with our service users/customers, their families, carers and wider support networks.

Our staff are supported to embrace the processes outlined in this Complaints Handling policy and Procedure and to apply it to all situations where complaints are expressed, ensuring we use it to record our service users/customers' experiences, to resolve problems and to learn from these complaints.

Gerry Cornes
Chief Executive



Susan Manion
Chief Officer



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INTRODUCTION

The Public Bodies (Joint Working) (Scotland) Act (2014) sets out a framework within which Local Authorities, NHS Boards and Health & Social Care Partnerships (HSCP) integrate health and social care service planning and provision. East Dunbartonshire HSCP Partnership has responsibility for the strategic planning and operational oversight of a range of health and social care services whilst East Dunbartonshire Council and NHSGGC retains responsibility for direct service delivery of social work and health services respectively, as well as remaining the employer of health and social care staff.

As a public body, all local authorities, NHS Boards and HSCPs are required to develop complaint handling procedures in line with their area of responsibility but also link where appropriate to each other's policy and procedures. The purpose is to make it simpler for service users/customers to complain, ensure staff and service users/customers have confidence in complaints handling and encourage organisations to identify and make best use of lessons from complaints.

The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 (the Order) brought social work complaint handling into line with other local authority complaints handling (with the exception of timescales for frontline complaints), by bringing it under the remit of the Public Services Reform (Scotland) Act 2010 (the Act). The Act sought to improve how complaints are handled, through the development of simplified, standardised complaints handling procedure.

The Scottish Public Services Ombudsman (SPSO) has developed a specific Social Work Model Complaints Handling Procedure to provide a standardised approach to handling service user/customer complaints about social work services within the context of health and social care integration arrangement and changes to social work complaint handling.

This Social Work Complaints Handling Policy & Procedures forms part of East Dunbartonshire Council's wider complaints handling procedures. It is based on the Scottish Public Services Ombudsman Model and Guidance and takes account of changes that bring social work complaints into line with existing local authority procedures. Furthermore, it links directly with the HSCP Complaints Handling Policy and Procedures.

Complaints can provide valuable information that can be used to improve service provision and this Policy & Procedures will ensure a consistent approach to supporting service users/customers to seek redress where they feel that social care services are not of the highest quality or that they have been unfairly treated. It will enable East Dunbartonshire Council and the HSCP to work together to address dissatisfaction and identify potential service improvement.

This Policy and Procedures must comply 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; and
- being open and transparent whilst safeguarding confidentiality and data protection compliance.

PART 1: SCOPE & PURPOSE

1.1 SCOPE AND PURPOSE OF THE COMPLAINTS PROCEDURE

This document explains to staff how to handle complaints and is designed to be a document for social work services to adopt. It contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions.

It is based upon a model procedure developed by The Scottish Public Services Ombudsman. Further information on complaints handling may be found in the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO:

www.valuingcomplaints.org.uk.

Complaints about Council services other than social work and/or health services are handled under East Dunbartonshire Council's Complaints Handling Procedure and NHS Greater Glasgow and Clyde Complaints Policy and Procedure (1 April 2017)

1.2 WHAT IS A COMPLAINT?

East Dunbartonshire Council and HSCP define a complaint as:

'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 or on behalf of the social work service.'

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 or more policies or its/their 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; and/or
- disagreement with a decision made in relation to social work services.

Appendix 1: Examples of complaints that might be received and handled.

1.3 WHAT DOES NOT CONSTITUTE A COMPLAINT

Concerns identified as one of the following should be dealt with through other channels:

- 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; or
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision

Appendix 2: Examples of complex complaints, some of which are not appropriate for this Complaints Handling Procedures.

1.4 WHO CAN MAKE A COMPLAINT?

Anyone who receives, requests, or is affected by a social work service 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.

Complaints will be accepted from third parties, which may include relatives, friends and advocates, where a service user may be unable or reluctant to make a complaint on their own. This can include complaints brought by parents on behalf of their child. Consent is usually required from the service user, however, in certain circumstances concerns over someone's wellbeing may mean consent is not received from the service user. In such circumstances the complaint should still be investigated, but the response may be limited by considerations of confidentiality. EDC policies on gaining consent and information sharing must be followed.

Independent advocates may bring complaints on behalf of social work service users/customers if they are unable to raise the issue themselves, or if they are unable to identify when something is wrong. More information about using advocates to support customers is available in the section on 'supporting the service user/customer'.

1.5 HANDLING ANONYMOUS COMPLAINTS

All complaints, including anonymous complaints, are treated seriously and action will be taken to consider them wherever this is appropriate. Generally, anonymous complaints are considered if there is enough information in the complaint to enable further enquiries. If however, an anonymous complaint does not provide enough information to enable further action to be taken, it may be decided not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by a senior manager.

Anonymous complaints that are pursued will be recorded as an anonymous complaint on the EDC complaints system. This will help to ensure the completeness of the recorded complaints data and allow corrective action to be taken where appropriate.

Anonymous complaints relating to serious allegations such as child protection, adult protection or disciplinary, should be dealt with in a timely manner under the appropriate organisational procedures and not the complaints handling procedure.

1.6 WHAT IF THE SERVICE USER DOES NOT WANT TO COMPLAIN?

If a service user/customer has expressed dissatisfaction in line with the definition of a complaint but does not want to complain, staff should advise that all expressions of dissatisfaction are considered and that complaints offer the opportunity to improve services. The service user/customer should be encouraged to submit their complaint and allow it to handle it through the Complaints Handling Procedure.

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

1.7 SUPPORTING THE SERVICE USER/CUSTOMER

Service users/customers may face barriers to making a complaint including physical, sensory, communication or language barriers. They may also experience anxieties and concerns and may need independent support to overcome these barriers to accessing the complaints system.

Service users/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.

The organisation must always take into account its commitment and responsibilities to equality. This includes making reasonable adjustments to ensure that all customers can access our services. 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.

Wherever possible the additional needs of a customer will be identified and assistance provided to help them find appropriate support or refer them to their local independent advocacy organisation (details below) to help them in pursuing a complaint.

Ceartas Advocacy

Unit 5-7, McGregor House, 10 Donaldson Cres, Kirkintilloch, Glasgow G66 1XF.

1.8 COMPLAINTS AND APPEAL

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

Whilst there is the discretion to operate an appeals procedure at a local level, these must be regarded as a special form of complaint investigation (stage 2). Such appeals processes must be compliant with this procedure in terms of the rigour and the documentation of the process, must be concluded within 20 working days with a written response to the service user/customer, and must be recorded as a stage 2 complaint on the relevant complaints database

If the service user/customer raises additional issues of dissatisfaction as well as challenging a professional decision, then the process must consider and respond to every element of the service user/customer's dissatisfaction so that no additional complaint process is required.

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

1.9 MANAGING UNACCEPTABLE BEHAVIOUR

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

A service user/customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, all complaints must be treated seriously and properly assessed. However, there is recognition that the actions of service users/customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards staff. In this situation, policies and procedures will be applied to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.

Where it is decided to restrict access to a service user/customer under the terms of an Unacceptable Actions Policy, there is a procedure in place to communicate that decision, notify the service user/customer of their right of appeal, and review any decision to restrict contact. This will hopefully enable the service user/customer to demonstrate a more reasonable approach.

East Dunbartonshire Council applies the "Unacceptable Customer Behaviour Policy" in relation to the management of social work services service users/customers whose actions fall within the definition of unacceptable actions as set out in that policy.

1.10 TIME LIMIT FOR MAKING COMPLAINTS

This Policy & Procedure sets a time limit of six months from when the service user/customer first knew of the problem, within which time they may ask for consideration of their complaint. However, this time limit will be applied with discretion as there may be special circumstances for considering complaints beyond this timeframe.

In making decisions account will be taken 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 timeframe.

If it is clear that a decision not to investigate a service user/customer complaint will lead to a request for external consideration of the matter, it may be decided that this satisfies the special circumstances criteria. This would enable consideration of the complaint and try to resolve it, without the complaint going straight to the SPSO.

1.11 COMPLAINTS INVOLVING SOCIAL WORK SERVICES AND ANOTHER SERVICE OR ORGANISATION

A complaint may relate to social work and health service delivered through the HSCP, or another service provided by East Dunbartonshire Council, NHS Greater Glasgow & Clyde or by another organisation such as a housing association. The content of these complaints need to be considered to determine which parts of the complaint EDC/HSCP can respond to and which parts are appropriate for another organisations.

Where a complaint relates to two social work services or one that spans health and social care service, managers must work across the service to resolve the complaint and a decision must be taken as to which service will lead on the response.

Complaints relating to a social work service and another service provided by another organisation, such as a housing association or acute NHS service, should aim to provide a

joint response, though this may not always be possible. Contact must be made with the service user/customer to explain that because their complaint partly relates to services that are delivered by another organisation, sharing information with this organisation is likely and their consent is needed to resolve their complaint.

If a joint response is not possible, the service user/customer should receive an explanation outlining the reasons why they will receive two separate responses, and who they can get in contact with about the other aspects of their complaint. Managers must write to both the service user/customer and the other services involved (once consent to share data has been given), setting out which parts of the complaint will be able to respond to.

If there is a need to make enquiries to another organisation in relation to a complaint, account must be taken of data protection legislation and guidance on handling service user/customer personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Complaints relating to specific social work services will be recorded on the EDC complaints system whilst complaints regarding local health services will be recorded on the NHS GGC Datix system. Complaints regarding other EDC and NHS services should be redirected to these organisations.

1.12 COMPLAINTS ABOUT COMMISSIONED SERVICES

As part of the service provider's contractual obligations, they must provide a robust complaints process which complies with this Complaints Handling Procedure, 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/customers 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.

Contracts with commissioned services should reflect the following good practice:

- It is important that a complaint is resolved as quickly 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 service user/customers has initially approached EDC or the HSCP, unless there is good reason why this would not be appropriate. However, EDC/HSCP will have discretion to investigate complaints about contracted providers.
- 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, service users/customers have the right to complain directly to the Care Inspectorate or to make use of the provider's Complaints Handling Procedure and thereafter make a complaint to the Care Inspectorate, regardless of any investigations undertaken by EDC/HSCP.
- Service users/customers can make complaints 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 procedure.
- Service providers who are not registered with the Care Inspectorate as a care or support service but who are contracted to deliver other services must still comply with this procedure.

1.13 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 stands distinct from the service provider's complaints procedure. The Care Inspectorate encourages people to complain directly to the organisation they receive a service from. However, some people may not wish to do this and may contact the Care Inspectorate directly.

When complaints are brought to about registered care services, EDC 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. EDC 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

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.

1.14 COMPLAINTS RELEVANT TO OTHER AGENCIES

Service users/customers may raise concerns about issues which cannot be handled through this procedure, 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@cypcs.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

1.15 ROLES AND RESPONSIBILITIES

Responsibility and accountability for social work service complaints sits with the delivery organisation, in this case East Dunbartonshire Council, whereby complaints regarding service and staff are managed through the HSCP Chief Officer in compliance with the EDC Complaints Handling Policy & Procedures.

Chief Officer –The Chief Officer provides leadership and direction in ways that guide and enable staff to perform effectively across all services. This includes ensuring that staff comply with employing organisational complaints handling policy procedures, involving a robust investigation process that demonstrates how the learning from complaints can inform service improvement. The Chief Officer may deal with all or some complaints, or may delegate responsibility for the handling of complaints to senior staff.

Heads of Service/Senior Management - On the Chief Officer's behalf, heads of service and senior managers are responsible for:

- having relevant involvement in the investigation and determination of outcomes and actions arising from individual complaints where required, particularly those escalated to stage 2 investigation;
- Authorising the final position on the complaint, ensuring the Senior Management Team is responsible for the decision. It also reassures the service users/customers that their concerns have been taken seriously;
- considering reports on complaints activity, outcomes and actions and ensuring that actions and service improvements are implemented as required within the service areas that they manage;
- authorising extensions to stage two complaint investigations and authorising relevant responses at the end of a stage two and/or delegating authority to agree complaints responses to relevant Service Managers; and
- ensuring that nominated staff across service areas capture all relevant stage one frontline and stage two investigation information on the EDC complaints system.

Service Managers - On senior managers' behalf, service managers are responsible for:

- having relevant involvement in the frontline and investigation of and determination of actions arising from individual complaints where required;
- conducting frontline investigation of stage one complaints and/or meeting with complainers to resolve their complaints and/or providing written responses to frontline stage one complaints;
- Delegating responsibility for resolution of stage one complaints to senior officers, team managers/leaders and other staff under their management and supervision as they deem appropriate;
- agreeing extensions to the 5 working day limit for frontline resolution in exceptional circumstances and otherwise ensuring that this target is met by staff whom they manage;
- agreeing the escalation of complaints for stage two investigation in circumstances as set out above; and
- authorising relevant responses at the end of a stage two investigation with the delegated authority of a Head Of Service / Senior Manager.

All Staff - A social work complaint may be made to any member of staff in the organisation. All social work staff must therefore be aware of the EDC Social Work Complaints Handling policy & Procedures and how to handle and ensure recording of complaints at the frontline stage.

Staff should also be aware of whom to refer a complaint to, in case they are not able to handle the matter. All staff are encouraged to try to resolve complaints early, as close to the point of service delivery as possible, to prevent escalation, and to make a record of that complaint and forward it to the relevant person for recording within the central database of complaints.

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, particularly in relation to professional practice and governance issues identified through complaints. The CSWO takes appropriate account of complaints information in fulfilling their obligations to promote continuous improvement and best practice. Furthermore, the CSWO or their delegated officers has a specific interest in complaints relating to individuals for whom they have decision-making responsibilities. The CSWO will be provided with quarterly reports on complaints, complaint handling and outcomes relating to Social Work and Social Care employees and/or services within the Partnership, and prompt notification and consultation on all complaints that reach Stage 2 investigation (though the lead role is retained by Chief Officer, in conjunction with relevant professional leads).

Complaints about senior staff

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

1.16 RECORDING, REPORTING, LEARNING FROM AND PUBLICISING COMPLAINTS

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

Recording complaints

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

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to

- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage, 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.

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 HSCP staff learn 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.

Maintaining confidentiality

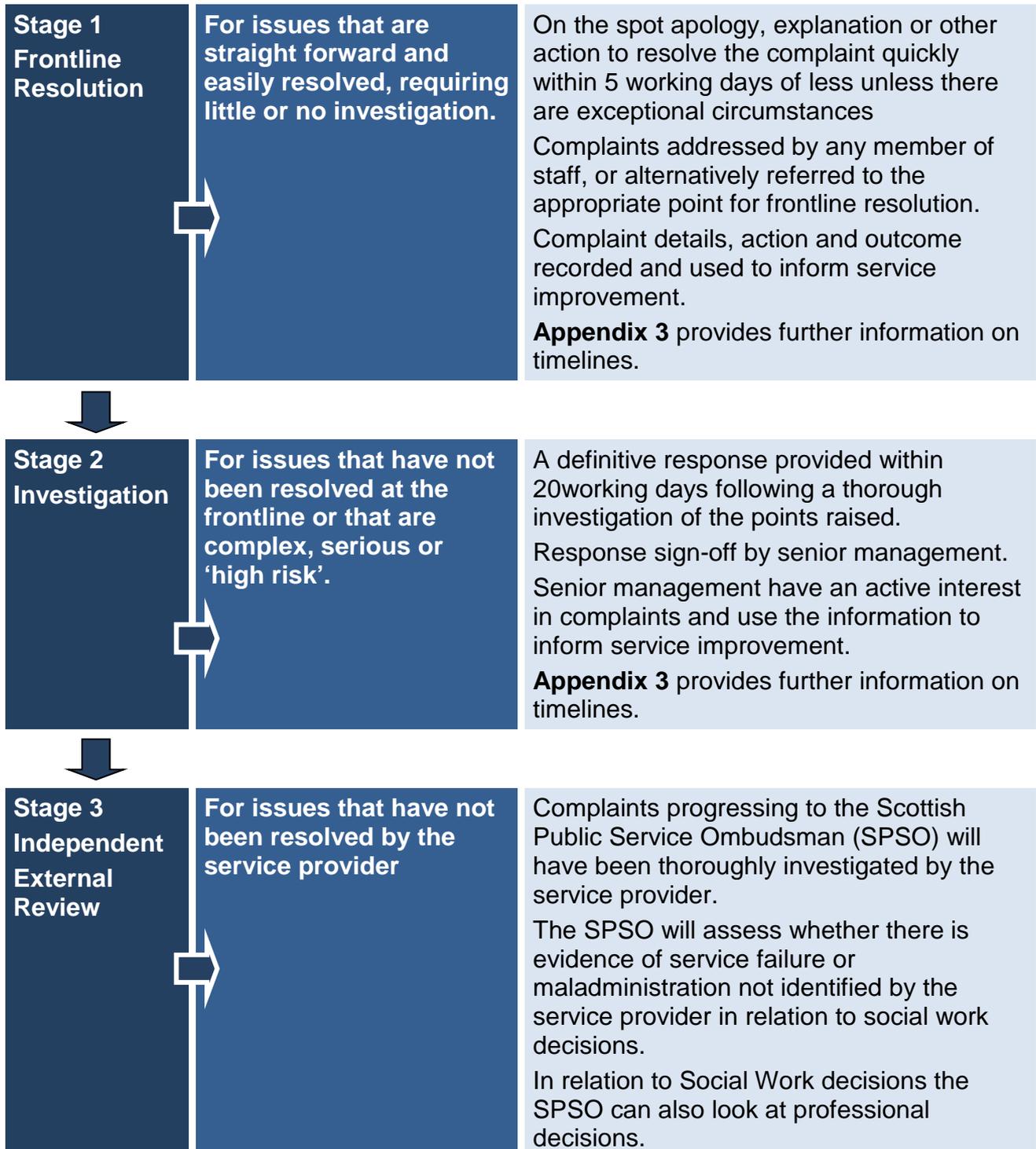
Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality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

PART 2: PROCEDURE

2.1 COMPLAINTS PROCEDURE STAGES

This Social Work Complaints Handling Procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally Diagram A. It provides two opportunities to resolve complaints internally, **frontline resolution**, and **investigation**. For clarity, the term 'frontline resolution' refers to the first stage of the complaints process and means seeking to resolve complaints at the initial point of contact where possible.

Diagram (A) – Procedure at a Glance



2.2 STAGE ONE : FRONTLINE RESOLUTION

2.2.1 When is Frontline Resolution appropriate?

Frontline resolution aims to quickly resolve straightforward service user/customer complaints that require little or no investigation. A service user/customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. It is important to consider if it is appropriate to attempt frontline resolution, regardless of how the service user/customer's complaint is received.

Any member of staff may deal with complaints at this stage. The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the service user/customers, or asking an appropriate member of staff to handle the complaint. In either case the complaint may be resolved 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. It is important to explain that, as an organisation that values complaints, the information given may be used to when service standards are reviewed.

2.2.2 Frontline Process

Decide whether the issue can be defined as a complaint and record on the EDC complaints recording system, along with the date of receipt, nature of the complaint. The date of receipt of the complaint is always 'day 1', regardless of when the complaint is recorded.

The service user/customer may express dissatisfaction about more than one issue. This may mean treating one part as a complaint, while directing the service user/customer to pursue another part through an alternative route.

Decide whether or not the complaint is suitable for frontline resolution. Some complaints will need more extensive investigation before you can give the service user/customer a suitable response. These complaints should be escalated immediately to the investigation stage.

2.2.3 Issues for consideration

Staff who are the subject of a complaint should not handle or respond to the complaint. Neither should frontline staff who may have a clear conflict of interest in the matter. Where it is considered that a frontline resolution is appropriate, the following four key questions must be considered.

What exactly is the service user/customer's complaint (complaints)?	It is important to be clear about exactly what the service user/customer is complaining about. The service user/customer may need to provide more information to get a full understanding.
What does the service user/customer want to achieve by complaining?	At the outset, clarify the outcome the service user/customer wants. The service user/customer may not be clear about this, and further probing maybe required to clarify their expectations, and whether they can be satisfied.

Can this be achieved, or explain why not?	<p>If the expected outcome can be achieved, for example by providing an on-the-spot apology, this should be done. If an apology is appropriate, the SPSO has provided Guidance on Providing an Apology.</p> <p>The service user/customer may expect more than can be provided. If so, they should be informed and an explanation provided as soon as possible.</p> <p>The decision can be conveyed to the service user/customer by face-to-face or on the telephone. If this is the case, it is not a requirement to also write to the service user/customer but it is important to keep a full and accurate record of the decision reached and given to the service user/customer.</p>
If a particular members of staff cannot resolve this, who can help with frontline resolution?	If a member of staff cannot deal with the complaint because, for example, they are unfamiliar with the issues or area of service involved, it should be passed to someone who can attempt to resolve it.

2.2.4 Frontline Timescale

Frontline resolution should be completed within **5 working days** although in practice it is often resolved much sooner.

In exceptional circumstances, where there are clear and justifiable reasons for doing so, an extension of up to **ten further working days** can be agreed with the service user/customer (a total **maximum of 15 working days**). This must only happen when an extension is likely to achieve resolution at this stage.

Authorisation must be secured from the appropriate senior manager who will decide whether an extension is required to effectively resolve the complaint. The service user/customer should be informed if and for what reason an extension is authorised and when they can expect a response.

All attempts to resolve the complaint at this stage must take no longer than **15 working days** from the date the complaint is received. The date of resolution/response and any learning points should be recorded and used to inform service improvement.

2.2.5 Closing a Frontline Complaint

The service user/customer should be informed of the outcome of the complaint addressing all the relevant areas and explains the reasons for the decision. Written confirmation is likely when:

- the service user/customer specifically requests it;
- the service user/customer has a learning difficulty or difficulty in retaining information;
- the service user/customer has expressed an intention to consider the matter further and possibly make further complaint or take the matter further after that consideration;
- the service user/customer has complained before that their complaints are not dealt with appropriately; or

- it is a relatively complex or serious matter in respect of which some decision has been taken and communicated as part of the complaints response.

Written confirmation may **not** be required if:

- the service user/customer has stated that they are satisfied with the response and/or the actions taken and/or apology given;
- the service user/customer has specifically stated that they require no written response;
- the service user/customer has not complained previously and generally has a good working relationship with staff; or
- the service user/customer was relatively minor or straightforward and you believe that an explanation, apology or action has resolved the issue.

A full and accurate record of the decision reached and given to the customer should be recorded and the complaint closed on the EDC complaints system.

2.2.6 When to Escalate to the Investigation Stage

If it is clear from the outset that the complaint cannot be resolved as a frontline complaint, the service user/customer must be informed that their complaint will be handled at the investigation stage. Specifically, a complaint **must** be escalated to the investigation stage when:

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

Complaints that might be considered serious, high risk or high profile are likely to require particular action or raise critical issues that need senior management's direct input.

Other complaints likely to require escalation to stage two without a preceding attempt to resolve at the front line are those which:

- involve complex financial matters such as deprivation of assets or disputes over the funding of service packages;
- raise multiple issues or issues covering a series of events over a considerable period of time;
- raise issues concerning the conduct of staff which, if true, would be likely to lead to suspension of the complaints process and application of disciplinary processes; or

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 or repeated failures to provide a service;
- generate significant and ongoing press interest;
- pose a serious risk to our operations
- present issues of a highly sensitive nature, for example concerning;
- immediate homelessness;
- a particularly vulnerable person;
- child protection; and
- adult protection.

- raise issues relating to alleged major breaches of Data Protection legislation, The Human Rights Act and/or of discrimination.

2.3 STAGE TWO : INVESTIGATION

2.3.1 When is Investigation Appropriate?

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

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

The Investigation stage will be required for a variety of reasons including:

- frontline resolution was attempted, but the service user/customer remains dissatisfied
- the service user/customer does not engage with the frontline resolution process;
- the issues raised are complex and will require detailed investigation; or
- the complaint relates to issues that have been identified as serious or high risk/high profile

2.3.2 Investigation Process

At the investigation stage, staff should be aiming to 'get it right first time'. The goal is to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response that represents the service provider's definitive position.

It is important to be clear from the start of the investigation stage exactly what is being investigating, and to ensure that both the service user/customer and the service understand the investigation's scope. It may be that the service user/customer expects more than we can provide. If so, this must be made clear as soon as possible.

It is often necessary to discuss and confirm these points with the service user/customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the service user/customer, consider three key questions:

- What specifically is the service user/customer 's complaint or complaints?
- What does the service user/customer want to achieve by complaining?
- What does the service user/customer wish to see as a resolution outcome?
- Are the service user/customer's expectations realistic and achievable?

Where possible these should be clarified and any additional information required to investigate the complaint should be identified. The service user/customer may need to provide more information to help reach a decision.

2.3.3 Issues for consideration

Service users/customers should have a single point of contact for their complaint and be provided with the name and contact details of the person dealing with their complaint.

The service user/customer's preferred method of communication should be determined and they should be communicated by this means where reasonably practicable, bearing in mind any relevant confidentiality and data protection restrictions on use of email.

Staff selected to investigate and respond to a complaint should have sufficient internal credibility and independence to ask difficult questions and make recommendations. It is important that an investigator should be able to seek advice from senior management about the conduct or findings of an investigation whenever necessary.

If the investigation stage follows attempted frontline resolution, the officer responsible for the investigation will require full access to the complaint records and associated information.

2.3.4 Investigation Timescale

Complaints should be acknowledged by EDC within **3 working days** and full response provided as soon as possible but not later than **20 working days** from the time you received the complaint for investigation. It is important that every effort is made to meet the timeline, as failure to do so may have a detrimental effect on the service user/customer.

There are some complaints that are so complex that they will require careful consideration and detailed investigation beyond the 20 working days. However, these should be the exception and every effort should be made to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timeline, senior management will agree an extension and set time limits on any extended investigation. The service user/customer must be updated on the reason for the delay and give a revised timescale for completion. 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 the person you must contact cannot help because of long-term sickness or leave;
- further essential information cannot be obtained within normal timescales; or
- the service user/customer has agreed to mediation as a potential route for resolution.

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

Alternative resolution and mediation

Some complex complaints, or complaints where service users and other interested parties have become entrenched in their position, may require a different approach to resolving the matter.

Where appropriate, using services such as mediation or conciliation may be considered to try to resolve the matter.

Mediation can help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions. If mediation is mutually agreed, an extension to the timescale will need to be determined.

2.3.5 Closing the complaints at the Investigation Stage

The service user/customer should be informed of the outcome of the investigation, in writing or by their preferred method of contact. The response must address all areas and explain the reasons for the decision, taking an appropriate approach to any confidential information. The service user/customer should be made clear about:

- their right to ask the SPSO to consider the complaint
- the time limit for doing so, and
- how to contact 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 local councils and the NHS in Scotland. If you remain dissatisfied when you have had a final response from East Dunbartonshire Council Social Work Department, 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 found at **Appendix 5**.

Details of the complaint and how the outcome was communicated to the service user must be recorded on the EDC complaints system. These details must be updated to include the outcome when the investigation ends. Responses and action plans should be signed-off by the Head of Service/Senior Manager who will ensure that information will be used to improve services. Once the above processes have been completed, if the service user/customer is not satisfied, they can raise the complaint with the Scottish Public Services Ombudsman.

2.4 STAGE THREE : EXTERNAL REVIEW

2.4.1 When is External Review appropriate?

Once the investigation stage has been completed, the service user/customer has the right to approach the Scottish Public Services Ombudsman (SPSO) if they remain dissatisfied.

The service user/customer should be informed of:

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

The SPSO considers complaints from people who remain dissatisfied at the conclusion of their complaint. The SPSO looks at issues such as service failure and maladministration and the way the complaint has been handled. In relation to social work decisions, they can also look at the professional judgement used.

Details on how service users/customers contact the SPSO are found in **Appendix 5**

2.4.2 External Review Process

The EDC/HSCP should ensure that an action plan is generated for each complaint or part of a complaint which is upheld for review along with all other related documentation by the Ombudsman if required.

The Scottish Public Services Ombudsman recommends that service providers keep accurate records of their investigation and of any interviews or meetings held to discuss the complaint. These documents should be retained in line with the organisation's document retention policy.

2.4.3 Issues for Considerations

The SPSO will consider complaints from service users/customers and will investigate complaints brought to them unless it is clear that all possible action has already been taken by the authority.

The SPSO handles complaints about public services in Scotland. It can normally only consider complaints after they have been through the Complaints Handling Procedure of the organisation concerned. Its role and remit are set out in the Scottish Public Services Ombudsman Act 2002.

2.4.4 Timescale

The Scottish Public Services Ombudsman is not normally able to investigate matters where the issue raised is over 12 months old.

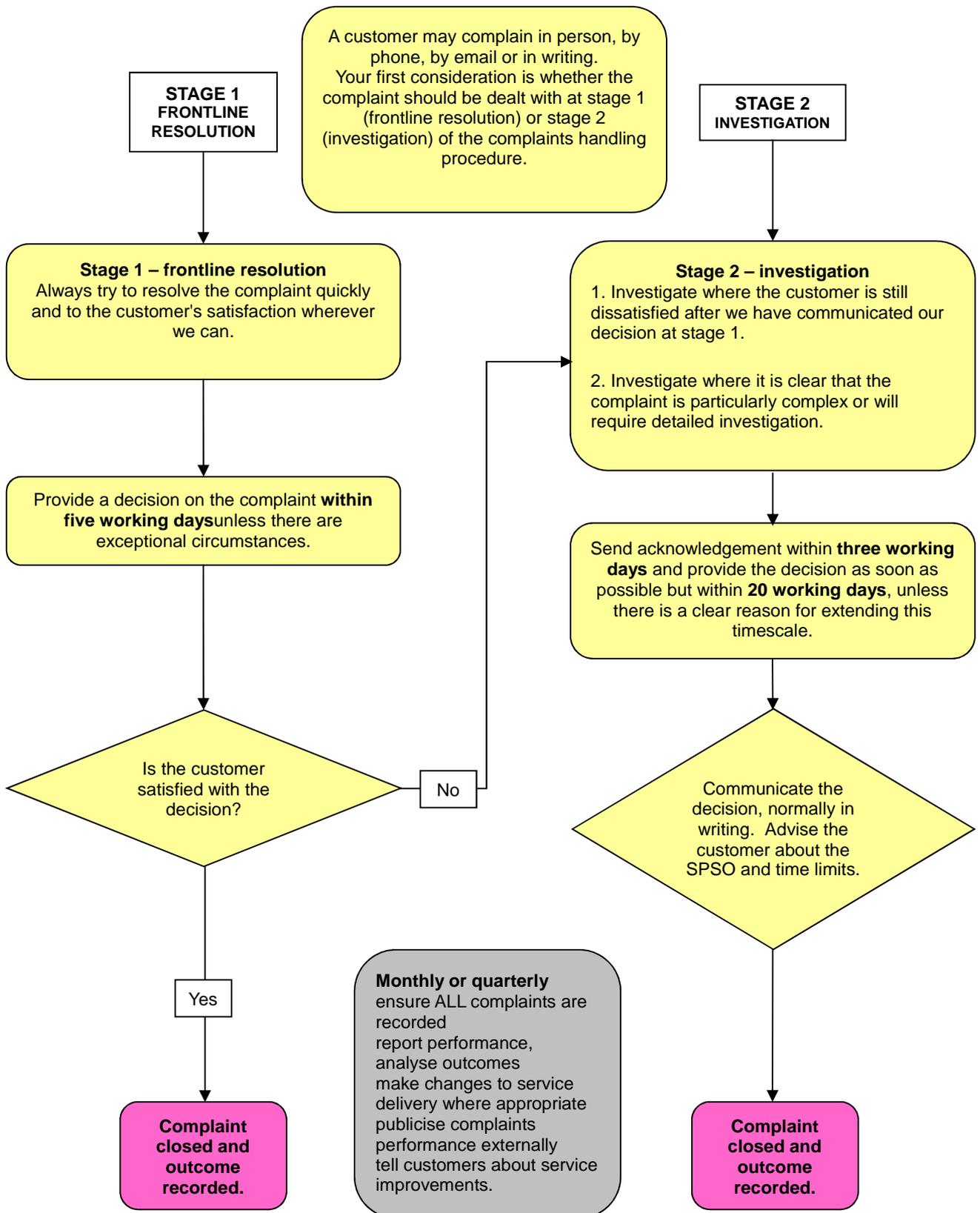
APPENDIX 1 - FRONTLINE RESOLUTION COMPLAINTS

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

Complaint	Possible actions to achieve resolution
A service user complains that a social worker did not turn up for a planned visit.	<ul style="list-style-type: none"> ▪ Apologise to the service user ▪ Explain that you will look into the matter ▪ Contact the social worker/manager to find out the reason for the missed appointment, then ▪ Explain the reasons and offer a new appointment.
A member of the public complains that a home carer parked in a private resident's car parking place.	<ul style="list-style-type: none"> ▪ Take the service user's details and explain that you will look into the matter ▪ Contact the home care service to find out if this is the case ▪ If so, request that this does not happen again, and ▪ Contact the service user, apologise and advise that the worker has been asked to find alternative parking.
A member of public complains that his neighbours (residents of a children's house) have been playing football in the street where they live and are being abusive to passers-by.	<ul style="list-style-type: none"> ▪ Explain to the service user that you will look into the matter and call them back ▪ Contact the manager of the children's house to verify the facts ▪ Request that the manager meet with the neighbour to apologise and engender good relations, then ▪ Call back the customer to update them.
A complaint about a service provider commissioned by social work services.	<ul style="list-style-type: none"> ▪ Discuss with the service user the different ways for this complaint to be handled, i.e. by a complaint to the Care Inspectorate or through the provider's own CHP, and ▪ Ensure, whatever process is agreed, that the service user is clear how they can progress their complaint to the next stage, should they remain dissatisfied. This may be within the provider's Complaint Handling Procedures, to EDC/EDHSCP, or to the Care Inspectorate. The service user should be advised that they can come back to EDC/EDHSCP for further advice if they need to at any stage.
A service user complains that their care needs assessment does not accurately reflect their needs, or that the care package proposed would not meet the needs identified in their assessment.	<ul style="list-style-type: none"> ▪ Clarify with the service user whether the complaint relates to an assessment of needs or a proposed care package. Establish specifically what the service user is complaining about and what has happened so far. Ask them what they are seeking from their complaint, and explain that you will look into the matter ▪ Make internal enquiries to establish what stage the assessment and care planning processes are at ▪ While considering the complaint, if the team indicate that a new assessment or care planning meeting may be offered, pass this offer onto the customer, and ask the team to contact

	<p>the service user to take this forward, and</p> <ul style="list-style-type: none"> ▪ If the team are not prepared to look at the matter again, explain why the assessment or care package decision is considered to be adequate, and signpost to the next stage of the Complaint Handling Procedures.
<p>A service user complains about social work services impacting on their discharge from hospital.</p>	<ul style="list-style-type: none"> ▪ Check with the hospital social work team about the service user's care planning in relation to discharge from hospital, and the timing of medical decisions and social work input ▪ It may become apparent at that stage that the discharge process was complicated by a range of issues, in which case it may be appropriate to escalate the complaint to investigation ▪ It may also become apparent that the service user is still in hospital, and may or may not be considered ready for discharge. If they are ready, then pass the complaint onto the team directly involved to respond to as quickly as possible ▪ If the situation is not current, and there were delays from social work services, find out why these happened, and ▪ Respond to the service user by their preferred method, to inform them of the outcome of their complaint. Offer an apology if appropriate, and outline what steps have been put in place to prevent a recurrence of the situation.

APPENDIX 2 – FLOWCHART



APPENDIX 3 - COMPLEX SOCIAL WORK SCENARIOS

A concern may not necessarily be a complaint. In some cases a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner. The following examples of issues that commonly arise were adapted from Glasgow City HSCP' Complaints Handling Procedures.

Scenario 1. Child or adult protection concerns

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

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

Scenario 2. Complaints about professional decisions

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

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

Scenario 3. Legal action

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

- a) **Judicial Review:** If a person wishes to seek judicial review of a social work decision then they should be encouraged to seek legal advice but this will not necessarily prevent the complaint being first considered under this procedure.
- b) **Litigation:** Where a service user/customer says that they are seeking compensation and that legal action is being actively pursued, this is not a complaint. Where a service user/customer indicates that they intend to litigate but have not yet commenced legal action, they should be informed that if they take such action, the complaints process will be closed. If it becomes apparent that legal action is being pursued, the Head of Service should clarify with the service user/customer if all the issues they have raised will be considered through legal action; any outstanding issues must still be addressed through the Complaints Handling Procedures.
- c) **Legal tribunals, etc:** Sometimes the matter complained of may be the subject of ongoing consideration by a relevant legal body, for example where a service user/customer complains of lack of contact with their child who is being looked after by EDC, when that matter falls to be determined by the Children's Panel. In such

cases the service user/customer should be directed to raise the matter either directly or through their legal representatives within that other defined process and the matter should not be accepted as a complaint.

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

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

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

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

- advise the service user/customer that, due to the timescales involved, the issue should be raised when the report is presented in court/to the relevant body, as that is the appropriate forum for deciding on the matter
- advise the service user/customer that the complaint raises issues that will be considered under the Complaints Handling Procedures (such as issues of fact), and progress accordingly, or
- advise the service user/customer that the complaint raises a mixture of issues that will be considered under the Complaints Handling Procedures and other issues that should be raised within the relevant forum when the report is submitted.

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

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

Scenario 5. Campaigns

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

Occasionally, however, such complaints are evidently part of an organised campaign. Indicators may be that all complaints have identical content or are on a 'form' letter or that all complainers are known to be members of a pressure group that has made

separate representations through EDC's petitions process or elected members. EDC/EDHSCP should not accept an unreasonable burden on its complaints processes produced by an organised campaign. Instead, EDC/EDHSCP may either issue a single 'form' response or may ask the organisers to nominate a single person to make a single complaint on behalf of the group. In such circumstances it would be important to be clear that all the complaints being brought to EDC/EDHSCP are identical, and setting out clearly what issues are being considered under the complaint. Any other additional concerns that individuals may have would need to be handled as new complaints.

Scenario 6. Persons under investigation

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

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

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

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

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

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

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

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

Scenario 8. Grievances/Staff complaints

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

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

Discretion is required where the complaint is so serious as to immediately merit

investigation under disciplinary processes or referral to another agency.

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

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

Scenario 10. Complaints brought by foster carers

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

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

Foster carers who are recruited and supported by EDC may bring complaints about these services. However, approval and de-registration of the carer by EDC may be considered through alternative appeal mechanisms. As noted under the section 'Complaints and appeals', these appeals must be handled in line with the Complaints Handling procedures timescales and end with signposting to the SPSO.

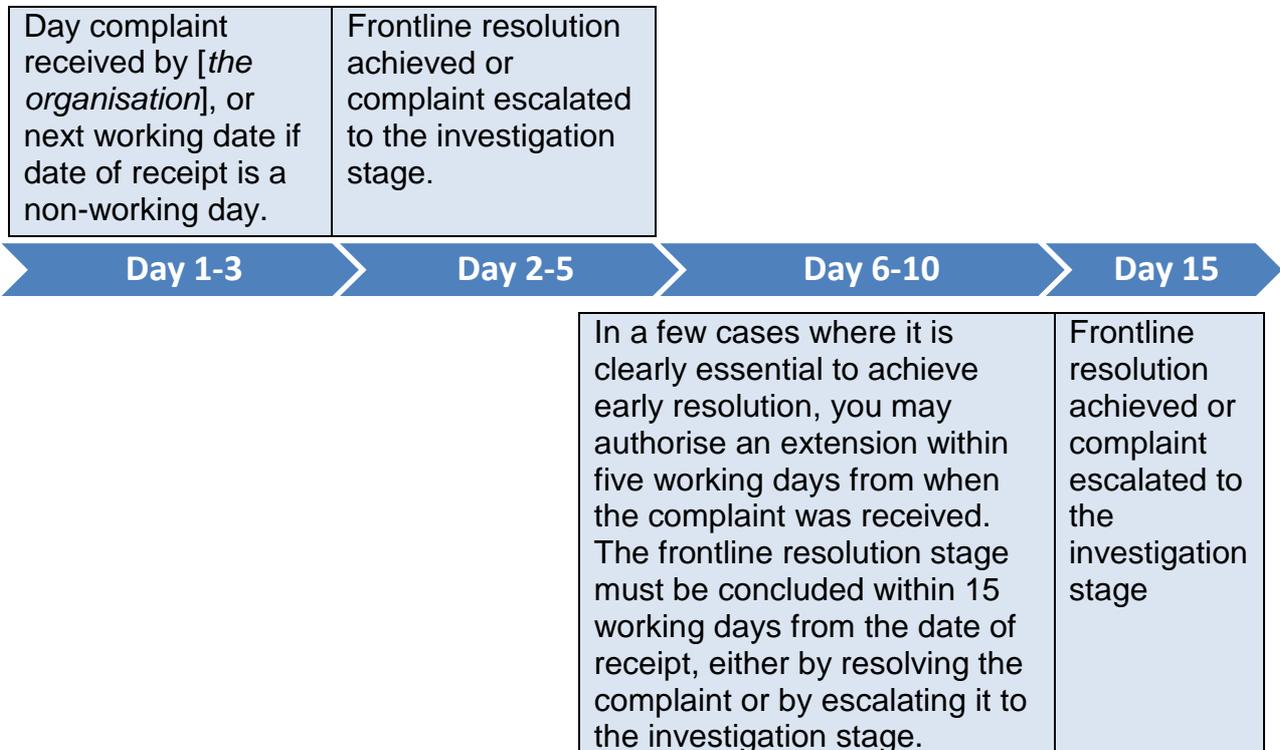
Complaints from foster carers supported by private agencies will not be addressed within this Complaints Handling Procedures if the complaint is wholly about their own circumstances and support rather than those of the child. Such complaints should be directed to the complaints process of the relevant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

An agency foster carer may still complain about the way EDC staff have interacted with them or about any element of service that they might reasonably expect to be provided by EDC, for example invitations to meetings, provision of information about the child in their care or the manner and content of communications with EDC/HSCP. This list is not exhaustive and such complaints should be carefully considered in terms of the role of EDC staff, before directing them to pursue their complaint with their fostering agency. Where a complaint cannot be considered in part or in whole by EDC/HSCP, the service user/customer must be given a clear explanation as to why this is, what (if any) parts of their complaint will be investigated and how they may refer the matter to the SPSO.

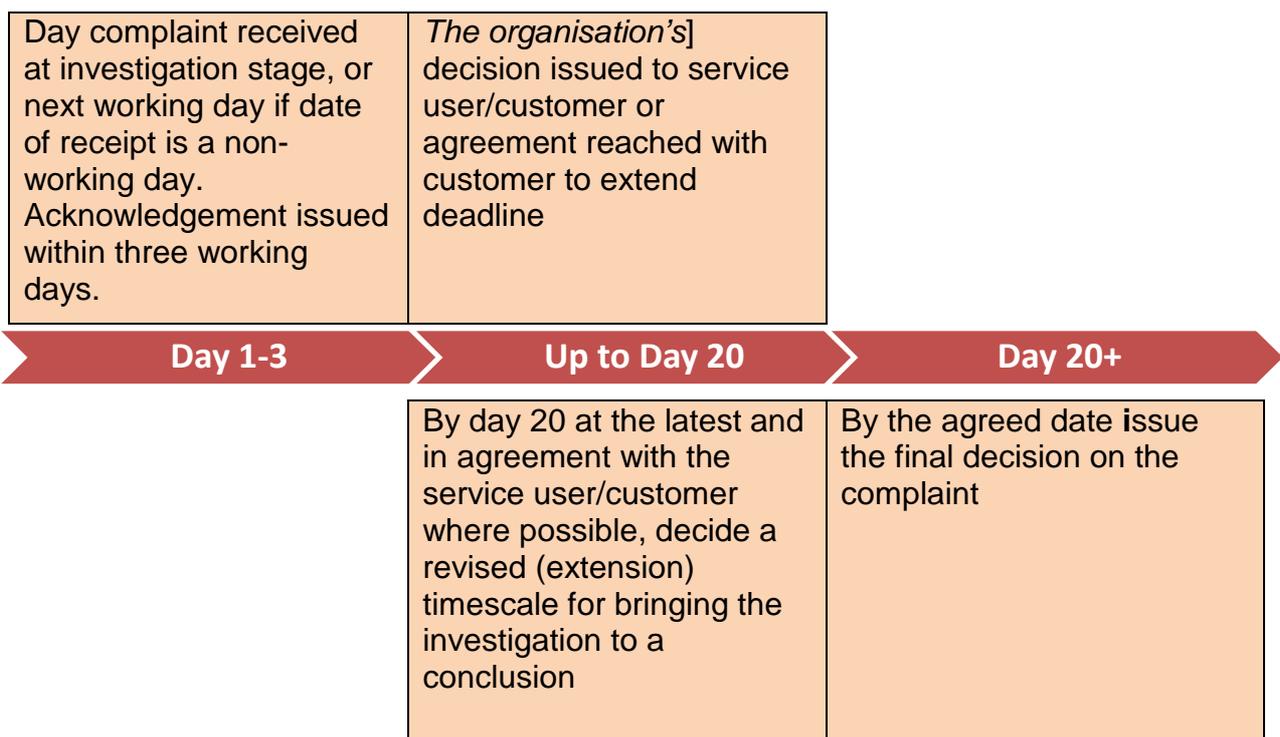
APPENDIX 4 - INFORMATION ON TIMELINES

References to timelines throughout the Complaints Handling Procedures relate to working days whereby non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted do not count in relation to performance against timeframes.

TIMELINES AT FRONTLINE RESOLUTION

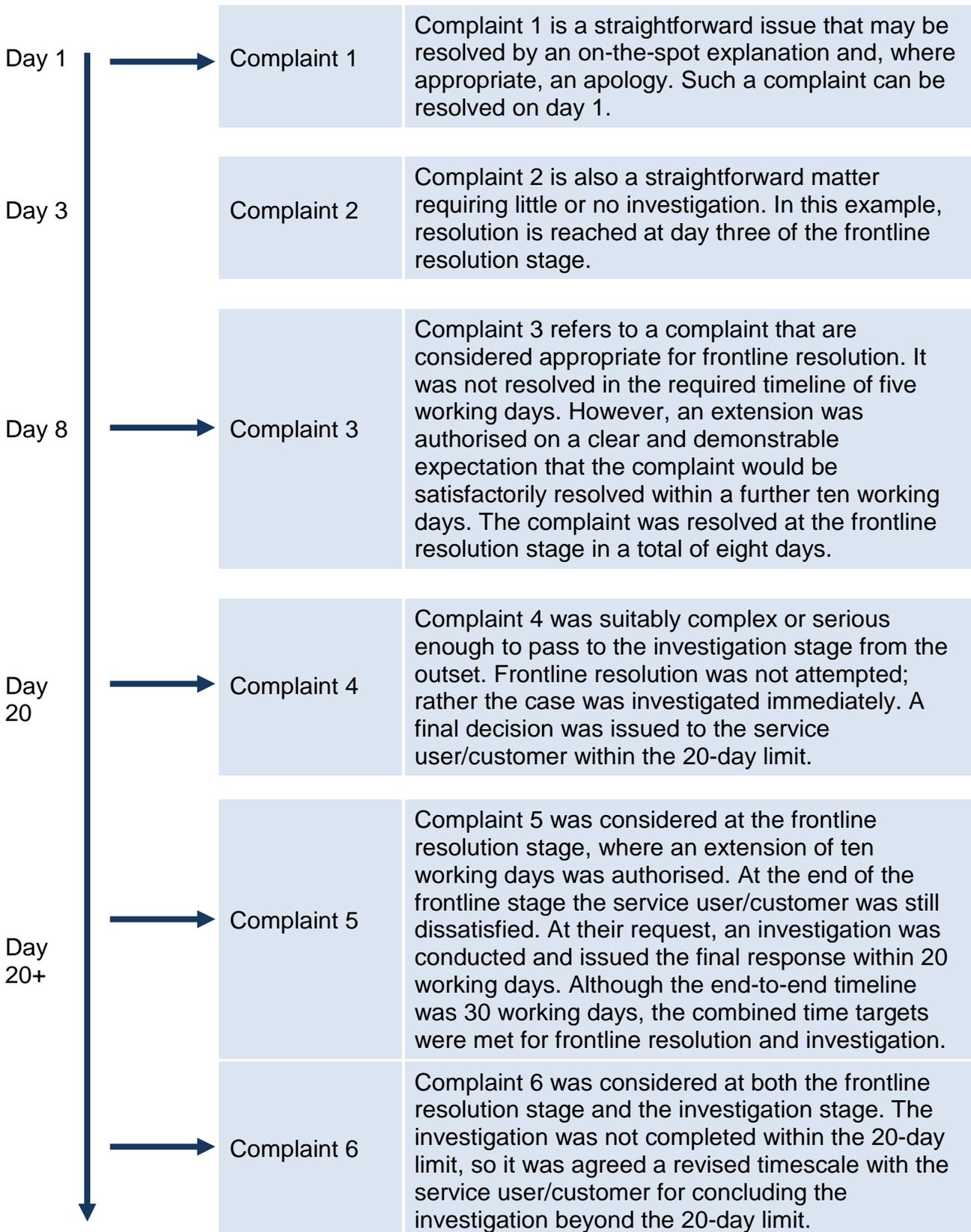


TIMELINES AT INVESTIGATION STAGE



TIMELINE EXAMPLES

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



APPENDIX 5- SPSO

The SPSO recommends that you use the wording below to inform customers of their right to ask SPSO to consider the complaint.

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 local councils and the NHS in Scotland.

If you remain dissatisfied when you have had a final response from [*the organisation*], 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

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk