

# Moray Council Model Complaints Handling Procedure

## Part 1:

### Introduction and overview

<i>Version</i>	<i>Description</i>	<i>Date</i>
1	Local Authority MCHP published on SPSO website	March 2012
1	Social Work MCHP published on SPSO website	December 2016
2	Combined and revised version published on SPSO website	January 2020

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## Foreword

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

The local authority procedure was first developed by local government complaints handling experts, working closely with the Scottish Public Services Ombudsman (SPSO). A separate procedure for social work complaints was developed by social work experts and third sector organisations working with SPSO.

The Model Complaints Handling Procedures (MCHPs) were revised in 2019 by the SPSO in consultation with all sectors. As part of this, the local authority and social work procedures were combined into a single procedure. This new edition includes a core text, which is consistent across all public services in Scotland, with some additional text and examples specific to local authorities and health and social care partnerships (HSCPs) handling social work complaints. The procedural elements tie in very closely with those of the National Health Service Complaints Handling Procedure, so where complaints cut across services, they can still be handled in much the same way as other complaints.

We intend to follow the SPSO's standard approach to handling complaints across Scotland's public services, which complies with the **SPSO's guidance on a MCHP**. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early responses by capable, well-trained staff.

All staff across Moray Council must cover this procedure as part of their induction and must be given refresher training as required, to ensure they are confident in identifying complaints, empowered to resolve simple complaints on the spot, and familiar with how to apply this procedure, including recording complaints.

Complaints give us valuable information we can use to improve service provision and customer satisfaction. Our Complaints Handling Procedure will enable us to address a customer's dissatisfaction and may help us prevent the same problem from happening again. For our staff, complaints provide a first-hand account of the customers' views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

Handling complaints early creates better customer relations. Handling complaints close to the point of service delivery 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 handle swiftly can greatly add to our workload and are more costly to administer.

The Complaints Handling Procedure will help us provide better services, improve relationships with our customers and enhance public perception of Moray Council. It will help us keep the user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

## Structure of the Complaints Handling Procedure

1. This Complaints Handling Procedure (CHP) explains to staff how to handle complaints. The CHP consists of:
  - Overview and structure (part 1) – this document
  - When to use the procedure (**part 2**) – guidance on identifying what is and what is not a complaint, handling complex or unusual complaint circumstances, the interaction of complaints and other processes, and what to do if the CHP does not apply
  - The complaints handling process (**part 3**) – guidance on handling a complaint through stages 1 and 2, and dealing with post-closure contact
  - Governance of the procedure (**part 4**) – staff roles and responsibilities and guidance on recording, reporting, publicising and learning from complaints
  - The customer-facing CHP (**part 5**) – information for customers on how we handle complaints
  - When using the CHP, please also refer to the 'SPSO Statement of Complaints Handling Principles' and good practice guidance on complaints handling from the SPSO. Found at **[www.spsso.org.uk](http://www.spsso.org.uk)**

## Overview of the CHP

2. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.
3. We will try to resolve complaints to the satisfaction of the customer wherever this is possible. Where this isn't possible, we will give the customer a clear response to each of their points of complaint. We will always try to respond as quickly as we can (and on the spot where possible).
4. Our complaints procedure has two stages. We expect the majority of complaints will be handled at stage 1. If the customer remains dissatisfied after stage 1, they can request that we look at it again, at stage 2. If the complaint is complex enough to require an investigation, we will put the complaint into stage 2 straight away and skip stage 1.

Stage 1: Frontline response	Stage 2: Investigation	Independent external review (SPSO or other)
<p>For issues that are straightforward and simple, requiring little or no investigation</p> <p>'On-the-spot' apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to stage 2</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b></p> <p>We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p>Where the customer is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>In relation to social work decisions the SPSO can also look at professional decisions</p> <p>Some complaints may also have an alternative route for independent external review</p>

5. For detailed guidance on the process, see **Part 3: The complaints handling process.**

## Expected behaviours

6. We expect all staff to behave in a professional manner and treat customers with courtesy, respect and dignity. We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the complaint handling process by:
  - telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
  - working with us to agree the key points of complaint when an investigation is required and the outcomes sought to address these key points; and
  - responding to reasonable requests for information.
7. We have a policy in place for when these standards are not met which is our Unacceptable Actions Policy.
8. We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer acting in an unacceptable way.
9. Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to restrict contact with us. See <http://www.moray.gov.uk/downloads/file99112.pdf> for our Unacceptable Action Policy.
10. If we decide to restrict a customer's contact, we will be careful to follow the process set out in our policy and to minimise any restrictions on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact restrictions are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. Our policy allows us in limited circumstances to restrict access to the complaint process entirely. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires Chief Executive/Deputy Chief Executive approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (see **Part 3: Signposting to the SPSO**).

Moray Council provides the following guidance example on promoting positive behaviour and managing unacceptable actions.

### Example

- A customer made complaint about several housing matters. This was dealt with at stage 1 however the customer informed us that they remained dissatisfied.
- The complaint was escalated to investigation, an acknowledgement letter was sent to the complainant within 3 working days, investigation was made and a final response sent within

20 working days. The complaint was not upheld and the complainant was signposted to report continued dissatisfaction to SPSO.

- SPSO considered the complaint, were satisfied with our complaint handling and advised the complainant that they would not be taking any further action. This ended the complaint process.
- The complainant didn't accept the SPSO findings and again made contact with us on the same complaint issue. They sent numerous emails and made repeated calls to several departments. This created unnecessary work and adversely impacted on staff time taken to deal with the complainant.
- A single point of contact (SPOC) manager was appointed to deal with the complainant.
- The SPOC manager wrote to the complainant advising them that their complaint had been through the complaint handling process and there was nothing further to consider. The complainant was also asked to desist from submitting further emails or calls on this matter. The Unacceptable Action Policy was explained to the complainant and a hard copy sent to them. The complainant was also advised that if their unacceptable behaviour continued then they may have restrictions placed on how they contact us.
- The complainant ignored the SPOC manager correspondence and the excessive emails and calls continued.
- A Deputy Chief Executive sent a letter to the complainant, restricting their contact with us on complaint matters to written submissions only to the SPOC manager and the complainant was placed on the Unacceptable Actions database. The complainant was advised that a review to remove the restriction would be taken in 6 months.
- Our customer service and relevant department were advised that should the complainant try to email or call on complaint matters then they should refer the complainant to contact the SPOC manager in writing and end the call/email communication.
- This process allowed us to effectively manage the complainant in accordance with Unacceptable Action Policy.

## **Maintaining confidentiality and data protection**

11. Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.
12. This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.
13. 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. See [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html) for Data Protection.
14. There will be situations where a response to a complaint may be limited by confidentiality, such as:
  - where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
  - where someone has raised a concern about a child or an adult's safety and is unhappy about how that has been dealt with – we would look into this to check whether the safety concern had been properly dealt with, but we would not share any details of our findings in relation to the safety concern.