SHETLAND
ISLANDS COUNCIL

# Complaints Handling Procedure

# Part 1:

# Introduction and overview

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| Lead Officer/Manager | | | Executive Manager - Executive Services |
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## Foreword

Our Ambition 2021-26, the council's corporate plan, sets out the expectations and standards for how we operate as an organisation.

An important part of that relates to the way in which we interact with the people who use our services. Our ambition as a council is to be a fabulous place to work, but also to be one where we are applying consistent, high standards when we are engaging with anyone who is using our services. That includes making a complaint. This procedure aligns with the standards in our Customer First Charter and Values. Any member of staff handling a complaint must demonstrate how they are meeting those standards.

As well as our attitude and approach to complaint handling, we also want to ensure as many complaints are managed as close as possible to the point of service and staff handling complaints get it right first time. Staff that are confident in applying this procedure, identifying complaints and feel empowered to resolve simple complaints on the spot will be key to that. So we are committed to ensuring staff know about this procedure and feel confident and supported in applying its provisions going forward.

And, as set out in Our Ambition, we also want to be taking the time to reflect on and learn from our interactions with service users. 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 solution when things go wrong, and can also help us continuously improve our services. They provide valuable information that will help us become a more effective organisation, repeating good practice and avoiding things where lessons can be learned. Complaints that we do not handle swiftly can greatly add to our workload and are more costly to administer. In an environment of reducing resources and growing service demand, the need to be more efficient is really important.

The Model Complaints Handling Procedures were revised in 2019 by the Scottish Public Services Ombudsman in consultation with all sectors. As part of that, the local authority and social work procedures were combined into a single procedure. The procedural elements in this document 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.

This Complaints Handling Procedure will help us provide better services, improve relationships with our customers and enhance public perception of our council. It will help us keep service users at the heart of the process, while enabling us to better understand how to improve our services by learning. That will make a significant contribution to our reputation as an organisation and I would encourage all staff to play a positive role in ensuring this procedure is applied going forward.

**Maggie Sandison, Chief Executive**

## 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

2. 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. **www.spso.org.uk/contactus**

## Overview of the CHP

3. Anyone can make a complaint, either verbally or in writing, including face-to-face, by phone, letter or email.

4. 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).

5. 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)** |
|---|---|---|
| For issues that are straightforward and simple, requiring little or no investigation<br><br>'On-the-spot' apology, explanation, or other action to put the matter right<br><br>Complaint resolved or a response provided in **five working days** or less (unless there are exceptional circumstances)<br><br>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response<br><br>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)<br><br>We will tell the customer how to escalate their complaint to stage 2 | 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'<br><br>Complaint acknowledged within **three working days**<br><br>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)<br><br>Complaint resolved or a definitive response provided within **20 working days** following a thorough investigation of the points raised | Where the customer is not satisfied with the stage 2 response from the service provider<br><br>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider<br><br>In relation to social work decisions the SPSO can also look at professional decisions<br><br>Some complaints may also have an alternative route for independent external review |

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

## Expected behaviours

7. Our staff will follow the Council's Customer First Charter, so, we will:

    - Respond promptly when you contact us
    - Resolve issues as quickly as possible
    - Be polite, helpful and professional at all times
    - Treat everyone with equity and fairness
    - Communicate clearly, avoiding jargon
    - Maintain confidentiality, ensuring only those who need to see your information do so
    - Take responsibility and rectify any mistakes we make
    - Use your views to help us improve the way we do things

8. 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
    - responding to reasonable requests for information.

9. 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.

10. 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 our Unacceptable Actions Policy.

11. 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 manager approval. Where access to the complaint process is restricted, we must signpost the customer to the SPSO (see **Part 3: Signposting to the SPSO**).

12. The SPSO has **guidance on promoting positive behaviour and managing unacceptable actions**.

## Maintaining confidentiality and data protection

13. 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.

14. 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.

15. 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.

16. 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. You can find more information on this by following this link:

    **https://www.shetland.gov.uk/managing-information/privacy-data-protection**