

Item: 12

Policy and Resources Committee: 27 November 2018.

Complaints Handling Procedure.

Report by Executive Director of Corporate Services.

1. Purpose of Report

To consider amendments to the Council's Complaints Handling Procedure.

2. Recommendations

The Committee is invited to note:

2.1.

That the Council's Complaints Handling Procedure, approved in July 2012, is based on the Model Complaints Handling Procedure published by the Scottish Public Services Ombudsman.

2.2.

That, on 29 March 2018, the Monitoring and Audit Committee considered an Internal Audit of the processes surrounding the Complaints Handling Procedure, including awareness of, and training in, complaints handling, effectiveness in the handling of complaints and compliance with associated procedures.

2.3.

That the Internal Audit report identified three specific areas where improvements to procedures could be made and recommended that appropriate amendments be made to the Complaints Handling Procedure.

2.4.

That a separate review of the Model Complaints Handling Procedure is due to be undertaken by the Scottish Public Services Ombudsman during the course of 2019 and it is anticipated that, once that review is complete, further amendments to the Council's Complaints Handling Procedure can be considered to reflect the outcome of the review.

It is recommended:

2.5.

That the revised Complaints Handling Procedure, attached as Appendix 1 to this report, be approved.

3. Background

3.1.

The Council's Complaints Handling Procedure, adopted in July 2012, is based on the Model Complaints Handling Procedure published by the Scottish Public Services Ombudsman.

3.2.

The Council's processes surrounding its Complaints Handling Procedure, including awareness of, and training in, complaints handling, effectiveness in the handling of complaints and compliance with associated procedures, were the subject of an Internal Audit during 2017 to 2018.

3.3.

The Internal Audit report, which was reported to the Monitoring and Audit Committee on 29 March 2018, identified three specific areas where improvements to procedures could be made and recommended that appropriate amendments be made to the Complaints Handling Procedure.

3.4.

It is anticipated that a further review of the Complaints Handling Procedure will take place by the end of 2019 after review by the Scottish Public Services Ombudsman of its Model Complaints Handling Procedure.

4. Proposed Amendments to the Complaints Handling Procedure

4.1.

Attached as Appendix 1 to this report, are the proposed amendments to the Complaints Handling Procedure. For ease the amendments are shown in track changes and summarised below.

4.2.

In the section headed "Roles and responsibilities" on page 19, the training to be undertaken by complaints officers, front line staff and the Council's Scottish Public Services Ombudsman Liaison Officer is now set out. This training will help to ensure that relevant officers are suitably placed to discharge the responsibilities incumbent on them in terms of the Complaints Handling Procedure.

4.3.

The Scottish Public Services Ombudsman's table for the qualitative assessment of responses has been added at Appendix 6. This table will be a reference point for complaints officers when responding to a complaint and will help to ensure that appropriate qualitative standards are achieved when responses to complaints are issued.

4.4.

Templates of letters to acknowledge receipt of complaints are contained at Appendix 7. It is anticipated that the structure of the letters and suggested text will help to streamline the process of acknowledging receipt of complaints.

4.5.

Each complaint requires to be considered on its individual facts and, given the wide spectrum of types of complaints received, it is considered impractical to attempt to produce a model response letter. Nonetheless guidance on appropriate matters which should be covered in the response letter is published on page 43 in Appendix 7 and should be referred to in conjunction with the qualitative assessment standards referred to in Appendix 6.

5. Equalities Impact

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

6. Corporate Governance

This report relates to governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

There are not anticipated to be any significant financial implications arising as a result of this report.

8. Legal Aspects

Complying with recommendations made by the internal auditors helps the Council meet its statutory obligations to secure best value.

9. Contact Officers

Gillian Morrison, Executive Director of Corporate Services, extension 2103, Email gillian.morrison@orkney.gov.uk.

Gavin Mitchell, Head of Legal Services, extension 2233, Email gavin.mitchell@orkney.gov.uk.

10. Appendices

Appendix 1: Amended Complaints Handling Procedure.

Appendix 2: Equality Impact Assessment.

Appendix 1



Complaints Handling Procedure

Version 1.6

Deleted: 5

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Document Control Sheet

Review/Approval History

Date.	Name.	Position.	Version Approved.
February 2012.	General Meeting of the Council.	n/a.	Version 1.0.
September 2016.	Gavin Mitchell.	Head of Legal Services.	Version 1.2.
24 February 2017.	Gavin Mitchell.	Head of Legal Services.	Version 1.4.
17 November 2017.	Gavin Mitchell.	Head of Legal Services.	Version 1.5.
<u>30 October 2018</u>	<u>Gavin Mitchell</u>	<u>Head of Legal Services</u>	<u>Version 1.6</u>

Change Record Table

Date.	Author.	Version.	Status.	Reason.
19 April 2016.	George Vickers.	1.1.	Final.	Updated web address and Freepost address of SPSO.
9 August 2016.	George Vickers.	1.2.	Final.	Addition of remedy Appendix and changing reference in substantive text.
4 January 2017.	George Vickers.	1.3.	Final.	Changed reference from Public Standards Commissioner to Commissioner for Ethical Standards in Public Life.
24 February 2017.	George Vickers.	1.4.	Final.	Revised Procedure relating to complaints involving more than on service and adding section about reporting to Heads of Service.
16 November 2017.	George Vickers.	1.5.	Final.	Revised to take account of OIC adoption of SPSO Model Social Work CHP.
<u>30 October 2018</u>	<u>Gavin Mitchell</u>	<u>1.6</u>	<u>Final</u>	<u>Revised to implement recommendations contained in the Internal Audit Report, 13 March 2018</u>

Status Description

Final – The document is complete and is not expected to change significantly. All changes will be listed in the change record table.

Foreword

Orkney Islands Council has a commitment to deliver high quality services to all its customers. Customer satisfaction is very important to us. We recognise however, that sometimes things can go wrong. We need to know about this so we can put it right and improve our service for others in the future.

Our complaints handling procedure reflects Orkney Islands Council's commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery. We aim 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 aim is to produce a standard approach to handling complaints which complies with the Scottish Public Services Ombudsman's (SPSO's) guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want to ensure quick, simple and streamlined complaints handling with local, early resolution by capable, well-trained staff.

Complaints give us valuable information we can use to improve customer satisfaction. For our staff, complaints provide a first-hand account of the customer's 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.

Resolving complaints early saves money and creates better customer relations. Sorting them out as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

This complaints handling procedure will help us do our job better, improve relationships with our customers and enhance public understanding of the local authority. It will help us to keep the service user at the heart of the process, while enabling us to better understand how to improve our services by learning from complaints.

Chief Executive.

Orkney Islands Council.

How to use this Complaints Handling Procedure

This document explains to staff how to handle complaints. Another document provides information for customers on the complaints procedure. Together, these form our complaints handling procedure.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO.

| <http://www.valuingcomplaints.org.uk/>.

What is a complaint?

Orkney Islands Council's definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority.'

A complaint may relate to: failure to provide a service inadequate standard of service dissatisfaction with local authority policy treatment by or attitude of a member of staff disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter the local authority's failure to follow the appropriate administrative process.

This list does not cover everything.

Appendix 1 provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is not:

- A routine first-time request for a service.
- A request for compensation only.
- Issues that are in court or have already been heard by a court or a tribunal.
- Disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax or planning an attempt to reopen a previously concluded complaint.
- A request to have a complaint reconsidered where we have already given our final decision.

You must not treat these issues as complaints and should instead direct customers to use the appropriate procedures.

Appendix 2 gives more examples of 'what is not a complaint' and how to direct customers appropriately.

Handling anonymous complaints

We value all complaints. This means we treat all complaints, including anonymous complaints, seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by the relevant Executive Director or Head of Service.

If an anonymous complaint makes serious allegations, we will refer it to an Executive Director or Head of Service immediately.

If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the

completeness of the complaints data we record and allow us to take corrective action where appropriate.

What if the customer does not want to complain?

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. Encourage the customer to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If, however, the customer insists they do not wish to complain, record the issue as an anonymous complaint. This will ensure that the customer's details are not recorded on the complaints database and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

Please refer to the example in **Appendix 1** for further guidance.

Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent.

Complaints involving more than one Council service

A complaint may relate to the actions of two or more local authority services or may include circumstances where one or more services have the lead and a support service, such as Legal Services, is providing input as a tertiary service. In these circumstances, you must advise the customer who will take the lead in dealing with the complaint and explain that they will receive only one response covering all issues raised.

The lead service is responsible for keeping the complainant informed about progress with the complaint and letting him or her know the outcome of the complaint. However, all services involved with the subject of the complaint have a responsibility for ensuring that the Complaints Handling Procedure is properly applied. When the lead service has asked a second service to either provide information or take some form of action, the lead service must record this and make a note in a diary, or in an appropriate place, to contact the second service to ensure that this is attended to in a timely manner (what is often referred to as "diarising").

The lead service has the responsibility for keeping the complainant informed of progress in resolving the subject of the complaint and advising the complainant as to what action has been taken. If the second service requires information or action from the lead service in order, for example, to be able to provide the lead service with appropriate advice and support, then this should be diarised by the second service. If

no response is received from the lead service, the second service should send a reminder to the lead service.

All actions, correspondence and communications should be filed on relevant file management systems in order that the relevant information to progress the resolution of the complaint is accessible by colleagues. This will help ensure that problems that might arise, such as from unexpected staff absences, can be identified and resolved.

Complaints involving more than one organisation

If a customer complains to the local authority about the service of another agency or public service provider, but the local authority has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where a complaint relates to a local authority service and the service of another agency or public service provider, (for example a housing association or a government department), and the local authority has a direct interest in the issue, the complaint about the local authority must be handled through the Complaints Handling Procedure. If you need to make enquiries to an outside agency in relation to the complaint always take account of data protection legislation and our guidance on handling our customers' personal information by seeking appropriate advice from Legal Services. The Information Commissioner also has detailed guidance on data sharing and has issued a data sharing code of practice. Case files or other relevant records must be kept up to date.

Such complaints may include:

- A complaint made to us about a claim for housing benefit where the customer's dissatisfaction relates to the service we have provided and the service the DWP has provided.
- A complaint made to us about antisocial behaviour where the customer's dissatisfaction relates to the service we have provided and the service the housing association has provided.

Reporting to the Head of Service

Each service must ensure that their Head of Service (Member of the Corporate Management Team) is kept fully apprised on a regular basis as to progress in the handling of the complaint. For frontline complaints the Head of Service will be apprised within the timeline of five working days prescribed in the Procedure for resolving such complaints. For stage 2 complaints/investigations the Head of Service will be apprised within the prescribed timeline of twenty working days. If the timescale for replying is extended, the Head of Service will be apprised within the timescales of the agreed extended deadlines.

Social work complaints

There is a separate Complaints Handling Procedure procedure for social work complaints which also follows the SPSO model.

Leaflets explaining the social work complaints process are available in customer services and other Orkney Health and Care locations.

All complaints received regarding social work and social care services should be referred to the Orkney Health and Care Planning Officer (Quality and Information).

Care complaints

Local authorities that provide care/support services must be registered with the Care Inspectorate. Anyone receiving care/support services from us has the right to complain either direct to the Care Inspectorate or to us.

Customers may also receive care or support from other agencies under a contract with us. They may direct complaints about these services either to us (just like complaints about any local authority service) or directly to the Care Inspectorate.

The Care Inspectorate's contact details within Orkney are as follows:

Care Inspectorate, East Bank, East Road, Kirkwall Orkney, KW15 1LX.

Telephone: 01856870535.

Alternatively, you could contact the Care Inspectorate's National Enquiry Line on:

Telephone: 08456009527.

Fax: 01382207289.

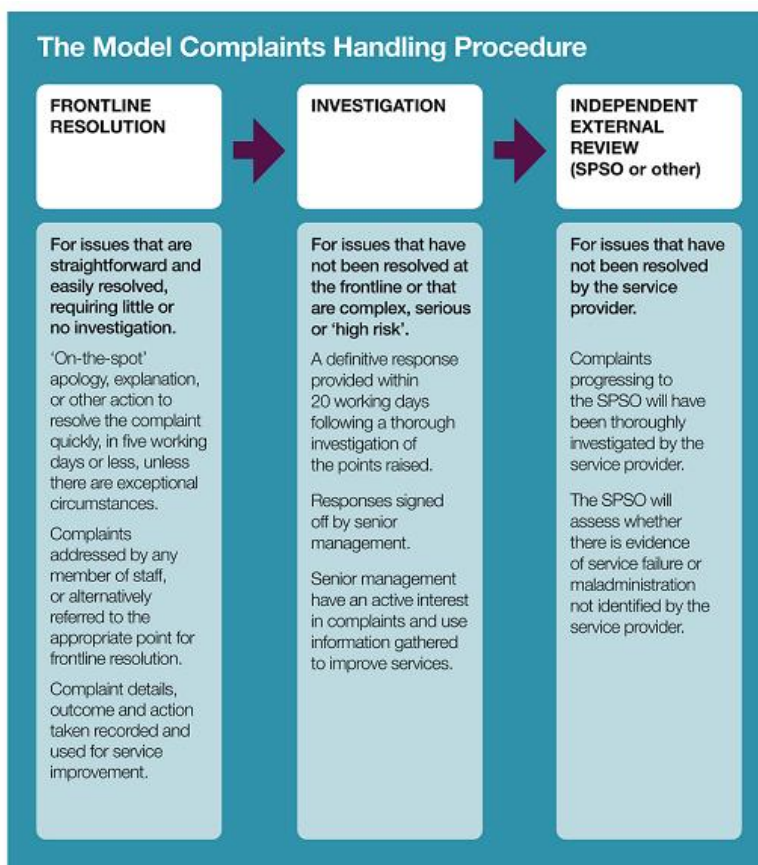
Their contact details can be found on their website at <http://www.careinspectorate.com/index.php/contact-us>.

You can complete an online complaints form at <http://www.careinspectorate.com/>, or email enquiries@careinspectorate.com.

The complaints handling process

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

Our complaints process 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. It does not reflect any job description within Orkney Islands Council but means seeking to resolve complaints at the initial point of contact where possible.

[Appendix 4](#) contains a flowchart which sets out the key steps to be followed when a complaint is received.

Stage one: frontline resolution (informal)

Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

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 customer or asking an appropriate member of staff to deal directly with the complaint.

Appendix 1 gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with the customer, either by the member of staff receiving the complaint or other identified staff.

In either case, you may settle the complaint 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. You may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. You must always consider frontline resolution, regardless of how you have received the customer's complaint.

Each directorate has a dedicated complaints officer to deal with complaints in their service. All complaints must be notified to the relevant complaints officer so that the details of the complaint can be recorded.

What to do when you receive a complaint

1. On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see Appendix 2).
2. If you have received and identified a complaint, contact the relevant complaints officer so that the details are recorded on our complaints system.
3. Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.
4. Where you think frontline resolution is appropriate, you must consider four key questions:
 - What exactly is the customer's complaint (or complaints)?
 - What does the customer want to achieve by complaining?
 - Can I achieve this, or explain why not?
 - If I cannot resolve this, who can help with frontline resolution?

[Appendix 7 contains a suggested template for an acknowledgement of a Stage One complaint.](#)

What exactly is the customer's complaint (or complaints)? It is important to be clear about exactly what the customer is complaining of. You may need to ask the customer for more information and probe further to get a full picture.

What does the customer want to achieve by complaining?

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.

Can I achieve this, or explain why not?

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject:

The SPSO Guidance on Apology is available at:

https://www.spsso.org.uk/sites/spsso/files/communications_material/leaflets_buj/Apology%20for%20Web%20170914.pdf

The customer may expect more than we can provide. If so, you must tell them as soon as possible. An example would be where the customer is so dissatisfied with a kitchen refurbishment that they demand a new kitchen, but we are only willing to repair any broken units.

You are likely to have to convey the decision face to face or on the telephone. If you do so face to face, by telephone or by email, you are not required to write to the customer as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to the customer. You should notify the relevant complaints officer of all such records.

If I can't resolve this, who can help with frontline resolution?

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to someone who can attempt to resolve it.

Timelines

Frontline resolution must be completed within five working days, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other services to resolve the complaint at this stage. However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.

Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may agree an extension of no more than five working days with the

customer. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When you ask for an extension, you must get authorisation from the appropriate Head of Service, who will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include staff or contractors being temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You must tell the customer about the reasons for the delay, and when they can expect your response.

If the customer does not agree to an extension but it is unavoidable and reasonable, a Head of Service must decide on the extension. You must then tell the customer about the delay and explain the reason for the decision to grant the extension.

It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than ten working days from the date you receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

Appendix 3 provides further information on timelines.

Closing the complaint at the frontline resolution stage

When you have informed the customer of the outcome, you are not obliged to write to the customer, although you may choose to do so. You must ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision reached and given to the customer. The complaint should then be closed and the complaints system updated accordingly.

Appendix 5 provides guidance on the remedies available to the Council when appropriate standards have not been met. Regard should be had to the guidance during any consideration of a remedy.

When to escalate to the investigation stage

A complaint must be escalated to the investigation stage when:

- Frontline resolution was tried but the 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 customer refuses to take part in the frontline resolution process.
- The issues raised are complex and require detailed investigation.
- The complaint relates to serious, high-risk or high-profile issues.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.

Take particular care to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that need senior management's direct input. The SPSO defines potential high-risk or high-profile complaints as those that may:

- Involve a death or terminal illness.
- Involve serious service failure, for example major delays in providing, or repeated failures to provide a service.
- Generate significant and ongoing press interest pose a serious risk to local authority operations.
- Present issues of a highly sensitive nature, for example concerning:
 - Immediate homelessness.
 - A particularly vulnerable person.
 - Child protection.

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Stage two: Investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before we can state 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 customer a full, objective and proportionate response that represents our final position.

What to do when you receive a complaint for investigation

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the customer and the service understand the investigation's scope.

It may be helpful to discuss and confirm these points with the 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 customer, consider three key questions:

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

It may be that the customer expects more than we can provide. If so, you must make this clear to the customer as soon as possible.

Where possible you should also clarify what additional information you will need to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

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

If the investigation stage follows attempted frontline resolution, you must hand over all case notes and associated information to the officer responsible for the investigation, and record that you have done so.

[Appendix 7 contains a suggested template for an acknowledgement of a Stage Two complaint.](#)

Timelines

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

- Complaints must be acknowledged within three working days.
- You should provide a full response to the complaint as soon as possible but not later than 20 working days from the time you received the complaint for investigation.

Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, the relevant Head of Service will set time limits on any extended investigation, as long as the customer agrees. You must keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then the relevant Head of Service must consider and confirm the extension. The reasons for an extension might include the following:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they cannot help because of long-term sickness or leave.
- You cannot obtain further essential information within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- The customer has agreed to mediation as a potential route for resolution.

These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

Appendix 3 provides further information on timelines.

Mediation

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.

Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.

If you and the customer agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

You must let the customer know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. You must record the decision, and details of how it was communicated to the customer, on the system for recording complaints. You must also make clear to the customer:

- Their right to ask SPSO to consider the complaint.
- The time limit for doing so.
- How to contact the SPSO.

Appendix 5 provides guidance on the remedies available to the Council when appropriate standards have not been met. Regard should be had to the guidance as part of any consideration of a remedy.

Appendix 6 contains a table produced by the SPSO for the qualitative assessment of responses to complaints. In order to ensure that complaints are responded to as appropriately as possible, regard should be had to the standards and guidance contained within the SPSO's table when preparing a response to a complaint.

Appendix 7 contains template letters for acknowledging receipt of complaints. The template letters are intended to streamline the process of acknowledging receipt of a complaint.

Appendix 7 also contains guidance in relation to preparing a response to a complaint which should be read together with the guidance contained in **Appendix 6**.

Independent external review

Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

To meet SPSO recommendations, we should always use the wording below to inform customers of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, The Ombudsman and your organisation, which you may find helpful in deciding how and when to refer someone to the SPSO.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about Scottish councils. If you remain dissatisfied with a council after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints: where you have not gone all the way through the 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 or Freepost SPSO.

Freephone: 08003777330.

Website: <https://www.spso.org.uk/>.

Online contact: <https://www.spso.org.uk/contact-us>.

Factoring complaints

The SPSO does not normally look at complaints about factoring services. The route for these complaints is through the Housing and Property Chamber.

Contact Information for the Housing and Property Chamber:

Housing and Property Chamber, First-tier Tribunal for Scotland, Glasgow Tribunals Centre, 20 York Street, Glasgow, G2 8GT.

Telephone: 01413025900.

Fax: 01413025901.

Governance of the Complaints Handling Procedure

Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the local authority's Chief Executive, Executive Directors and Heads of Service.

Our final position on the complaint must be signed off by the relevant Head of Service and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

Chief Executive: The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive may take a personal interest in some complaints. Regular management reports assure the Chief Executive of the quality of complaints performance.

Executive Directors: On the Chief Executive's behalf, Executive Directors' responsibilities include:

- Overseeing the investigation of complaints.
- Ensuring the implementation of actions required as a result of a complaint.
- Deputising for the Chief Executive on occasion.

Heads of Service: Heads of Service may be involved in the operational investigation and management of complaints handling. Heads of Service will also be responsible for signing **Stage 2** decision letters to customers.

Complaints Officers: The Chief Executive's Service and each directorate has at least one nominated complaints officer. The complaints officers' responsibilities include:

- Recording complaints.
- Carrying out **Stage 2** investigations.
- Drafting decision letters to customers.
- Offering advice on the complaints handling procedure to other staff in their service.

The nominated complaints officers for each Service are as follows:

- Chief Executive's Service – Business Improvement Manager.
- Corporate Services – Information Governance Officer.
- Development and Infrastructure – Office Manager (deals with all complaints for D and I except ones made against Orkney Ferries).
- Development and Infrastructure – Ferry Operations Manager (only deals with complaints against Orkney Ferries).
- Education, Leisure and Housing – Educational Resources Officer and Housing Manager Policy and Planning.

All complaints officers must complete the SPSO training on good complaints handling and complaint investigation skills, and refresher training must be completed every three years.

All local authority staff: A complaint may be made to any member of staff in the local authority so all staff must be aware of the complaints handling procedure and how to handle complaints. All staff must know which complaints officer a complaint should be referred to for recording. We encourage all appropriately trained staff to try to resolve complaints quickly and as close to the point of service delivery as possible. However if staff are not able to personally handle a complaint, the matter must be referred to the appropriate complaints officer.

Managers of front line staff should ensure that their staff have completed the SPSO training on good complaints handling and that refresher training is completed every three years. Managers may also require staff to complete the SPSO training on complaint investigation skills and require refresher training to be completed.

Local authority SPSO liaison officer: The Council's SPSO liaison officer is the Head of Legal Services. He/she is responsible for ensuring that complaints information is provided in an orderly and structured way. He/she is responsible for providing comments on factual accuracy on the Council's behalf in response to SPSO reports, and confirming that recommendations have been implemented. The SPSO liaison officer must complete the SPSO training on good complaints handling and complaint investigation skills and ensure that refresher training is completed every three years.

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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. An officer at an equivalent or higher level in another service or local authority may be required to conduct the investigation.

Advice should be sought initially from the Head of Legal Services, who will consult as necessary with the relevant Executive Director / Chief Executive as appropriate.

Complaints about Councillors

This complaints procedure does not deal with complaints against Councillors. A complaint that a Councillor has breached the Councillors' Code of Conduct should be made to the Commissioner for Ethical Standards in Public Life in Scotland ("CESPLS"). Further information can found on the CESPLS's website, <http://www.ethicalstandards.org.uk/>.

Advice should be sought initially from the Head of Legal Services, who will consult as necessary with the relevant Executive Director / Chief Executive as appropriate.

Recording, reporting, learning and publicising

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across Orkney

Islands Council. 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.
- The underlying cause of the complaint and any remedial action taken.
- Any changes to policy etc. as a result of the complaint.

The complaints officers use 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

Complaints details 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 show our customers and users 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 will be provided by the complaints officers and 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 service 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.
- Record the details of corrective action in the complaints file.
- 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 taken.
- 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 local authority 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 complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

Maintaining confidentiality

Confidentiality is important in complaints handling. It includes maintaining the 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 customers' information.

Managing unacceptable behaviour

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

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of customers who are angry, demanding or persistent 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 behaviour such as unreasonable persistence, threats or offensive behaviour from customers.

Supporting the customer

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups such as Orkney Citizens Advice Bureau and Advocacy Orkney are available to support customers in pursuing a complaint. Customers should be signposted to these as appropriate.

Time limit for making complaints

This complaint handling procedure sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

Appendix 1 - Complaints

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

Complaint.	Possible actions to achieve resolution.
The customer complains that her council tax direct debit has been set up wrongly.	<ul style="list-style-type: none"> • Apologise to the customer and resolve the issue by properly updating the direct debit details.
The customer has provided evidence to verify his claim for benefits, but the Benefits Service has not updated his case records with this information.	<ul style="list-style-type: none"> • Apologise to the customer. • Update the customer's benefit record to record receipt of evidence. • Check that the benefit award is corrected from the appropriate date.
The customer complains that a workman did not attend to carry out a housing repair as we had agreed.	<ul style="list-style-type: none"> • Speak to the workman, the service or the service manager to explain the customer's complaint and to agree how to resolve the issue, for example by arranging a new time and date to do the repair. • Explain the reasons for the failed appointment and apologise to the customer.
The customer complains that the quality of a repair done by us or our contractor is not satisfactory.	<ul style="list-style-type: none"> • Ask the service to examine the repair to assess whether or not it is acceptable • If appropriate, agree that the service should do more work to resolve the matter. • Explain and apologise to the customer. • Obtain a report from the service or contractor to confirm that the repair is now complete. • Feedback the lessons learned from the complaint into a service improvement plan.
The customer complains that a road is not on our winter gritting route so has not been gritted.	<ul style="list-style-type: none"> • Find out which roads are on our agreed gritting routes, and explain this route to the customer. • Use the customer's concerns to inform our future approach to gritting. roads. • Find out which roads are on our agreed gritting routes, and explain this route to the customer. Use the customer's concerns to inform.
The customer complains that his/her home carer turned up late and was smoking.	<ul style="list-style-type: none"> • Contact the care service to discuss the matter with a service manager. • The care service should check the timetable for visits and discuss with the home carer the

	<p>complaint about smoking.</p> <ul style="list-style-type: none"> • The care service should let you know the outcome. • You in turn contact the customer to explain the policy, confirm the timing of visits (for example between 08:00 and 12 noon) and, where appropriate, apologise for the inconvenience.
<p>The customer complains that a night-working refuse collector woke her up by making excessive noise.</p>	<ul style="list-style-type: none"> • Explain our policy on refuse collection, in particular, the approach to night working. • Tell the customer that you will pass on details of the complaint to the service to highlight the noise issue and ask the service to do what they can to control noise. • Apologise to the customer for the inconvenience.
<p>The customer expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.</p>	<ul style="list-style-type: none"> • Tell the customer that we value complaints because they help to improve services. • Encourage them to submit the complaint. • In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.

Appendix 2 - What is not a complaint

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for service.

A customer may also be concerned about various local authority decisions. These decisions may have their own specific review or appeal procedures, and, where appropriate, customers must be directed to the relevant procedure. The following paragraphs provide examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route for resolution based on the individual case.

Example 1: Planning

Customers may express dissatisfaction after the refusal of planning or other related permissions. An example would be dissatisfaction with a condition of consent or an enforcement action.

Planning applicants, or their agent, have the right to appeal to Scottish Ministers on planning or related matters determined by Committee. Appeals are usually, but not always, decided by a Reporter from the Directorate of Planning and Environmental Appeals and can be considered on the basis of written submissions or by a hearing or public inquiry. The Reporter appointed to consider the appeal will manage the whole process and consider how to gather enough information to make a decision.

Customers who are dissatisfied with one of our planning decisions, and who have a right to appeal to Scottish Ministers, should be directed to this service. However, some complaints about planning matters are from third parties such as neighbours. These customers do not have the right of appeal to Scottish Ministers. These complaints should, therefore, be considered through the CHP.

Example 2: Benefits

A customer may be dissatisfied or disagree with a decision about their housing or council tax benefit claim. This is not a complaint. The customer may ask us to review the decision. If they remain dissatisfied at the outcome of the review or reconsideration of their claim, they may also appeal against our decision to an independent appeal tribunal. Where they want to do so, you should direct them appropriately.

Example 3: Claims for compensation

A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you must not handle them through the complaints handling procedure. You should be clear, however, that where a customer wants to complain about the matter leading to their request for compensation, for example workmen damaging their home, or the condition of a public road causing damage to a motor vehicle, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you

do this, you must notify the customer and explain that the complaint will be fully considered when the compensation claim has been resolved.

If you receive a compensation claim, you should forward this to the Head of Finance and Insurance Officer and take their advice regarding any further communication with the complainant. Further guidance on how to put things right can be found in the Council's redress guide at Appendix 5.

Example 4: Licence decisions

We are responsible for issuing various licences, including public entertainment, HMO (houses in multiple occupation), liquor and taxi licences. These have their own legal redress. Customers who are dissatisfied with these decisions will have to pursue this through the correct procedure for the type of licence they want.

Example 5: School exclusions and placing requests

Decisions on appeals against a pupil's exclusion from school or a refusal of a school placing request are made by Committee. Once the Committee has ruled, the customer cannot then use the complaints process to continue their case.

Example 6: School exam results

Schools have devolved authority to offer examinations on the awarding body's behalf. In most cases this will be the SQA. If a customer is dissatisfied with the result of an exam, the school should refer it to the awarding body.

Remember that although there may be an alternative form of redress for the customer as detailed above, you must consider carefully whether or not a customer's representations should be managed within the complaints handling procedure. Dissatisfaction with certain local authority decisions may simply require an explanation and directing to the correct route for resolution. If, however, a customer says they are dissatisfied with the administrative process we have followed in reaching a decision, you may consider that dissatisfaction through the complaints handling procedure. An example may be a complaint from a customer who is dissatisfied with a decision and alleges that we failed to follow or apply the appropriate guidance in reaching that decision.

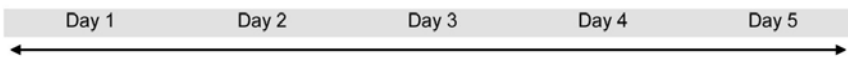
Appendix 3 – Timelines

General

References to timelines throughout the complaints handling procedure relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

Timelines at frontline resolution

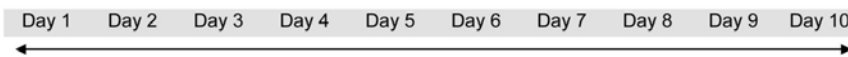
You must aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



<p>Day 1: Day complaint received by the local authority, or next working date if date of receipt is a non-working day.</p>	<p>Day 5: Frontline resolution achieved or complaint escalated to the investigation stage.</p>
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Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response must take no longer than 10 working days from the date of receiving the complaint.



<p>Day 1: Day complaint received by the local authority, or next working date if date of receipt is a non-working day.</p>	<p>In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when the complaint was received. You must conclude the frontline resolution stage within 10 working days from the date of receipt, either by resolving the complaint or by escalating it to the investigation stage.</p>	<p>Day 10: Frontline resolution achieved or complaint escalated to the investigation stage.</p>
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Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the customer wants to escalate the complaint to the investigation stage, the case must be passed

for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

Timelines at investigation

You may consider a complaint at the investigation stage either: after attempted frontline resolution, or immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

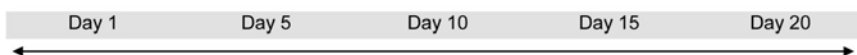
Acknowledgement

All complaints considered at the investigation stage must be acknowledged within three working days of receipt. The date of receipt is: the day the case is transferred from the frontline stage to the investigation stage, where the case has been identified at the outset as requiring investigation, or the day the customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Investigation

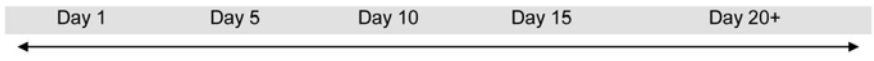
You should respond in full to the complaint within 20 working days of receiving it at the investigation stage.

The 20 working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



<p>Day 1: Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.</p>	<p>Day 20: Local authority's decision issued to customer or agreement reached with customer to extend deadline.</p>
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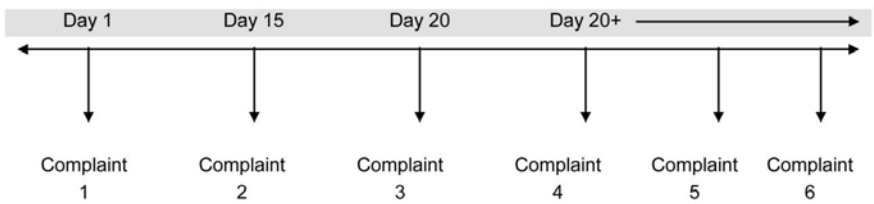
Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the customer, and agree with them a revised timescale.



<p>Day 1: Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.</p>	<p>By Day 20: In agreement with the customer where possible, decide a revised timescale for bringing the investigation to a conclusion.</p>	<p>By agreed date: Issue our final decision on the complaint.</p>
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Timeline examples

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



The circumstances of each complaint are explained below:

Complaint 1

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

Complaint 2

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

Complaint 3

Complaint 3 refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

Complaint 4

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the customer within the 20-day limit.

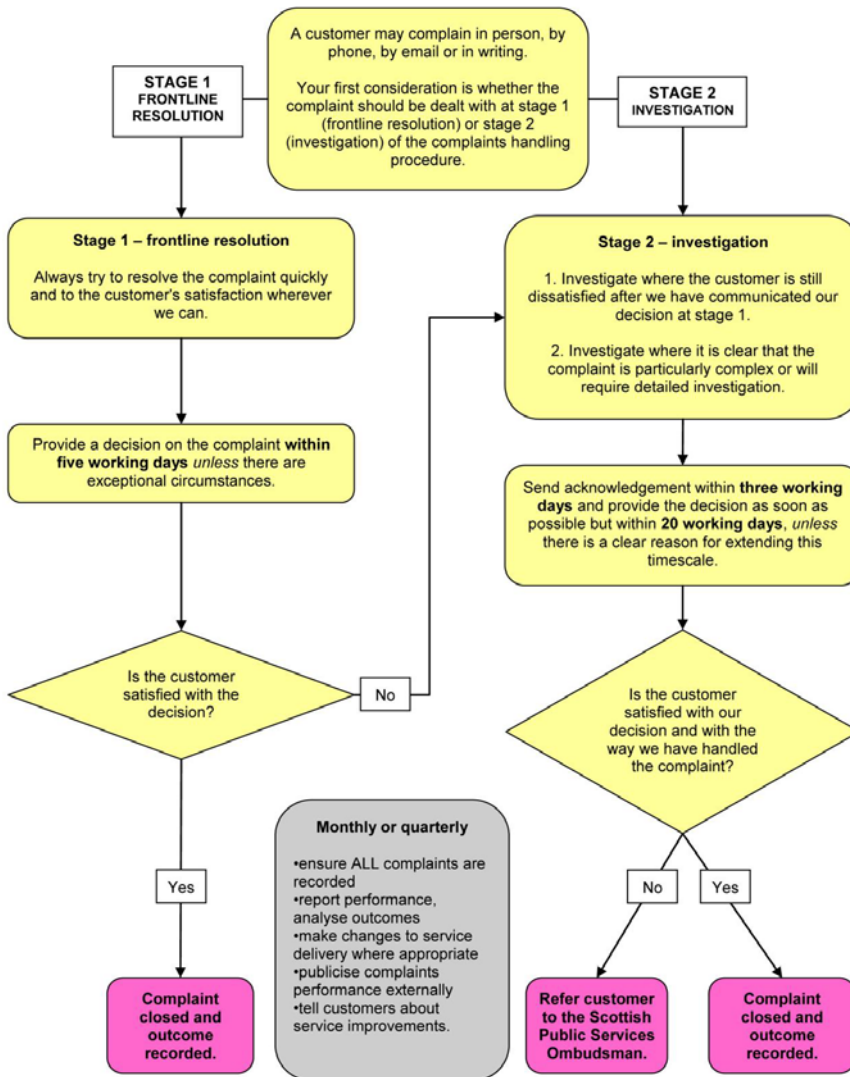
Complaint 5

We considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage the customer was still dissatisfied. At their request, we conducted an investigation into the complaint and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

Complaint 6

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

Appendix 4 - The complaints handling procedure



Appendix 5 - Remedies for complaints

Where our service has not met our standards, or we accept that our standards need changing, we will:

- Apologise for the failure in service.
- Explain what went wrong.
- Where appropriate, say how we have learned from the complaint.
- **Say what we have done to redress the problem.**

The underlying objective of the Complaints Procedure is to ensure that, wherever possible and practicable, someone detrimentally affected when something has gone wrong should be returned to the position they would have been in if the failure had not occurred.

In most cases, redress for the complainant will involve the Council putting right what has gone wrong, for example, providing a service which it is agreed should have been provided. If this is not possible or in exceptional cases, redress may **also, at the Council's discretion**, include practical action to mitigate any detriment.

Redress should:

- Be fair and reasonable.
- Be proportionate to the degree and nature of the failure and hardship or the injustice suffered.
- Take into account the wishes and needs of the complainant.
- Be provided in a timely manner.
- Provide, as far as possible, a comprehensive resolution of the issue remembering that it may apply not only to the complainant but to others who have suffered as a result of the same failure.

Redress may be limited by:

- The time since the problem occurred.
- The degree to which the complainant had a contributory responsibility for the failure and the detriment suffered.
- The capability of the Council to comply with the remedy.

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Putting things right

There are a number of actions we can take to put things right:

- **Providing the service**

Where we have failed to provide a service that we agree the customer is entitled to, we should ensure that the service is provided in an agreed timetable, explaining any delay.

- **Backdating the service**

Where we have not provided a service that we should have, it may be appropriate to backdate the service to when it should have been provided in the first instance. For example a benefits application that needs to be backdated to the original claim date.

- **Stopping enforcement action**

Where the complainant disputes the reasons for the enforcement action it may be appropriate to stop the action or postpone the action pending further investigation.

In very exceptional circumstances the Chief Executive may consider time and trouble or goodwill payments and any such request should be referred to the Chief Executive's office.

N.B. Compensation claims are not dealt with under the Complaints Handling Procedure. These should be forwarded to the Head of Finance and the Insurance Officer and their advice taken regarding any further communication with the complainant to ensure any claim is not prejudiced.

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Appendix 6 - SPSO Qualitative Assessment of Response - Rubric for Complaints Responses

Standard/Element	Best	Good	Reasonable	Poor	Unacceptable
Grade	1	2	3	4	5
1 Conclusion/ Decision Is it clear what conclusion has been reached? Are the concerns raised justified or not?	Decisions are clearly identifiable and identified as such within the document even when reading quickly	Decisions are set out within the document but not marked as such – some careful reading required to find these	Decisions are clear when the document is read in detail (slowly and carefully)	Decisions are unclear without detailed re-reading (slow and careful reading more than once) and interpretation by the reader	Decisions are not clear even with detailed reading (slow and careful reading) and interpretation by the reader
2 Conclusion / Decision Do the conclusions flow clearly and logically from the information and evidence provided?	The document structure clearly highlights the information relevant to and relied on in making the decision and uses this to explain the conclusions reached	The document includes all information relied on in making the decision and links this to the conclusions reached	All information relevant to the decision is included in the document with a broad link to the conclusions reached	Some information relevant to the decision is included and a broad link made to the decision reached	Limited or no information included with little or no link to the decision reached
3 Explanation Customer focussed Does the response demonstrate empathy and real understanding of the impact of the issue raised on the complainant (irrespective of whether 'fault' identified)	Demonstrates a real understanding of the impact of each issue on the complainant. Uses a personalised approach. Explains agreement and disagreement with the complainant with equal clarity	Demonstrates a real understanding of the impact of each issue on the complainant. Uses a personalised approach	Reflects the language of the complainant and recognises the overall emotional impact. Shows a personalised approach and avoids clichés/ standard phrases	Makes some attempt to acknowledge feelings and impact but uses clichés or standard phrases rather than personalised approach	No attempt to reflect the views of the complainant and may even seek to direct blame at them for this or other issues
4 Explanation	Every issue	Every	The main	Some issues	A substantial

Standard/Element	Best	Good	Reasonable	Poor	Unacceptable
Grade	1	2	3	4	5
Breadth of issues raised. Are all the issues raised identified?	(including those already dealt with) raised is clearly identified	outstanding issue is clearly identified	substantive issues are identified	are responded to but there is a lack of clarity in the structure and/ or incomplete coverage of the main points raised	number of issues raised are not responded to
5 Explanation Quality of Explanation. Is each point explained in a comprehensive way?	Every issue raised is clearly responded to here or reference made to information provided in previous communications e.g. telephone calls or meetings	Every issue identified is clearly responded to here	The main substantive issues are clearly responded to	Most (but not all) issues identified are responded to	Limited responses to those issues identified
6 Accuracy	100% accuracy of dates, references, spelling, grammar	One or two minor errors but no substantial errors. A substantial error is one which impacts on the accuracy of the explanation or is on a point of sensitivity e.g. spelling of a name, key date	Several minor errors but no substantial errors A substantial error is one which impacts on the accuracy of the explanation or is on a point of sensitivity e.g. spelling of a name, key date)	A substantial error A substantial error is one which impacts on the accuracy of the explanation or is on a point of sensitivity e.g. spelling of a name, key date	More than one substantial error. A substantial error is one which impacts on the accuracy of the explanation or is on a point of sensitivity e.g. spelling of a name, key date
7 Action Plan If there is further action as a result of the complaint? Is there detail of	Actions are noted to address all the issues of concern	Actions are noted to address all the issues of concern	Actions are noted to address all the issues of concern	Some actions are noted to address the main issues of concern	Limited or no reference to any actions to be taken to address

Standard/Element	Best	Good	Reasonable	Poor	Unacceptable
Grade	1	2	3	4	5
what this is and when it will happen?	identified at any point during the complaint investigation. There is a clear plan (including timescales) for achieving these actions. The complainant is offered the opportunity for updates on progress and involvement in appropriate aspects of the action plan	identified at any point during the complaint investigation. There is a clear plan (including timescales) for achieving these actions. The Complainant is offered the opportunity to receive updates	identified in the investigation. There is a clear plan (including timescales) for achieving these actions	identified in the investigation	concerns identified in the investigation
8 Apology Does the response make a meaningful and sincere apology <u>IF</u> errors or problems have been identified or agreed?	The apology is clear, personalised and comprehensive. It avoids clichés, attributing blame or making excuses (no 'ifs' no 'buts!'). It is linked to the action plan or offers an explanation as to why further remedy is not possible	The apology is clear, personalised and comprehensive. It avoids clichés, attributing blame or making excuses (no 'ifs' no 'buts!')	There is a clear original apology for the problems identified. It avoids clichés, attributing blame or making excuses (no 'ifs' no 'buts!')	There is an apology but this relies on standard phrases and/or attributes blame to the complainant (I am sorry 'if' you felt ...) or makes excuses (I am sorry 'but' ...)	There is no clearly identifiable apology
9 Use of language How readable is the document?	Uses plain English throughout. All technical terms are clearly	Extensive use of plain English. All technical terms are explained	Generally uses plain English throughout. Technical terms are	Some use of plain English. Technical terms are generally	Technical terms are used without explanation. OR

Standard/Element	Best	Good	Reasonable	Poor	Unacceptable
Grade	1	2	3	4	5
	explained and used only as necessary. Personalised approach with no unnecessary use of standard phrases. Tone and approach of the document are appropriate to the complainant's communication style and preferences	and used only as necessary. Personalised approach with no unnecessary use of standard phrases. Tone and approach of the document are appropriate to the complainant's communication style and preferences	explained and used only as necessary. Personalised approach with no unnecessary use of standard phrases. Tone and approach of the document are appropriate to the complainant's communication style and preferences	explained. Personalised approach. Tone and approach of the document are appropriate to the complainant's communication style and preferences	No personalised approach. OR Unnecessary use of standard phrases. OR Tone and approach of the document not appropriate to the complainant's communication style and preferences
10 Next Steps An explanation of what further steps (if any) the complainant can take	Clear and complete reference to the next steps (internal and external) open to the complainant on every aspect of their complaint. Clear indications of where there are no further steps available and why	Clear and complete reference to the next steps (internal and external) open to the complainant on every aspect of their complaint	Reference to the next steps open to the complainant (internal and external) on every aspect of their complaint is present within the document	Reference to the external steps available to the complainant on the main aspects of their complaint is present within the document	Limited, inaccurate or no reference to further steps open to the complainant

Appendix 7 - Template letters for corresponding with complainants

The general assumption is that the Council will communicate with complainants using the method that the complainant has used to raise the complaint with the Council. Therefore, if the complainant has used a letter to submit the complaint, then the Council will usually respond by letter. If the complainant has used email to submit a complaint, then the Council will respond via email.

If a complaint is raised verbally, either in person or via the telephone, the Council will acknowledge the complaint verbally unless it is a Stage Two complaint when the acknowledgement will be sent in writing, either via email or letter. Communications regarding the outcome of Stage Two complaints will always be sent in writing, either by letter or email.

For Stage One complaints, the response will usually be given verbally unless the complaint had been received in writing or the Service takes the view that it is better to set the issues out in writing, perhaps because they are complex. If the response is given verbally, then the information set out in the template letter should be provided verbally.

The templates in this Appendix have been drafted on the assumption that the complainant has contacted the Council by letter and will need to be adjusted for other forms of communication, for example, when corresponding by email, by including links to the Complaints Handling page on the Council's website.

Acknowledgement of a Stage One complaint

Dear

Complaint -

Thank you for your letter dated advising that you wish to make a complaint regarding I have forwarded your complaint to who will investigate your complaint and will write to you in the next five working days to let you know whether your complaint has been upheld or not upheld.

The nature of your complaint is that...

You have asked the Council to put the complaint right by...

If you accept the outcome of the investigation this will be the end of the matter. However, if you decide not to accept the outcome, you will have the opportunity to have your complaint investigated as a Stage 2 investigation and the complaint will be investigated by the Service Complaints Officer.

Please find enclosed a copy of the Council's Complaints Handling Procedure Customer Guide. If you require more information, please do let me know.

Yours sincerely

Acknowledgement of a Stage Two complaint

Dear

Stage 2 Complaint –

Thank you for informing the Council on ... to advise us that you wish to make a complaint regarding ... Please find enclosed a copy of the Council's Complaints Handling Procedure Customer Guide. Your complaint will be treated as a Stage Two complaint because we will need to carry out an investigation.

The nature of your complaint is that...

You have asked the Council to put the complaint right by...

I have asked ... to carry out an investigation into your complaint which will involve speaking to any members of staff involved. It may also be necessary for ... to speak to you at some point if he/she requires any further information about your complaint.

I intend to contact you within the next twenty working days with the outcome of the investigation. However, if it is found that your complaint is particularly complex it may take a little longer for the investigation to be completed. In these circumstances I will keep in touch with you to inform you about progress.

When I contact you with the outcome of my investigation, I will advise you that your complaint has either been 'upheld', 'partly upheld' or 'not upheld'.

If you decide to accept the outcome of my investigation, this will be the end of the investigation. If you remain dissatisfied with the outcome, you can ask the Scottish Public Services Ombudsman to consider your complaint further.

Outcome letter

It is not possible to draw up a full template for an outcome letter because each complaint is unique. The Complaints Officer should refer to the table at Appendix 6 which sets out what is required. The following should be included:

- A summary of the complaint.
- Whether the complaint is upheld, not upheld or partially upheld.
- The reasons for deciding whether the complaint is upheld, i.e. the findings from the investigation. For some complaints, this will be a very short response and for others it will require a more substantial response.
- An apology, if appropriate.
- The next steps the Council will take to resolve the complaint.
- Any lessons that the Council has learnt and any actions it will take to reduce the risk of the subject of the complaint occurring again.
- If the complaint is Stage One, explaining that if the complainant is not happy then they can make a Stage Two complaint.
- Information about the complainant's right to refer the matter to the Scottish Public Services Ombudsman.

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Outcome letter should include reference to the complainant's right to take the matter to the Scottish Public Services Ombudsman. Below is suggested text to be included in the outcome letter:

Information about the Scottish Public Services Ombudsman (SPSO)

The SPSO is the final stage for complaints about public services in Scotland. This includes complaints about Scottish councils. If you remain dissatisfied with the Council after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- when 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.

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The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

Or

Freepost SPSO

Freephone: 0800 377 7330 or 0131 225 5300

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

Website: www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

I trust that this provides you with the information that you need as you go through the complaints process. In the meantime, please contact me if you have any questions.

Please find enclosed a copy of the Council's Complaints Handling Procedure Customer Guide. If you require more information, please do let me know.

Yours sincerely



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Revised Complaints Handling Procedure.
Service / service area responsible.	Corporate Services.
Name of person carrying out the assessment and contact details.	Gavin Mitchell, Solicitor, Head of Legal Services. gavin.mitchell@orkney.gov.uk . Extension 2210.
Date of assessment.	30 October 2018.
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	Revision of existing Complaints Handling Procedure.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	That the Council's Complaints Handling Procedure is amended and updated to reflect and comply with recommendations contained in the Council's Complaints Handling Internal Audit Report.
Is the function / policy / plan strategically important?	No.
State who is, or may be affected by this function / policy / plan, and how.	All Elected Members and Officers who receive or have involvement in complaints handling.
How have stakeholders been involved in the development of	The recommendations have been made by the Council's Internal Audit Service after full

this function / policy / plan?	discussion and agreement with the Council's Scottish Public Services Ombudsman Liaison Officer and members of the Council's Complaints Officers Group.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).	No. The Procedure applies to all Elected Members and Officers regardless of whether they exhibit protected characteristics.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.	No.
Could the function / policy have a differential impact on any of the following equality strands?	(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).
1. Race: this includes ethnic or national groups, colour and nationality.	None identified.
2. Sex: a man or a woman.	None identified.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	None identified.
4. Gender Reassignment: the process of transitioning from one gender to another.	None identified.
5. Pregnancy and maternity.	None identified.
6. Age: people of different ages.	None identified.
7. Religion or beliefs or none (atheists).	None identified.

8. Caring responsibilities.	None identified.
9. Care experienced.	None identified.
10. Marriage and Civil Partnerships.	None identified.
11. Disability: people with disabilities (whether registered or not).	None identified.
12. Socio-economic disadvantage.	None identified.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No.
How could you minimise or remove any potential negative impacts?	Not applicable.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	Not applicable.
Who will undertake it?	Not applicable.
When will it be done?	Not applicable.
How will it be monitored? (e.g. through service plans).	Not applicable.

Signature:



Date: 30 October 2018

Name: GAVIN MITCHELL

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk