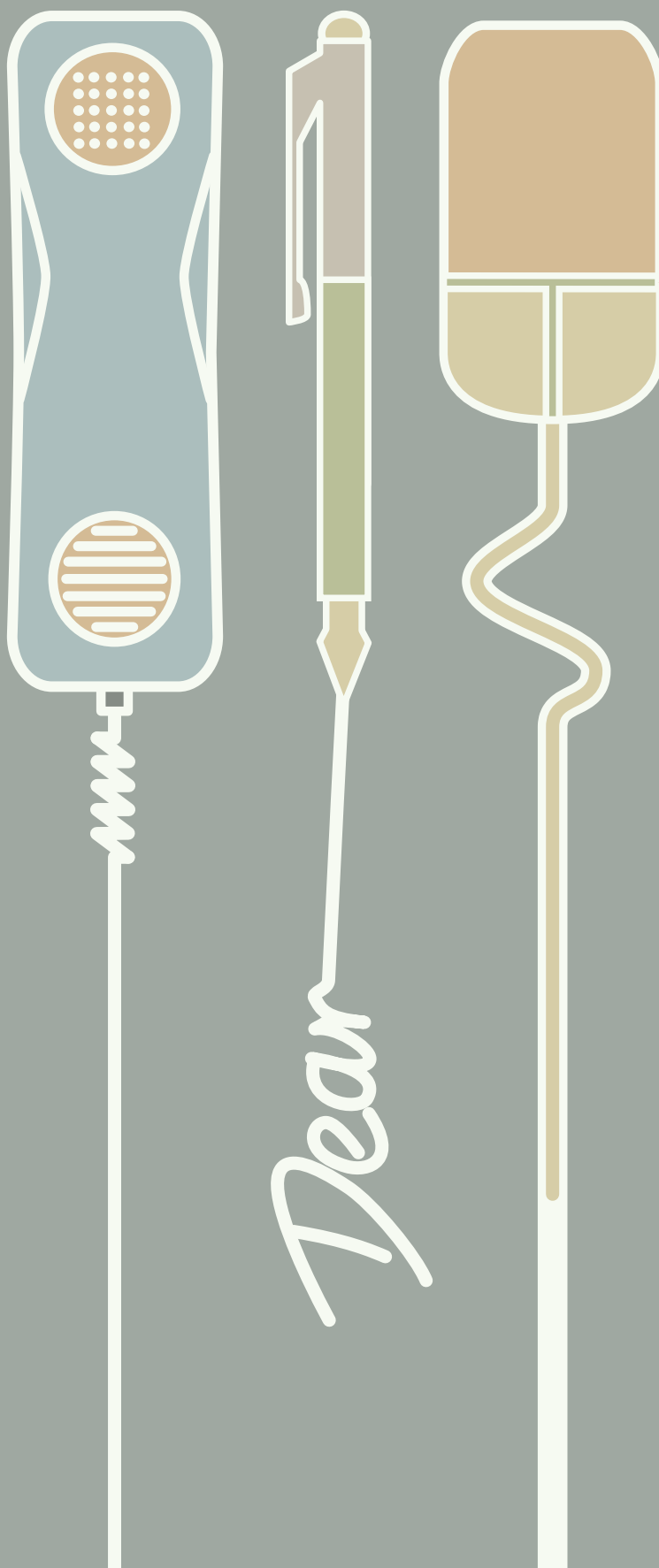


# Falkirk Council Complaints Handling Procedure



Falkirk Council





## Foreword

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

The procedure has been developed by local government complaints handling experts working closely with the Scottish Public Services Ombudsman (SPSO).

Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. 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.

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

A handwritten signature in black ink, reading 'Mary Pitcaithly'.

Mary Pitcaithly  
Chief Executive

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## What is a complaint?

Falkirk 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 or 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

The Council values all complaints. This means the Council treats 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 a senior manager.

If an anonymous complaint makes serious allegations, we will refer it to a senior officer 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 doesn't 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 service or organisation**

If a complaint relates to the actions of two or more local authority services, you must tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

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, you must handle the complaint about the local authority through the CHP. 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 customer's personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

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.

### **Social Work complaints**

The procedure for Social Work complaints is slightly different from our general complaints procedure, as it currently follows specific legislation and guidance. This legislation and guidance is being reviewed by the Scottish Government. In due course, SPSO will inform us about any changes to the procedure.

You can find more about how to handle a complaint about Social Work Services on the Council's website [www.falkirk.gov.uk](http://www.falkirk.gov.uk) and in Appendix 5.

### **Care complaints**

Local authorities that provide care services must be registered with the Care Inspectorate. Anyone receiving care 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 can be found on their website: <http://www.scswis.com/>

Or:

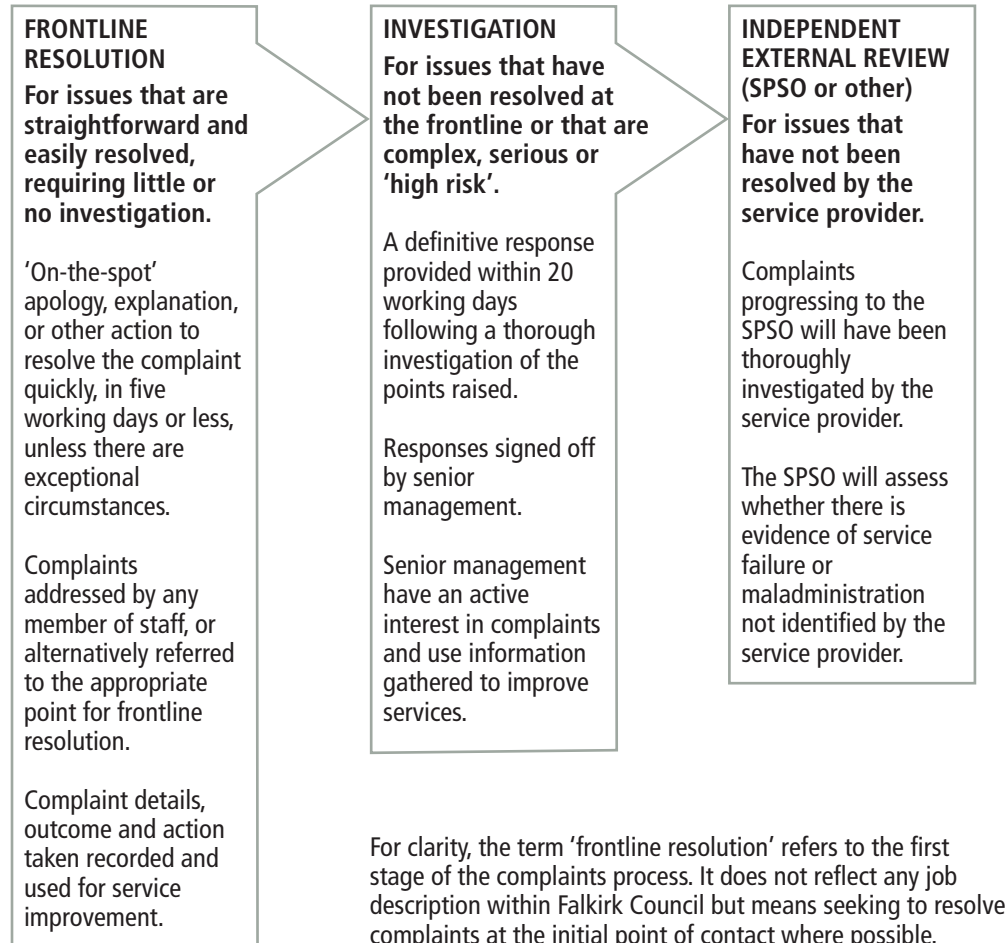
- telephone 0845 600 9527
- fax 01382 207 289
- complete an online complaints form at <http://www.scswis.com>, or
- email [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

# 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:

**1 frontline resolution, and  
2 investigation.**



## Stage one: frontline resolution

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

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.

## 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, record the details 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 can't resolve this, who can help with frontline resolution?

### 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 can't achieve what the customer wants, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject:

[www.spsso.org.uk/files/2011\\_March\\_SPSO%20Guidance%20on%20Apology.pdf](http://www.spsso.org.uk/files/2011_March_SPSO%20Guidance%20on%20Apology.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.

### 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 senior manager, 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 senior manager 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 will be submitted to Corporate 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.

## **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.

## **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.

## 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, senior management 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 senior management 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, and
- how to contact the SPSO.

## 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.

The SPSO recommends that we 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**

**SPSO**  
**Freepost EH641**  
**Edinburgh**  
**EH3 0BR**

Freephone: **0800 377 7330**

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

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

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

## Factoring complaints

### Taking your complaint to the Homeowners Housing Panel (HoHP)

The SPSO does not normally look at complaints about the Council's factoring service.

If you are a factored homeowner in one of our high rise blocks and you remain unhappy with the Council's response, you can take certain complaints to the Homeowners Housing Panel.

Before you take a complaint to the HHP you must first have notified us in writing of the reasons why you consider that we have failed to carry out our duties, or failed to comply with the Code of Conduct under the Property Factors (Scotland) Act 2011. We must also have refused to resolve your concerns or unreasonably delayed resolving them.

Homeowner Housing Panel (HoHP)  
Europa Building  
450 Argyle Street  
Glasgow  
G2 8LH

telephone: 0141 242 0175

fax: 0141 242 0141

email: [hohpadmin@scotland.gsi.gov.uk](mailto:hohpadmin@scotland.gsi.gov.uk)

website: [www.prhpscotland.gov.uk](http://www.prhpscotland.gov.uk)

# Governance of the Complaints Handling Procedure

## Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Falkirk Council's Chief Executive and senior management. Our final position on the complaint must be signed off by an appropriate senior officer 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 will take a personal interest in complaints performance across the Council and will monitor complaints performance at one-to-one meetings with senior management and through regular management reports to Corporate Management Team which will provide assurance to the Chief Executive on the quality of complaints performance. Previously, the Council had a three stage complaints process where all final stage complaints were reviewed and signed off by the Chief Executive. Under the new procedure this will be done at Service level with regular reporting of performance to the Chief Executive and quarterly on a formal basis to CMT.

**Directors:** On the Chief Executive's behalf, directors are responsible for:

- overseeing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints
- deputising for the Chief Executive on occasion
- depending on the severity of the issue, may be responsible for preparing and signing decision letters to customers, having satisfied themselves that the investigation is complete
- ensuring that regular reports on complaints are scrutinised at Departmental Management Teams and submitted to CMT for formal consideration on a quarterly basis.

**Heads of Service:** will be involved in the operational investigation and management of complaints handling. Under the new two-stage process, as senior officers it has been agreed that preparation and signature of decision letters to customers within Falkirk Council will be done at Head of Service level or higher, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

**Complaints investigator:** The complaints investigator is responsible and accountable for the management of the investigation. Under the new procedure, it has been agreed that second stage investigations within Falkirk Council will now be carried out at Service Unit Manager level, with the final complaints responses signed off at Head of Service level or above. This will ensure that we maintain a high standard in responses and a consistent approach across the Council.

Service Unit Managers will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the local authority.

**All local authority staff:** A complaint may be made to any member of Falkirk Council's staff. So all staff must be aware of the complaints handling procedure and how to handle and record complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation. All services have a nominated complaints officer who will be able to advise and details of these officers can be found on the Underground.

**Local authority SPSO Liaison Officer:** The SPSO Liaison Officer is based in the Governance division of the Chief Executive Office. Her role is to provide complaints information to the SPSO in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

## **Complaints about senior staff**

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for 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. The Council has strong governance arrangements in place that set out clear procedures for handling such complaints.

Where necessary, an investigation will be conducted into any complaint received about senior staff in accordance with the relevant policy or procedure. Relevant employment policies and procedures can be found on the Council's intranet site or can be made available on request from Human Resources. These policies have been developed to ensure a thorough and objective investigation is conducted within clear timescales into any complaint received.

## **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 Falkirk 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.

The Council has 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 help to show our customers that we value their complaints.

The Council will:

- 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 reported quarterly to Corporate Management Team.

## **Learning from complaints**

At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the customer and staff of the department involved understand the findings of the investigation and any recommendations made.

Senior management will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be 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 customer's information.

## **Managing unacceptable behaviour**

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the 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. Where we decide to restrict access to a customer under the terms of an unacceptable actions policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.



Examples of unacceptable behaviour include:

- Using abusive or threatening behaviour towards Council staff. Any violence or abuse towards staff will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause staff to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.
- Unreasonable demands. For example, repeatedly demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff when that is not possible or repeatedly changing the substance of a complaint or raising unrelated concerns.
- Unreasonable levels of contact. When the volume and duration of contact made to our office by an individual causes problems, for example when a complainant repeatedly makes long telephone calls or inundates us with copies of information that has been sent already or that is irrelevant to the complaint.
- Continuing to complain about the same issue, after it has been investigated by the Council and a final response sent.

### **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 are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

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

This complaints 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.



## Complaints

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

### Appendix1

Complaint	Possible actions to achieve resolution
The customer complains that her Council Tax direct debit has been set up wrongly.	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"> <li>• Apologise to the customer.</li> <li>• Update the customer's benefit record to record receipt of evidence.</li> <li>• Check that the benefit award is corrected from the appropriate date.</li> </ul>
The customer complains that the quality of a repair done by us or our contractor is not satisfactory.	<ul style="list-style-type: none"> <li>• Ask the service department to examine the repair to assess whether or not it is acceptable.</li> <li>• If appropriate, agree that the service department should do more work to resolve the matter.</li> <li>• Explain and apologise to the customer.</li> <li>• Obtain a report from the service or contractor to confirm that the repair is now complete.</li> <li>• Feedback the lessons learned from the complaint into a service improvement plan.</li> </ul>
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"> <li>• Speak to the workman, the service team 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.</li> <li>• Explain the reasons for the failed appointment and apologise to the customer.</li> </ul>
The customer complains that a road is not on our winter gritting route so has not been gritted.	<ul style="list-style-type: none"> <li>• Find out which roads are on our agreed gritting routes, and explain this route to the customer.</li> <li>• Use the customer's concerns to inform our future approach to gritting roads.</li> </ul>
The customer complains that a night-working refuse collector woke her up by making excessive noise.	<ul style="list-style-type: none"> <li>• Explain our policy on refuse collection, in particular the approach to night working.</li> <li>• 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.</li> <li>• Apologise to the customer for the inconvenience.</li> </ul>
The customer expresses dissatisfaction in line with the definition of a complaint, but says she doesn't want to complain - just wants to tell us about the matter.	<ul style="list-style-type: none"> <li>• Tell the customer that complaints are valued, and help to improve services.</li> </ul>
Encourage them to submit the complaint.	<ul style="list-style-type: none"> <li>• 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 he will not be contacted again about the matter.</li> </ul>
The customer complains that his home carer turned up late and was smoking.	<ul style="list-style-type: none"> <li>• Contact the care service to discuss the matter with a service manager.</li> <li>• The care service should check the timetable for visits and discuss with the home carer the complaint about smoking. The care service should let you know the outcome.</li> <li>• You in turn contact the customer to explain the policy, confirm the timing of visits (for example between 8am and 12 noon) and, where appropriate, apologise for the inconvenience</li> </ul>

## 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 or decided under delegated powers. Appeals are usually, but not always, decided by a Reporter from the Directorate of Planning 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 explain to the customer the process for seeking resolution in line with our policy on these claims. You can still make 'time and trouble' payments for inconvenience suffered by customers, in line with our policy on such matters. This is distinct from compensation claims.

### 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 Scottish Qualifications Authority. 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.

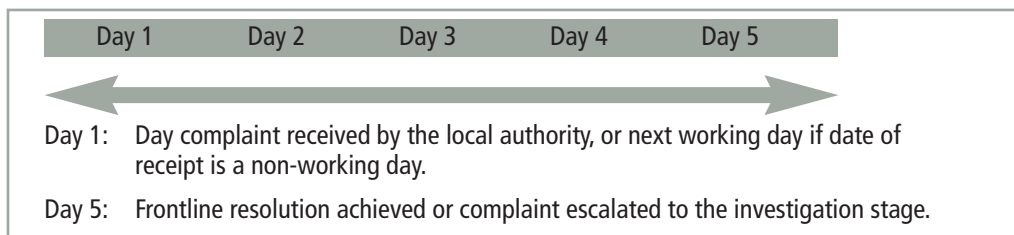
## Appendix 3: Timelines

### 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.

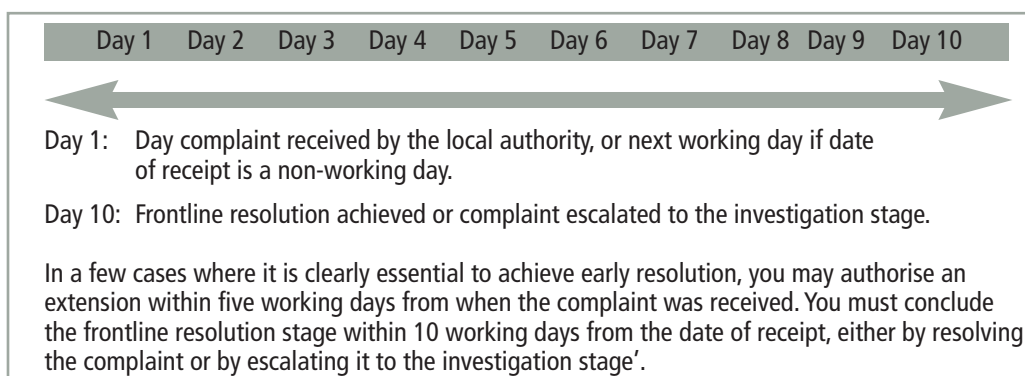
### Timelines at frontline resolution

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.



### 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.



### 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:

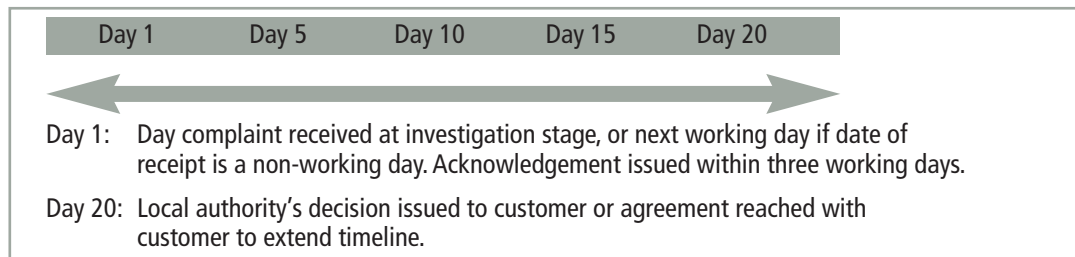
- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the customer asks for an investigation after a decision at the frontline resolution stage.

You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or

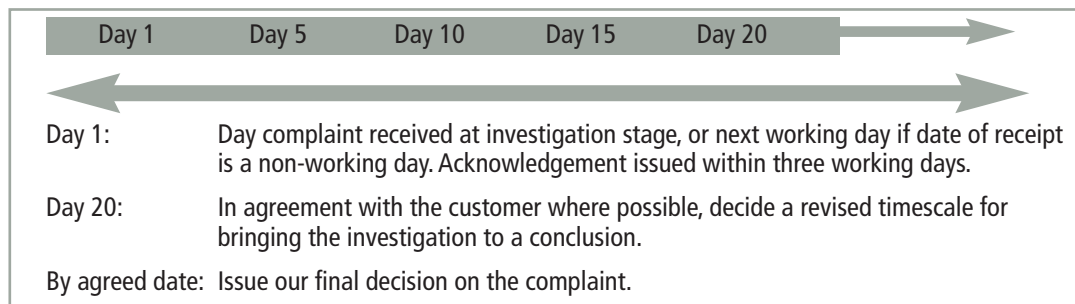
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## 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.

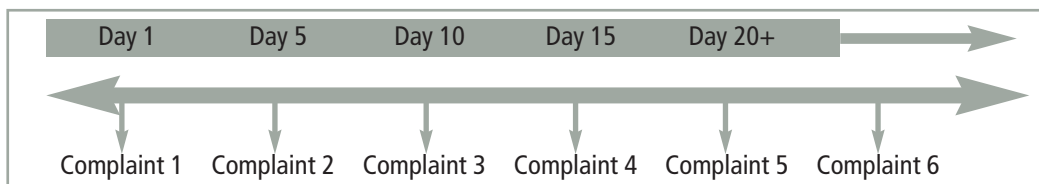


Exceptionally you may need longer than the 20-day limit for a full response. If so, you must explain the reasons to the customer, and agree with them a revised timescale.



## 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.

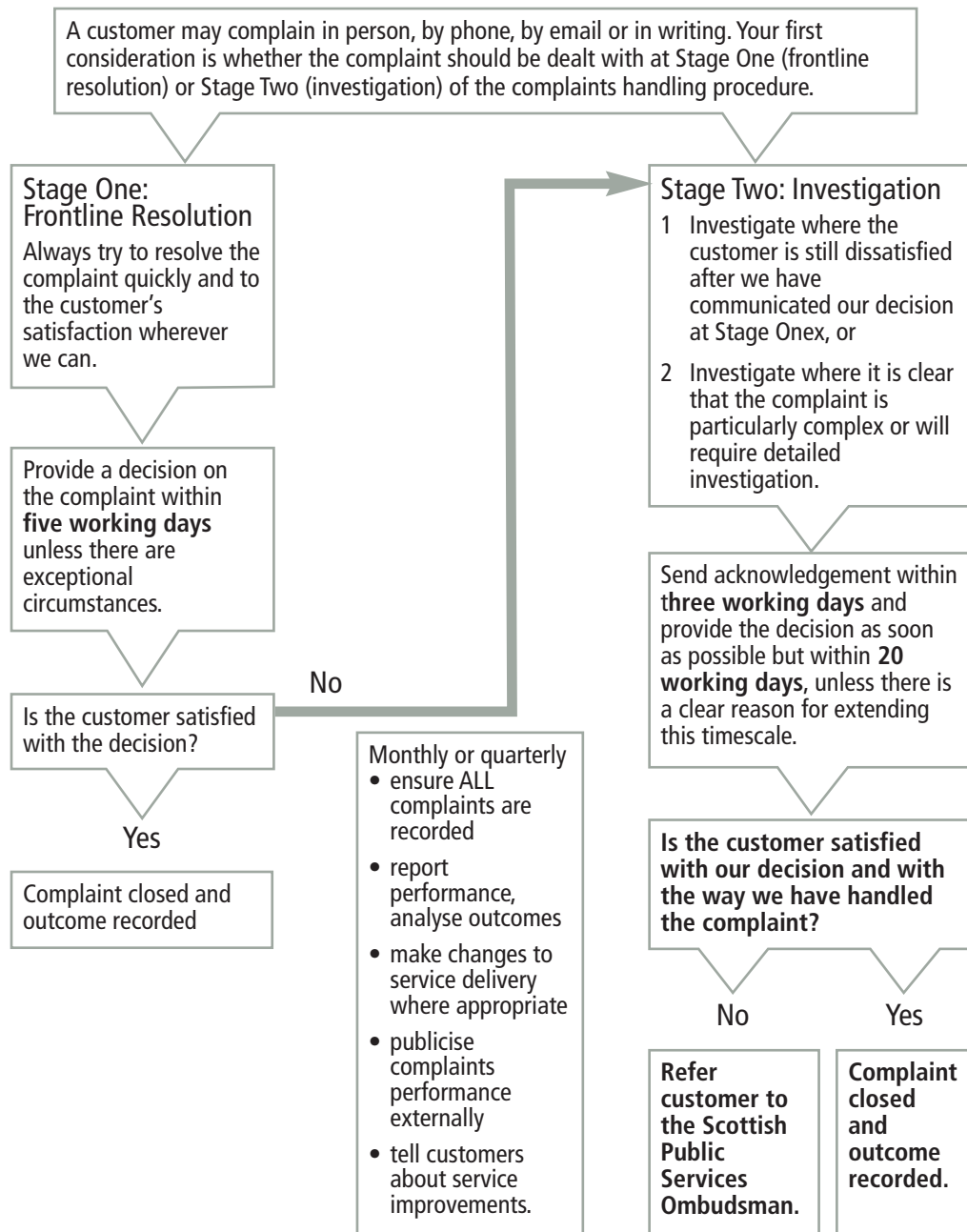
### Complaint 5

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 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: Falkirk Council complaints handling procedure



## **Appendix 5: Complaints About Social Work**

In Social Work, if your complaint can't be resolved at a local level it will be forwarded to the Complaints Officer for Social Work Services. They will acknowledge receipt within five working days and report the outcome of an investigation within 28 days. If your complaint is complicated then it may take longer, but you will still be informed of progress.

If you are still not happy with our response then you may take your complaint to The Scottish Commission for the Regulation of Care (the Care Commission).

The Scottish Commission for the Regulation of Care  
Compass House  
11 Riverside Drive  
Dundee DD1 4NY

telephone: 01382 207100  
fax: 01382 207289  
website: [www.carecommission.com](http://www.carecommission.com)





**Falkirk Council**

[www.falkirk.gov.uk/complaints](http://www.falkirk.gov.uk/complaints)

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