



Social Work

Complaints Policy

Introduction

This document provides a full description of our revised complaint policy in relation to Social Work complaints regarding employees of or services delivered by Moray Council.

We must have a statutory complaints procedure to conform to specific statutory legislation. It needs to include complaint handling of a complaint that cuts across health, social services and social care.

What is a complaint?

We consider a complaint to be an expression of dissatisfaction by one or more members of the public about the Social Work service's, action or lack of action or the standard of service provided by or on behalf of the Social Work service.

Care complaints

If your complaint relates to a care service we provide, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them.

The Care Inspectorate has several offices around Scotland.

Please refer to: <http://www.careinspectorate.com>

Or

Telephone: 0845 600 9527

Email: enquiries@careinspectorate.com

Who can complain?

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. In order to be classed as a statutory social work complaint, the complaint must be received directly from the service user, or from an authorised representative. We may ask you for a written mandate if someone is complaining on your behalf.

If you are under 16 and wish to complain, you may contact us yourself or if you would prefer, you can ask a trusted adult such as a parent, adult sibling or guardian to contact us on your behalf.

If you believe yourself to be a vulnerable adult, you may again contact us directly or if you would prefer, you can ask someone you trust to contact us on your behalf. An appropriate adult can be provided to assist you to make your complaint.

What can I complain about?

You can complain about things such as:

- failure or refusal to provide a service
- inadequate quality or standard of service
- dissatisfaction with our policy or its impact on the individual
- failure to properly apply the law, procedure or guidance when delivering services
- failure of administrative process
- delays in service provision
- treatment by or attitude of a member of staff
- disagreement with a decision made in relation to social work services

Your complaint may involve more than one council service or be about someone working on our behalf. The above list does not cover everything.

What can't I complain about?

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

There are some things we can't deal with through our complaints handling procedure. These include:

- a routine first-time request for a service
- a request for compensation only
- a disagreement with decisions or conditions that are based upon social work recommendations, but determined by a court or other statutory body, for example decisions made by a children's panel, parole board or mental health tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision

How do I complain?

You can complain by email, in writing, in person at any of our public facing offices, or by phone.

It is easier for us to resolve complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. They can then try to resolve any problems on the spot.

When complaining, tell us:

- Your full name and address
- As much as you can about the complaint
- What has gone wrong
- How you want us to resolve the matter

How long do I have to make a complaint?

You must make your complaint

- Within six months of the event you want to complain about

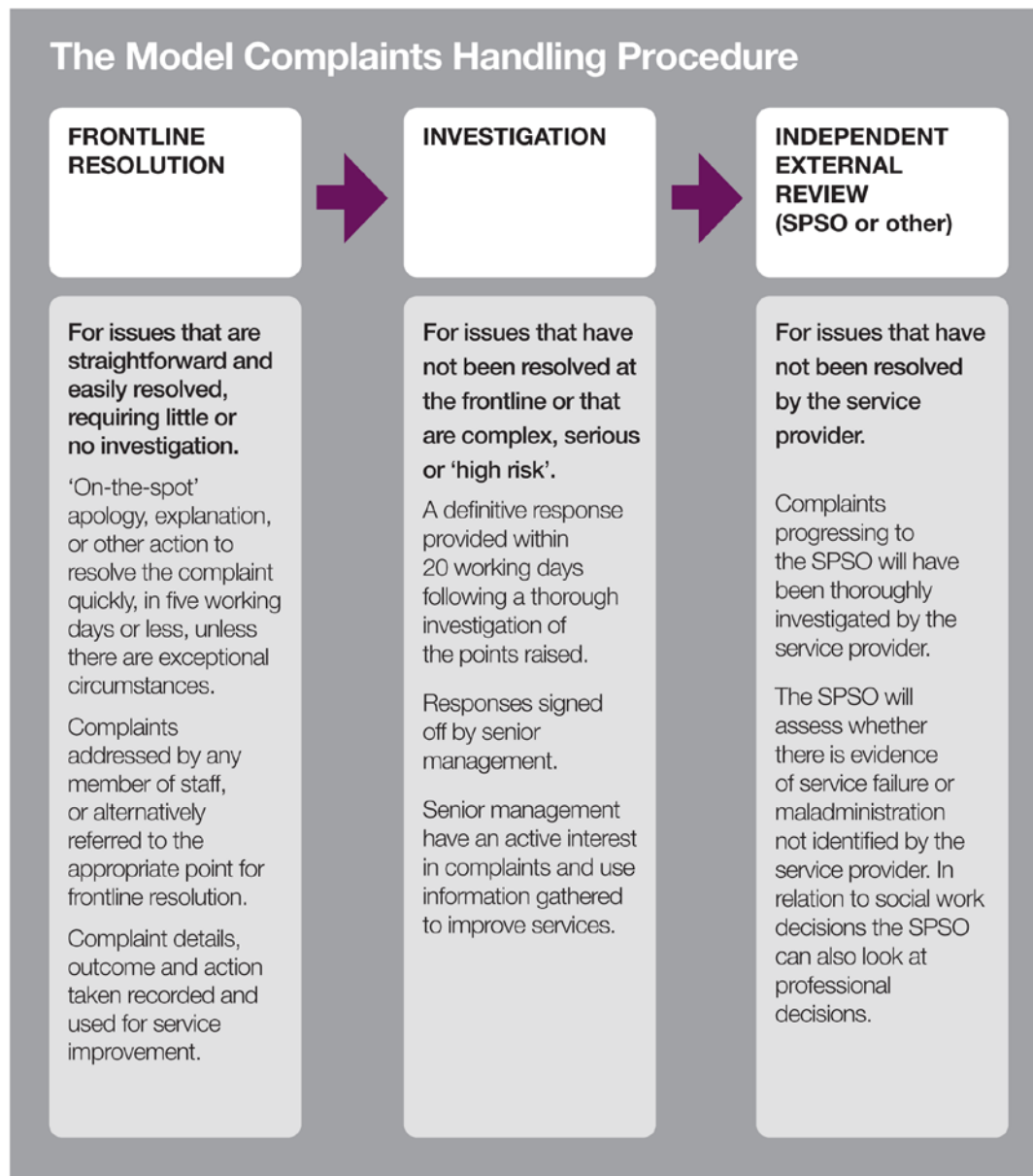
In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the six month time limit should not apply to your complaint, please tell us why by contacting:

The Moray Council
High Street
Elgin
IV30 1BX

01343 543451

complaints@moray.gov.uk

Quick overview of the model CHP



Quick guide to our complaints procedure

Statutory Social Work Complaints Procedure

You can complain by email, by phone, in writing or in person at any of our offices.

We have a **two stage internal statutory social work complaints procedure**.



Stage 1: Frontline Resolution

We will always try to resolve your complaint as soon as possible, within **five working days** if we can. In exceptional circumstances this can be extended by a further **ten working days** and we will agree this with you. For integrated service complaints we would limit extension for statutory social work complaints to **five working days** to align this policy with NHS Grampian policy.

If you are unhappy with our frontline resolution response, you can ask us to consider your complaint as an investigation.



Stage 2: Investigation

We will acknowledge your complaint within **three working days** (Day one is the day of receipt). We will give you our decision in writing as soon as possible but within **twenty working days** *unless* there is clearly a good reason for needing more time. For integrated service complaints, the lead agency will provide the final response for all aspects of your complaint.

If you remain dissatisfied with the final response, you can refer your complaint to the SPSO.



The Scottish Public Services Ombudsman

If, after receiving the final decision on your complaint, you remain dissatisfied with the decision or the way it has been handled, you can ask the SPSO to consider it.

What happens when I have complained?

Our social work complaints policy provides two opportunities to resolve social work complaints internally:

Stage one – Frontline Resolution

A Frontline resolution complaint should be completed within **5 working days**, although in practice we would often expect to resolve the complaint much sooner.

Extension to frontline resolution

In exceptional circumstances, where there are clear and justifiable reasons for doing so, we may agree an extension of up to **10 working days** with you. This will only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When we are considering an extension, we will get authorisation from the appropriate manager, who will decide whether we need an extension to effectively resolve the complaint.

We will restrict that extension for integrated service complaints to maximum of **5 working days**.

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 you a full, objective and proportionate response that represents our final position.

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

- Complaints must be acknowledged within **3 working days**, day 1 is the date of receipt of the complaint. For integrated service complaints, the acknowledgement will be provided to you by the public body leading the investigation.
- We should provide a full response to the complaint as soon as possible but not later than **20 working days** from the time we received the complaint for investigation. Where a local authority complaint includes an

NHS complaint, the final response will be provided to you by the public body leading the investigation and will cover all complaint issues.

Extension to investigation

It is important that we make every effort to meet the timeline, as failure to do so may have a detrimental effect on you. Not all investigations will be dealt with within 20 working days. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. However, these would be the exception and we should always try to deliver a final response to your complaint within 20 working days.

If there are clear and justifiable reasons for extending the timeline, senior management will agree an extension and set time limits on any extended investigation. We will keep you updated on the reason for the delay and give you a revised timescale for completion.

Signposting to the SPSO

Once the investigation stage has been completed, you have the right to approach the Scottish Public Services Ombudsman (SPSO) if you remain dissatisfied.

The SPSO consider complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO look at issues such as service failure and maladministration (administrative fault), and the way we have handled your complaint. In relation to social work decisions, they can also look at professional judgement.

Your final investigation response from the council will include the following:

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about local councils and the NHS in Scotland. If you remain dissatisfied when you have had a final response from Moray Council, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the council's complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

Their freepost address is:
FREEPOST SPSO

Freephone: 0800 377 7330
Online contact www.spsso.org.uk/contact-us
Website: www.spsso.org.uk

Integrated Service Complaints

Complaints may be received that relate to a social work service, social care service and a service provided by another organisation such as NHS.

Statutory direction provides that a joint response will be required for such complaints. If it possible to give a joint response, a decision will be taken by Senior Management as to which service will lead the complaint enquiry. They will ensure that all relevant services are clear about that decision.

For such complaints, we will record our aspect/s of your complaint on our complaints database. We will also record a complaint cross reference number from the other service and details of their enquiry officer. The commencement date of enquiry for both services will correspond. Our enquiry officer/s will always check whether specific consent from you is needed before we share your information. This will ensure compliance with data protection requirements.

For frontline resolution integrated service complaints, we will make contact with you to explain that your complaint partly relates to services which are delivered by another organisation and that to resolve your complaint, we will need to discuss and share information with the other service. Where we have taken the lead, we will provide you with a final update covering all parts of the complaint. We will explain the role of both services and confirm that it is the final update from them both. We will record that we have updated you on our complaints database including confirmation that you are now satisfied with their service provision. We will not normally provide you with a written update for frontline resolution complaints. We aim to resolve all complaint issues normally within 5 working days. In exceptional circumstances, a senior manager can authorise an extension of up to an additional 5 working days.

For investigation complaints, the service leading the investigation, will issue you with a written acknowledgement within 3 working days from the day we receive your complaint. The acknowledgement will explain to you that the complaint partly relates to services which are delivered by another organisation and that to resolve your complaint, we will need to discuss and share information with them.

Where we have taken the lead, we will provide you with a final written response covering all parts of the complaint. We will explain the role of both services, and confirm that it is the final response from them both. We will also advise you of your right to approach the SPSO if you remain dissatisfied.

Both services will record that you have been provided with a final response on their respective complaints database. We will normally aim to complete this within 20 working days. In exceptional circumstances, senior management can authorise a further period of ~~extention~~extension.

If a joint response is not possible, we will explain the reasons why you will receive two separate updates/final responses and who to get in contact with about all aspects of your complaint. An example of where this may apply is where one service has complex complaint issues where authorised extensions will be required to the normal time limits and the other service has straight forward issues.

Our Contact Details

Please contact us using any of the following details

Complaints
The Moray Council
High Street
Elgin
IV30 1BX

01343 543451

complaints@moray.gov.uk

You can find more information about complaints in Moray

Online: www.moray.gov.uk/complaints

Getting help to make your complaint

If you need information from the Moray Council in a different format, such as Braille, audio tape or large print please contact:

إذا كنتم في حاجة إلى معلومات من قبل مجلس موراي وتكون بلغة مختلفة أو على شكل مختلف مثل البراي، أسطوانة أوديو أو أن تكون مطبوعة باستعمال حروف غليظة فالرجاء الإتصال بـ

Jei pageidaujate tarnybos Moray tarybos teikiamą informaciją gauti kitokiu formatu, pvz., Brailio raštu, garso įrašų ar stambiu šriftu, kreipkitės:

Jeśli potrzebują Państwo informacji od Rady Okręgu Moray w innym formacie, takim jak alfabet Braille'a, kasety audio lub druk dużą czcionką, prosimy o kontakt:

Se necessitar de receber informações por parte do Concelho de Moray num formato diferente, como Braille, cassete áudio ou letras grandes, contacte:

Ja Jums vajadzīga informācija no Marejas domes (*Moray Council*) citā valodā vai formātā, piemēram, Braila rakstā, audio lentā vai lielā drukā, sazinieties ar:

اگر آپ کو مورے کونسل سے کسی دیگر زبان یا صورت میں معلومات درکار ہوں مثلاً "بریلے"، آڈیو ٹیپ یا بڑے حروف، تو مہربانی فرما کر رابطہ فرمائیں:



Complaints
Moray Council HQ
High Street
Elgin
IV30 1BX



01343 543451



complaints@moray.gov.uk



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