



Aberdeenshire
Health & Social Care
Partnership

Aberdeenshire
COUNCIL

The Social Work Complaints Handling Procedure

Issued: December 2016

Aberdeenshire Council and our Health & Social Care Partnership are committed to providing high quality customer services.

We value complaints and use information from them to help us improve our services.

If something goes wrong or you are dissatisfied with our services, please tell us. This document describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.

What is a complaint?

Aberdeenshire Council and our Health & Social Care Partnership's definition of a complaint is: 'An expression of dissatisfaction by one or more members of the public about the social work service's action or lack of action, or about the standard of service provided by or on behalf of the social work service.'

Any complaints about other services will be handled under Aberdeenshire Council's standard complaints handling procedure (CHP).

What can I complain about?

A complaint may relate to the following, but is not restricted to this list:

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

What can't I complain about?

A complaint is not:

- a routine first-time request for a service
- a claim 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.

Who can make a complaint?

Anyone who receives, requests, or is affected by our social work services can make a complaint. This is not restricted to 'service users' and their relatives or representatives, but may also include people who come into contact with or are affected by these services, for example people who live in close proximity to a social work service provision, such as a care home or day centre. In this procedure these people are termed 'customers', regardless of whether they are or were using a service.

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends and advocates. The third party should normally obtain the customer's consent. This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

However, in certain circumstances, the third party may raise a complaint without receiving consent, such as when there are concerns over someone's wellbeing. The complaint should still be investigated, but the response may be limited by considerations of confidentiality.

How do I complain?

You can complain in person, by phone, by e-mail, in writing or on-line through the Council's website at: www.aberdeenshire.gov.uk/haveyoursay/3c_form.aspx

You can speak directly to your social worker or a member of staff in your local social work office; contact us on 01346 08 12 07;

When complaining tell us:

- your full name and contact details;
- as much as you can about the complaint;
- what has gone wrong; and
- how you expect us to resolve the matter.
- How long do I have to make a complaint?

Normally, you must make your complaint within six months of: the event you want to complain about; or finding out that you have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel the time limit should not apply to your complaint, please tell us why when you advise us of your complaint.

Complaints for the Care Inspectorate

Some of the services delivered by Social Work Services (either directly or on our behalf) such as day care, residential care, housing support services, respite care, foster care and children's care homes are also regulated by the Care Inspectorate.

If you are dissatisfied with the standard of care offered by these services, you can complain to the Care Inspectorate as well as making a complaint to us.

The Care Inspectorate has several offices around Scotland. Contact details for the Care Inspectorate can be found on their website:

www.careinspectorate.com/

Or: telephone 0345 600 9527

fax 01382 207 289

complete an online complaints form at www.careinspectorate.com/ or

email enquiries@careinspectorate.com

Complaints relevant to other agencies

Customers may raise concerns about issues which cannot be handled through this CHP, but which other agencies may be able to provide assistance with or may have an interest in. This may include:

The Mental Welfare Commission:

Email: enquiries@mwcscot.org.uk

Tel: 0800 389 6809 (service users and carers only)

Website: www.mwcscot.org.uk

The Children's Commissioner:

Email: inbox@cypcs.org.uk

Tel: 0800 019 1179

Website: www.cypcs.org.uk

The Scottish Social Services Council:

Email: via their website

Tel: 0345 60 30 891

Website: www.sssc.uk.com

Customers may also raise concerns that information has not been provided in line with information sharing and data protection legislation, in which case they should be signposted to *Aberdeenshire Council's data protection/ information service*. Any correspondence they have received from *Aberdeenshire Council and our Health & Social Care Partnership* will also specify the next steps to take if there are ongoing concerns, including signposting to the Information Commissioner:

Email: scotland@ico.org.uk

Tel: 0131 244 9001

Website: www.ico.org.uk

This list is not exhaustive, and it is important to consider the circumstances of each case, and whether another organisation may also have a role to play.

What happens when I have complained?

We will always tell you who is dealing with your complaint. Our complaints procedure has two stages:

Stage 1 – Frontline Resolution

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem. We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances.

If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next. We might suggest that you take your complaint to Stage 2.

You may choose to do this immediately or sometime after you get our initial decision.

Stage 2 – Investigation

Stage 2 deals with two types of complaint: those that have not been resolved at Stage 1 and those that are complex and require detailed 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.

When using Stage 2 we will:

- acknowledge receipt of your complaint within three working days
- if escalating from stage 1, we will discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- we may also do this in certain circumstances where the complaint has gone straight to the investigation stage and we do not have all of the information we require to address your concerns. And if the outcome you are looking for is not clear.
- give you a full response to the complaint as soon as possible and within 20 working days

If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

What if I remain dissatisfied?

After we have fully investigated, if you are still dissatisfied with the decision or the way Aberdeenshire Council and our Health & Social Care Partnership handled your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it. The SPSO are the final stage for complaints about public services in Scotland. This includes complaints about local councils and the NHS in Scotland.

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.spso.org.uk/contact-us
Website: www.spso.org.uk

Getting help to make your complaint

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to ensure that all customers can access our services.

All members of the community have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Therefore we understand that you may be unable, or reluctant, to make a complaint yourself and customers may need independent support to overcome these barriers to accessing the complaints system.

We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

The Mental Health (Care and Treatment) (Scotland) Act 2003 gives anyone with a 'mental disorder' (including mental health issues, learning difficulties, dementia and autism) a right to access independent advocacy. This legislation says that independent advocacy must be delivered by independent organisations that only provide advocacy. They help people to know and understand their rights, make informed decisions and have a voice. The Scottish Independent Advocacy Alliance website has information about local advocacy organisations throughout Scotland.

Scottish Independent Advocacy Alliance

Tel: 0131 524 1975

Fax: 0131 550 9819

Website: www.siaa.org.uk

Customers who do not have English as a first language, including British Sign Language users, may need help with interpretation and translation services. Other customers may need other forms of communication support, including documents written in accessible language such as easy read format. Some may need support workers or advocates to help them understand their rights, and help them to communicate their complaints.

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please let us know and we will help

If you have trouble putting your complaint in writing please tell us in person, email us at feedback.team@aberdeenshire.gov.uk or call us on 01346 585 863.

Our contact details

Please contact us by the following means:

By email: feedback.team@aberdeenshire.gov.uk

Via our website: <https://online.aberdeenshire.gov.uk/apps/haveyoursay/>

In writing:

Feedback Team
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Some Frequently Asked Questions:

Will my complaint be treated confidentially?

To address a complaint, we may have to share it with colleagues within the Council or with people you mention in your complaint. If you don't wish a person mentioned in your complaint to be contacted, you should advise the person who is investigating your complaint.

However, if you do so, it might mean your complaint cannot be fully investigated.

Can I withdraw my complaint?

Yes. Usually this will terminate an investigation but not always. It may be necessary for us to continue to consider any issues raised to ensure the quality of the service provided or for child protection reasons.

Can a complaint be considered unacceptable?

A complaint will be considered unacceptable if the person making the complaint: is abusive to, or harasses Council employees; persistently makes the same complaint despite the complaint having been fully investigated under the complaints procedure; seeks an unrealistic outcome and intends to persist until the outcome is achieved; complains about a historical complaint that cannot be undone or remedied; or repeatedly changes aspects of their complaint or their desired outcome part way through an investigation at either Stage 1 or 2, or after any formal response has been issued.

We do not consider assertive behaviour as unacceptable; however, we will not tolerate abusive behaviour or acts of harassment towards staff, verbal or otherwise.

Depending on the form of unacceptable conduct, appropriate action will be taken.

This may mean that we refuse to investigate a complaint where we consider either the complaint itself to be unacceptable or the person making the complaint's behaviour to be unacceptable. In such cases, we will inform the person making the complaint of any decision in writing.

The Model Complaints Handling Procedure

FRONTLINE RESOLUTION



INVESTIGATION



INDEPENDENT EXTERNAL REVIEW (SPSO or other)

For issues that are straightforward and easily resolved, requiring little or no investigation.

'On-the-spot' apology, explanation, or other action to resolve the complaint quickly, in five working days or less, unless there are exceptional circumstances.

Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline resolution.

Complaint details, outcome and action taken recorded and used for service improvement.

For issues that have not been resolved at the frontline or that are complex, serious or 'high risk'.

A definitive response provided within 20 working days following a thorough investigation of the points raised.

Responses signed off by senior management.

Senior management have an active interest in complaints and use information gathered to improve services.

For issues that have not been resolved by the service provider.

Complaints progressing to the SPSO will have been thoroughly investigated by the service provider.

The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider. In relation to social work decisions the SPSO can also look at professional decisions.