



Midlothian

Complaints Handling Procedure

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Document Control Information

Update	September 2018	Reflects new Chief Exec and remove/edit Social Work information to reflect new policy.
Update	February 2019	Reflects change of address and contact details of the SPSO.

Foreword

Midlothian Council has a commitment to deliver high quality services to all its customers. Our complaints handling procedure reflects our 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 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), who have tried to produce a standard approach to handling complaints across local government. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution by capable, well-trained staff.

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 Midlothian Council. 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.

This procedure replaces all previous complaints procedures within Midlothian Council, with the exception of the statutory Social Work Complaints Procedure (see section 5)

Dr Grace Vickers, Chief Executive

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1 What is a complaint?

Midlothian Council has adopted the Scottish Public Services Ombudsman's (SPSO) definition of a complaint:

'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.'

For example 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 is not exhaustive*)

1.1 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 (in such cases the customer should be given information on how to appeal)
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

The following cannot be dealt with through this complaints procedure;

- Complaints against Councillors
- A request under the Freedom of Information Act or Data Protection Act
- Insurance claims.

Appendix 1 gives more examples of 'what is not a complaint' and how to direct customers appropriately.

1.2 Comments and Compliments

It is important that the Council captures a balanced view of its services; this allows us to analyse what is working well, as well as identifying those areas that can be improved. To ensure this balanced view of service provision it is important that customer compliments and comments are recorded as well as complaints. This can be done, either on line, through complaint/feedback forms or via the Councils Contact Centre. All staff are encouraged to record any comments or compliments received from customers, service managers will be alerted to these via email.

1.3 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.

1.4 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 or are not working as well as they could be. 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, gets a response to their complaint and assists service improvement.

If a 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 CRM system 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, for service improvement.

1.5 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. Serious allegations will be appropriately investigated. If insufficient information is provided then we may be unable to take any further action. This decision will be taken by either the relevant service manager, or in the case of serious allegations Head of Service or Complaints Coordinator.

1.6 How can a complaint be made?

A complaint can be made online, by phone, in writing (including email) or in person or by having someone complain on their behalf.

Customers can also make complaints via their local Councillor.

1.7 Time limit for making complaints

Complaints should be made within 6 months of the customer first becoming aware of the matter they want to complain about. The Council does have discretion to consider complaints (up to a limit of 12 months of the person becoming aware of their complaint) if there are special circumstances. Examples might include:

- Illness or bereavement
- The matter was brought to the Council's attention earlier but the customer has been waiting for action to be taken before making a complaint

- New information has come to light
- The decision not to investigate a complaint will result in a request for an external review.

The Council will only apply discretion to consider a complaint beyond the 12 month time limit in exceptional circumstances. To ensure consistency and fairness, the decision whether or not to apply discretion will be taken by the Head of Customer Services/Director Corporate Resources, in conjunction with the relevant Head of Service. When making such a decision, the Scottish Public Services Ombudsman Act 2002 (Section 10(1)) will be taken into account. This sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints.

1.8 Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more Council services, then the Complaints Coordinator will take the lead role in coordinating one response covering all issues. They will also take responsibility for contacting the customer. It is important that the customer has a single point of contact and receives one response.

If a customer makes a complaint to the Council about the service of another agency or public service provider, but the Council has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where a complaint relates to a Council service and the service of another agency or public service provider, (for example a housing association, a government department or a third party providing a service on behalf of the Council), and the Council has a direct interest in the issue, we will handle the complaint through the Complaints Handling Procedure (CHP). Where enquiries to an outside agency are required we must always take account of data protection legislation and our guidance on handling our customer's personal information as well as the Information Commissioner's detailed guidance on data sharing and data sharing code of practice.

Such complaints may include:

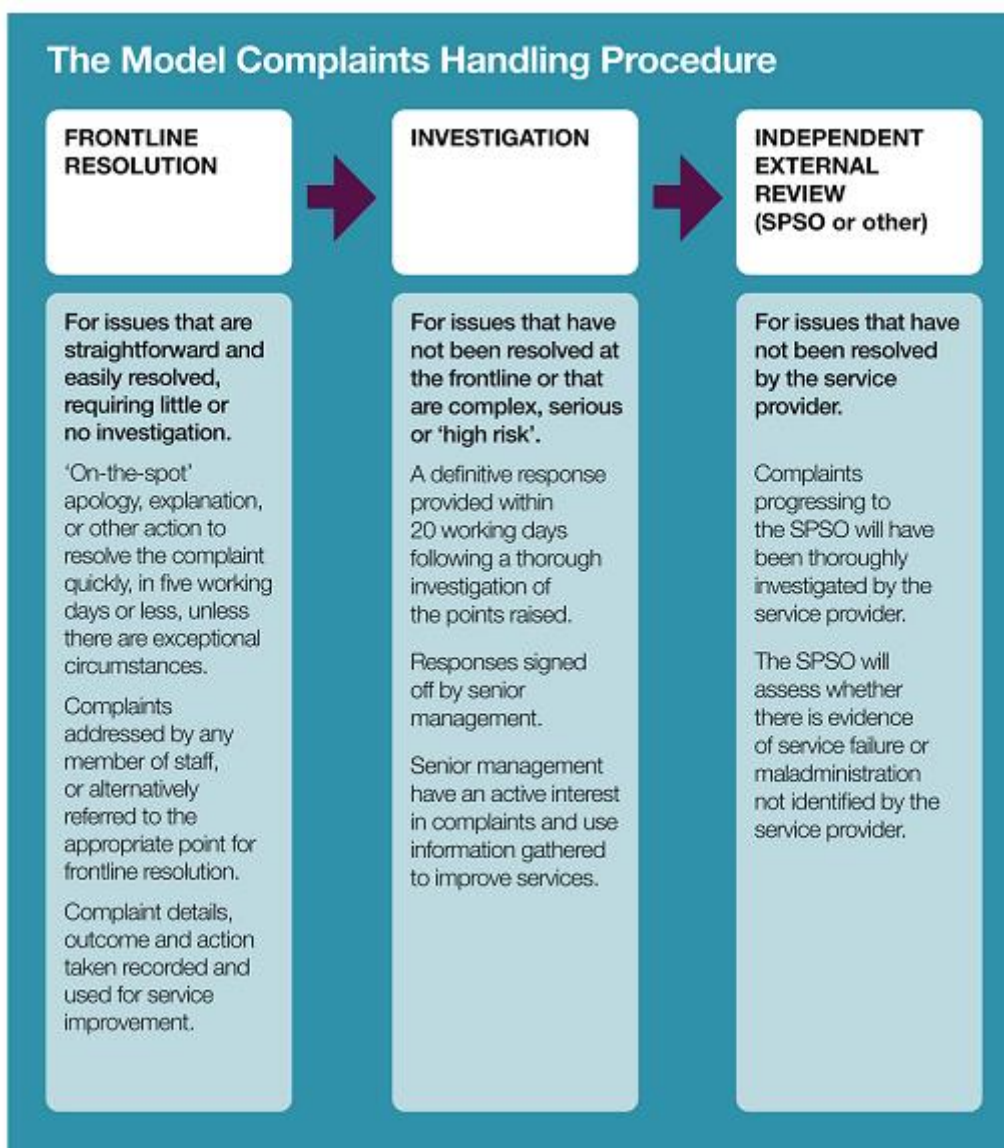
- A complaint made to us about a claim for housing benefit where the customer's dissatisfaction relates to the service we have provided and the service the DWP has provided
- A complaint made to us about antisocial behaviour where the customer's dissatisfaction relates to the service we have provided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

2 The process for handling complaints

The Council's Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for resolving complaints early and locally.

The CHP has two internal stages and one external:

- **Stage 1: Frontline Resolution**
- **Stage 2: Investigation**
- **Stage 3: Independent External Review**



2.1 Stage 1: 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.

Whenever a complaint is received frontline resolution should always be considered. Resolution may include;

- Providing an 'on the spot' apology
- Explaining why a problem occurred and what will be done to stop it happening again
- Providing the required service/information

- Taking appropriate remedial action eg cancelling an invoice if a customer has been incorrectly charged

Examples of Stage 1 complaints can be found at Appendix 2

2.2 What to do when you receive a complaint

- On receiving a complaint, 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 that one element is treated as a complaint, while directing the customer to pursue another element through an alternative route (see Appendix 1).
- If we have received and identified a complaint, record the details on the CRM system
- Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before we can give the customer a suitable response. These complaints must be escalated immediately to the investigation stage.
- Where frontline resolution is appropriate, the following four key questions must be considered:
 - 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?

2.3 Timescales

Frontline resolution must be completed within five working days from the date the complaint was received, if not sooner. In exceptional circumstances, where there are clear and justifiable reasons for doing so, an extension of no more than five working days may be agreed with the customer. This decision must be taken by the Head of Service or Complaints Coordinator and must only happen when an extension will make it more likely for the complaint to be resolved at the frontline resolution stage.

All attempts to resolve the complaint at this stage must take no longer than ten working days from the date the complaint was received. The customer must be advised of the reasons for the delay and when they can expect to receive a response. The Complaints Coordinator can give advice on the circumstance in which it would be appropriate to agree an extension.

It is important that such extension do not become the norm. If the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to **Stage 2 - Investigation**

Where the customer does not agree to the extension but it is unavoidable and reasonable, the relevant service manager can agree to the extension. The customer must be advised about the delay and the reason for the decision to grant the extension should be explained to the customer.

Non working days i.e. weekends, public holidays and days of industrial action where service provision has been interrupted are excluded when measuring performance against timescales

2.4 Recording

Stage 1 complaints received via the Contact Centre, online, on Feedback forms and received directly by service areas should be logged on Customer Relationship Management System (CRM), an automatic email will be sent from the CRM system to the relevant service area for action. All actions, including the outcome of the complaint should be recorded on the CRM system by the service area.

Where a call is received and resolved by the service area at first point of contact the call should be logged, response recorded and call closed in the CRM system. The service will not be notified; however these calls will be picked up in the service review analysis.

2.5 School Complaints

Stage 1 complaints about schools should be directed to and dealt with directly by the school concerned. If a meeting is required with the Class or Guidance Teacher, Head Teacher or other senior member of staff then this should be arranged as quickly as possible. Stage 1 complaints will be recorded and monitored within each school, utilising a uniform method of recording. Stage 2 complaints will be recorded and monitored via the Corporate CRM system.

2.6 Closing the complaint

Advising the customer of the outcome of their Stage 1 complaint does not have to be done in writing, although this may be appropriate on some occasions. A telephone call, email or face to face resolution is acceptable provided a record is kept. The response must address all points of the complaint and explain the reasons for the decision reached. The outcome should be record on CRM and include the way by which the customer was contacted, (i.e. email, telephone etc), the response given and confirmation that the customer is happy with the resolution. If the customer is not happy move on to the next stage about escalating Stage 1 Complaints.

2.7 Escalating Stage 1 Complaints

A complaint must be escalated to the investigation stage where:

Frontline resolution was tried but the customer remains unsatisfied 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

Time should be taken to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that require direct input from a Head of Service or Director of the service involved.

Examples might include complaints that:

- 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 highly sensitive nature, e.g. concerning
 - Immediate homelessness
 - A particularly vulnerable person
 - Child protection
- Immediate danger to the public, for example a serious road defect

3 Stage 2: 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 the Councils final position. Investigations will normally be undertaken either by the relevant service manager, the Complaints Coordinator or an officer who has received specific complaint investigation training.

3.1 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 these points with the customer at the outset to establish why they are dissatisfied and whether the outcome they are looking for is sound and 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 you reach a decision.

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

If the investigation stage follows attempted frontline resolution, all information gathered at that stage must be made available to the officer responsible for the investigation and this should be recorded on the CRM system.

3.2 Timescales

The following deadlines are appropriate to cases at **Stage 2: Investigation**

- Complaints must be acknowledged within **three working days** – within CRM there is a standard investigation acknowledgement letter which will be saved automatically to the call. The letter can either be emailed or sent in the post to the customer.
- A full response to the complaint should be provided as soon as possible, but **no later than twenty working days** from the date the complaint was received for investigation – template response letter is contained within CRM and should be populated as necessary. A copy of the investigation response will be automatically saved against the individual call. The letter can then be printed and issued to the customer.

Non working days i.e. weekends, public holidays and days of industrial action where service provision has been interrupted are excluded when measuring performance against timescales

3.3 Extension to the timescales

It may not be possible to respond to all investigations within this timescale, for example, some complaints are so complex they require careful consideration and detailed investigation beyond the twenty day limit. These, however, should be the exception and every effort should be made to deliver a final response within 20 working days, if there are clear and justifiable reasons for an extension, this should be agreed with the customer and a revised timescale given. This decision should be taken by a senior officer. If the customer does not agree the relevant Head of Service, Director or the Complaints Coordinator can approve an extension and set a new time limit, giving clear reasons for this to the customer. Examples might include:

- 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 information within the normal timescales
- Operations are disrupted by unforeseen or unavoidable operational circumstances, e.g. industrial action or severe weather conditions
- The customer has agreed to mediation as a potential route for resolution

3.4 Recording

All Stage 2 complaints should be recorded on the CRM system. If the complaint is received by the Contact Centre they will record it if the complaint is received by the service it will be recorded by the member of staff, their manager or nominated individual within the service.

3.5 Responses

Written responses should be issued to all Stage 2 complaints, unless the customer has given an alternative preferred method of contact. Responses should be structured in line with the template provided and give a clear outcome, eg upheld/partially upheld/not upheld.

The Complaints Coordinator can offer advice and assistance on complaint responses and will undertake regular quality assurance checks on final responses.

Stage 2 complaint responses should be signed by the relevant Head of Service. In some instances this function can be delegated to the relevant service managers, provided the Head of Service has reviewed and is in agreement with the investigation findings. Where a complaint has been identified as high profile or high risk, it may be more appropriate for the response to be signed by the Director responsible for the service area involved

3.6 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. Your response to the complaint must address all areas that we are responsible for and explain the reasons for your decision.

Decisions must be recorded on the CRM system; this should include details of how the decision was communicated to the customer.

Stage 2 responses must also make clear to the customer:

- The customer's right to ask SPSO to consider the complaint
- The time limit for doing so, and
- Contact details for the SPSO

A copy of the response should be attached to the complaint on CRM, unless the information is sensitive, in which case the response should be saved securely on the network and CRM should be updated with the reference and contact name in case a copy of the final letter is required in the future

A diagram of the complaints process can be found at Appendix 3 and Appendix 4 sets out the roles and responsibilities of officers involved in the complaints handling process.

4 Social work complaints

Since April 2017, the complaint handling procedure for social work complaints is now in line with the corporate policy, and the full procedure can be found on the intranet at: [intranet>services>portals>customer care - feedback](#)

5 Independent external review (SPSO)

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 this procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way the Council has handled the complaint.

The SPSO recommends that you 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 may be 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:

Call

- Freephone 0800 377 7330 or call 0131 225 5300

In person

- Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS

Open Monday, Wednesday, Thursday and Friday 9am-5pm; Tuesday 10am-5pm.

By post

- Freepost SPSO

This is all you need to write on the envelope, and you don't need to use a stamp.

Fax

- 0800 377 7331

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

Website: www.spsso.org.uk

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

The Complaints Coordinator is the appointed SPSO liaison officer.

6 The Care Inspectorate

Local authorities that provide care services must be registered with the Care Inspectorate. Anyone receiving care services from Midlothian Council has the right to complain either directly to the Care Inspectorate or to the Council as service provider.

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

Contact details for the Care Inspectorate can be found on the Council's website and in Complaint and Feedback Leaflets available from all Council Buildings.

Where a customer is raising concerns about a care service they should be advised of their right to contact the Care Inspectorate.

7 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.

8 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, i.e. Head of Service or Director. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

9 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. It may be appropriate in exceptional circumstances, eg vexatious complaints, to 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.

Where mediation is considered appropriate, revised timescales will need to be agreed. The Complaints Coordinator can provide assistance in such instances.

10 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 by a customer under the terms of the Councils Work Related Violence 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.

For further guidance refer to the Council's policy on Unacceptable Behaviour, which can be found on the intranet.

11 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 Midlothian Council.

Stage 1 (excluding Social Work and Education) and **all Stage 2** complaints should be recorded on the CRM system. The following information requires to be captured

- the customer's name and address (or anonymous)
- 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.

CRM provides a structured system for recording complaints, their outcomes and any resulting action.

11.1 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 customer's 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 should be reported regularly (and at least quarterly) to the Corporate Management Team.

11.2 Learning from complaints

Heads of Service and Service Managers, in conjunction with the Complaints Coordinator will review the information gathered from complaints regularly and consider whether 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 owner 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.

11.3 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.

12 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.

Appendix 1 - 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 with a planning application decision, either as an applicant receiving a refusal, or an interested party being notified of a grant of planning permission to which they objected.

Applicants have the right to request a decision taken under delegated powers to be reviewed by the Council's Local Review Body. Planning application decisions taken by the Planning Committee can be appealed to the Scottish Ministers. Appeals to the Scottish Ministers are usually decided by a Reporter from the Directorate of Planning and Environmental Appeals and can be considered by way of written submissions, a hearing or by public inquiry. Other interested parties do not have the right of appeal.

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. These should instead be passed to the Councils Insurance Officer where the request for compensation will be dealt. 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.

A customer may be dissatisfied or disagree with a decision about their claim for compensation. This is not a complaint and a customer may appeal this decision with the claims handlers who have been delegated authority to handle and assess the liability claim on behalf of Midlothian Council.

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.

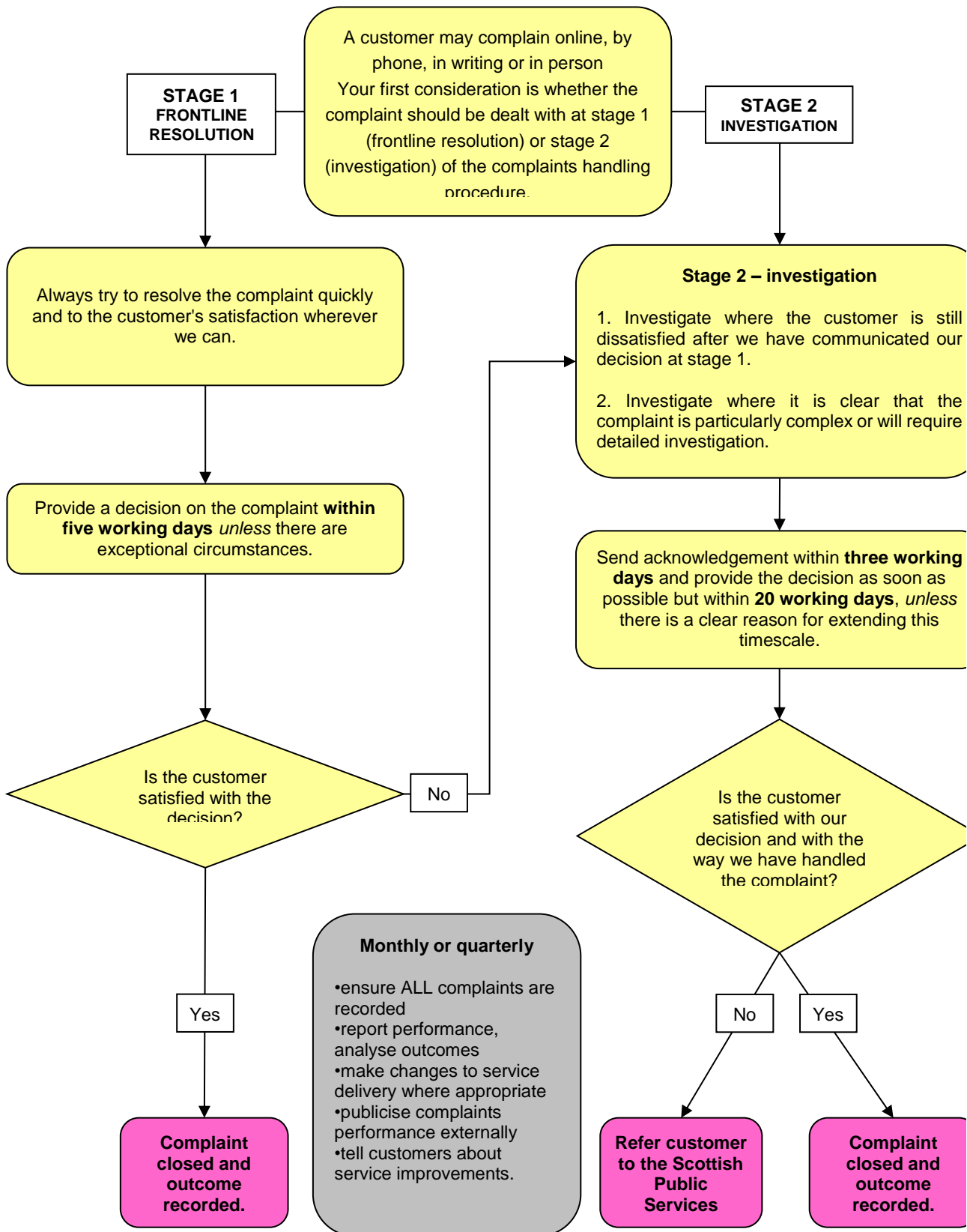
Remember that although there may be an alternative form of redress for the customer as detailed above, you must consider carefully whether or not a customer's representations should be managed within the complaints handling procedure. Dissatisfaction with certain local authority decisions may simply 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 2 – Examples of Stage 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.	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 department to examine the repair to assess whether or not it is acceptable. • If appropriate, agree that the service department 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.

Appendix 3 - The complaints handling procedure



Appendix 4 – Roles and Responsibilities

Overall responsibility and accountability for the management of complaints lies with the Chief Executive and senior management.

Midlothian Councils 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 enables the Council 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 the organisation learns from complaints. The Chief Executive may take a personal interest in all or some complaints, but in the main will delegate responsibility for the complaint handling procedure to senior staff. Regular management reports assure the Chief Executive of the quality of complaints performance.

Directors

Directors are responsible for the strategic direction of the service areas they are responsible for. Directors may take a personal interest in all or some complaints, especially those that are 'high risk' or raise complex issues. They may also be involved in investigating and responding to complaints about senior officers. Directors will receive regular reports on complaints handling performance and the implementation of actions recommended as a result of the investigation into a complaint. Directors should have a full awareness of complaints made about their service areas and how these have been dealt with and responded to and should take appropriate action to ensure they are satisfied with the quality of complaint handling in their respective areas.

Heads of Service

Heads of Service have responsibility for managing complaints and the way we learn from them, as well as overseeing the implementation of actions required as a result of a complaint. They are responsible for reviewing and signing investigation decision letters to customers which confirms the Councils final response to the complaint. It is important they take appropriate measures to satisfy themselves the investigation is complete and their response addresses all aspects of the complaint. Heads of Service may decide to delegate some elements of complaint handling (such as investigation and drafting of response letters) to third tier managers. However they should retain ownership and accountability for complaint management for services they are responsible for. They will receive regular information of complaints performance.

Third Tier Managers

Managers are involved in the operational investigation and management of complaints handling, and are responsible for investigating and collating responses on behalf of Heads of Service. Where authority to sign investigation responses has been delegated to the third tier manager, they must be satisfied that the investigation is complete and that the response letter to the customer is the Council's final response to the complaint.

All Council Employees

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 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.

Complaints Co-ordinator

The Complaints Coordinator is the Local authority SPSO liaison officer. This role may include providing complaints information 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. The Complaints Coordinator will work with Heads of Service and Service Managers in reviewing complaints and complaint outcomes and implementing and monitoring improvement plans within Service areas.