

# Midlothian Integration Joint Board



**Thursday 15 June 2017 at 2.00pm**

## **Midlothian IJB Complaints Handling Procedure**

**Item number: 5.9**

### **Executive summary**

Integration Joint Boards (IJBs) are listed under the SPSO Act 2002, and as such are expected to have a complaints handling procedure, which complies with the principles approved by parliament in January 2011. The Scottish Public Services Ombudsman has developed a template for IJBs (based on the Model Complaints Handling Procedure (CHP) for [Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland](#)).

### ***Board members are asked to:***

1. Note the requirement for IJBs to conform to a new Complaints Handling Procedure.
  2. Note the requirement to submit the CHP compliance and self-assessment form to SPSO.
  3. Agree the adoption and implementation of the attached Complaints Handling Procedure.
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## Midlothian IJB Complaints Handling Procedure

### 1. Purpose

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- 1.1 To highlight requirement of Midlothian IJB to comply with new model CHP as per SPSO instruction.

### 2. Recommendations

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- 2.1 Agree the attached Complaints Handling Procedure for IJB.  
  
Require the Chief Officer to complete and submit self-assessment form to SPSO.  
  
Chief Officer to arrange appropriate communication of Complaints Handling Procedure internally and to the wider public.

### 3. Background and main report

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- 3.1 In November 2016 the Scottish Public Services Ombudsman (SPSO) issued new separate model Complaints Handling Procedures (CHP) for adoption by Social Work and the NHS. This implementation brought in line the SW and NHS CHPs with that already in place for local authorities; covering a Stage 1 (early resolution) and Stage 2 (investigation process), before referral to consideration by the SPSO. Self –assessment and confirmation of compliance was required by April 2017.
- 3.2 The need for compliance to and publication of a model CHP for IJBs was established by the SPSO Act 2002, but it is in recent months that the requirement for IJBs to take action has solidified. The Scottish Public Services Ombudsman wrote to all IJB Chief Officers on 2 May advising of requirement for IJBs to adopt the new model CHP. The SPSO wrote again on 7<sup>th</sup> June advising of the requirement to adopt this procedure by 3<sup>rd</sup> July. The Midlothian version of this CHP is attached at Appendix 2.
- 3.3 The SPSO have provided a model CHP (as was provided for the SW and NHS new CHP). There is a requirement for IJBs to complete a compliance self-assessment form (attached at Appendix 1) and for the Chief Officer to sign confirming compliance with the new CHP.



#### 4. Policy Implications

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- 4.1 The aim of recent changes at a national level to the approach to addressing complaints has been to implement a consistent process for organisations to follow making it easier and simpler to complain, whilst also giving staff and customers confidence in complaints handling. This will support the capacity of organisation to make best use of the lessons learned from complaints.

#### 5. Equalities Implications

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- 5.1 As required, information will require to be available in a variety of formats.

#### 6. Resource Implications

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- 6.1 There are no new resource implications associated with this procedure.

#### 7 Risks

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- 7.1 Integration Joint Boards (IJBs) are listed under the SPSO Act 2002, and as such are expected to have a complaints handling procedure, which complies with the Principles approved by parliament in January 2011. Non-adaption of the new model CHP could result in non-compliance with the format supported by the SPSO.

#### 8 Involving People

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- 8.1 This is a statutory requirement and has not been subject to any internal or external consultation.

#### 9 Background Papers

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**Appendices: Appendix 1 Integration Joint Board Compliance statement and self-assessment documentation.**

**Appendix 2 IJB Complaints Handling Procedure**



## Integration Joint Board Compliance statement and self-assessment

**[NAME OF ORGANISATION]**

**[CONTACT DETAILS]**

This information on this pro forma must be provided to the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) as soon as the organisation adopts the model CHP, or by **3 July 2017** at the latest. Please send the completed form and an electronic copy of the CHP in Word format, to [CSA@spsso.org.uk](mailto:CSA@spsso.org.uk).

Please provide, **at Section 1**, confirmation that the organisation has adopted the CHP and has provided suitable information on the internet, or that the organisation will do so by 3 July 2017 at the latest.

At Section 2 please complete a self-assessment of your organisation's CHP, or draft CHP for implementation by 3 July 2017, against the requirements of the SPSO model CHP.

The CSA will assess the information provided by the organisation, and respond to indicate compliance or otherwise with the Scottish Government and Associated Public Bodies Model Complaints Handling Procedure.



**SECTION 1 - Statement from Chief Officer of [NAME OF ORGANISATION].**

	Please <input checked="" type="checkbox"/>
[The Organisation] has already adopted or will adopt the IJB's CHP from 3 July 2017, accompanied by appropriate customer information available on the internet.	

Please confirm the name of the Chief Officer:

.....



## SECTION 2 - [NAME OF ORGANISATION] Self-assessment of compliance

Requirement of CHP	Met Yes/No	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style?		
Does the complainant facing CHP adopt the text and layout of the published model complainant facing CHP, subject to necessary amendments?		
Does the CHP include an appropriate foreword from the organisation's Chief Officer?		
Does the CHP provide an appropriate definition of a complaint?		
Does the CHP explain the types of issues which may be considered as a complaint?		
Does the CHP explain the types of issues which may not be considered through the CHP (for example, appeals, requests for service etc)?		
Does the CHP include appropriate guidance on handling anonymous complaints?		
Does the CHP clarify who can make a complaint?		
Does the CHP cover complaints involving HSCP services?		
Does the CHP cover complaints involving other organisations or contractors who provide a service on behalf of the organisation?		
Does the CHP explain how a complainant may make a complaint?		
Does the CHP explain the issues to be considered on the receipt of a complaint?		



<b>Requirement of CHP</b>	<b>Met Yes/No</b>	<b>Comment</b>
Does the CHP include the correct timeline at frontline resolution?		
Does the CHP explain the basis for an extension to the timeline at Frontline Resolution?		
Does the CHP explain the action to take in closing the complaint at the frontline resolution stage?		
Does the CHP explain when to escalate a complaint to the investigation stage?		
Does the CHP explain what to do when a complaint is received at the investigation stage?		
Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage?		
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?		
Does the CHP explain the basis for an extension to the timeline at the investigation stage?		
Does the CHP explain the required action when closing the complaint at the investigation stage?		
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?		
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?		
Does the CHP cover complaints about senior staff?		
Does the CHP include the requirement to record all appropriate details in relation to the complaint?		



<b>Requirement of CHP</b>	<b>Met Yes/No</b>	<b>Comment</b>
Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis and reporting information on complaints to senior management regularly (and at least quarterly)?		
Does the CHP include the requirement to learn from complaints?		
Does the CHP include the requirement to report performance in handling complaints annually?		
Does the CHP refer to legal requirements in relation to confidentiality issues?		
Does the CHP refer to managing unacceptable behaviour?		
Does the CHP refer to support for the complainant?		
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?		



# **MIDLOTHIAN INTEGRATION JOINT BOARD**

## **Complaints Handling Procedure**

Issued: 20<sup>th</sup> June2017







## Foreword

Our complaints handling procedure reflects our commitment to valuing complaints. It seeks to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case. Midlothian IJB does not deliver services directly to the public and in most instances complaints about services will be addressed by either NHS Lothian or Midlothian Council Adult Care Service

The procedure introduces a standardised approach to handling complaints across integration authorities, which complies with the SPSO's guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with local, early resolution.

Complaints give us valuable information we can use in terms of how we fulfil our responsibilities. Our complaints handling procedure will enable us to address dissatisfaction and may also prevent the same problems that led to the complaint from happening again. Handled well, complaints can give customers a form of redress when things go wrong, and can also help us continuously improve.

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.

It will help us keep the public at the heart of the process, while enabling us to better understand how to improve how we do our work by learning from complaints.







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## What is a complaint?

Midlothian IJB's definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about Midlothian IJB's action or lack of action, or about the standard of service Midlothian IJB has provided in fulfilling its responsibilities as set out in the Integration Scheme'.

Issues that are not covered by this definition are likely to be covered by our other CHPs, relating to either our health or social work services.

A complaint may relate to dissatisfaction with:

- Midlothian IJB's policies
- Midlothian IJB's decisions
- the administrative or decision-making processes followed by Midlothian IJB in coming to a decision

This list does not cover everything.

A complaint is **not**:

- a first time request made to Midlothian IJB
- 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
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

We will not treat these issues as complaints, but will instead direct the customer raising them to use the appropriate procedures.

## Handling anonymous complaints

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

If an anonymous complaint makes serious allegations, it will be considered by 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 does not want to complain?**

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

If, however, the customer insists they do not wish to complain, we will record the issue as an anonymous complaint. This will ensure that their 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.

### **Who can make a complaint?**

Anyone who is affected by the decisions made by Midlothian IJB can make a complaint. This is not restricted to people who receive services through Midlothian IJB and their relatives or representatives. 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 the Health & Social Care Partnership or more than one organisation**

A complaint may relate to a decision that has been made by the IJB, as well as a service or activity provided by the HSCP. Initially, these complaints should all be handled in the same way. They must be logged as a complaint, and the content of the complaint must be considered, to identify which services are involved, which parts of the complaint we can respond to and which parts are appropriate for the HSCP to respond to. A decision must be taken as to who will be contributing and investigating each element of the complaint, and that all parties are clear about this decision. The final response must be a joint response, taking into account the input of all those involved.

Where a complaint relates to a decision made jointly by the IJB and the Health Board or Local Authority, the elements relating to the IJB should be handled through this CHP. Where possible, working together with relevant colleagues, a single response addressing all of the points raised should be issued.

Should a member of staff who represents the HSCP receive a complaint in relation to the IJB, and they have the relevant and appropriate information to resolve it, they should attempt to do so. If the staff member feels unable to offer a response, the complaint should be passed to the IJB Chief Officer as early as possible for them to resolve.

If a customer complains to Midlothian IJB about services of another agency or public service provider, but Midlothian IJB has no involvement in the issue, they will be advised to contact the appropriate organisation directly.

If we need to make enquiries to an outside agency in relation to a complaint we will always take account of data protection legislation and SPSO 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.

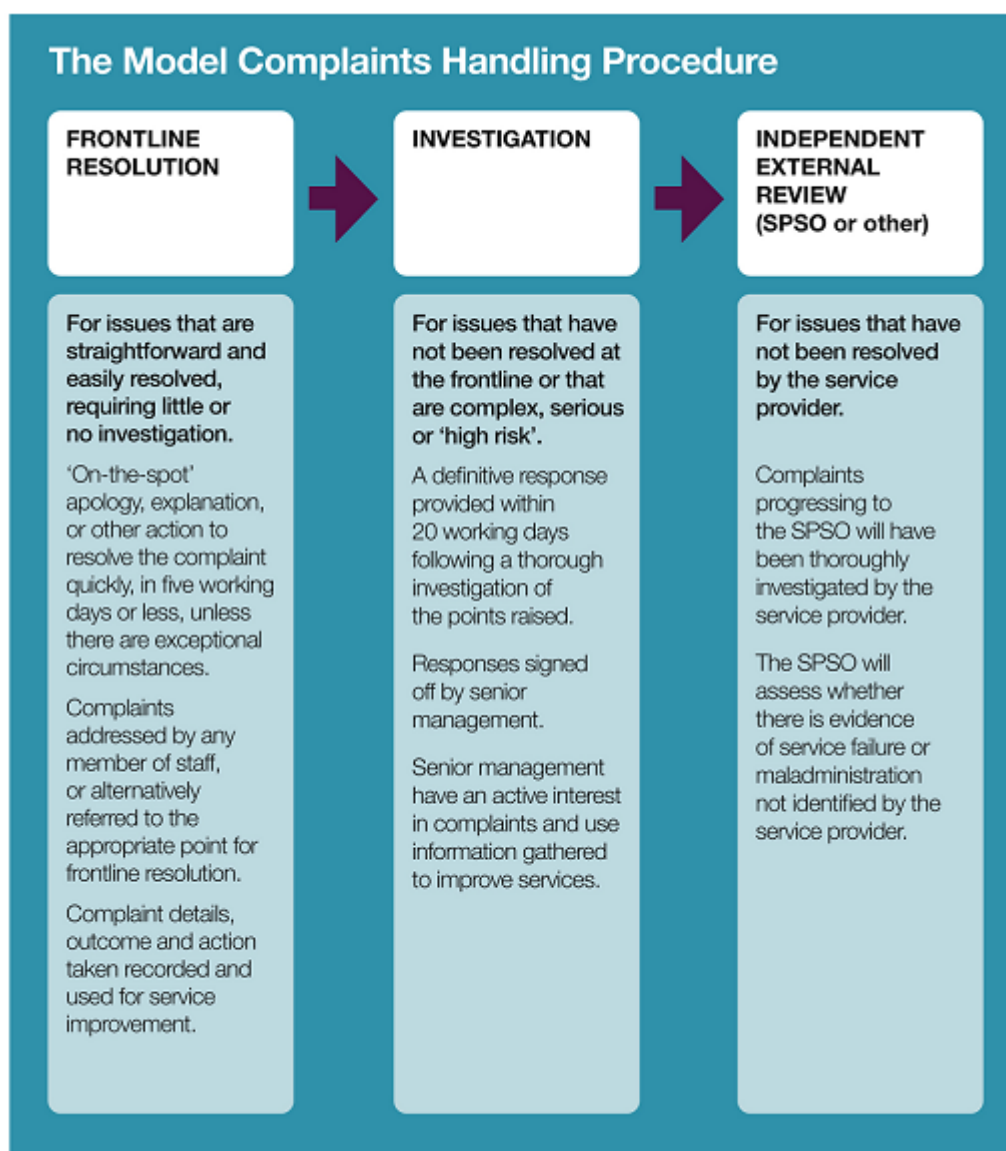


## The complaints handling process

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

Our complaints process provides two opportunities to resolve complaints internally:

- **frontline resolution**, and
- **investigation**.



For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within Midlothian IJB but means seeking to resolve complaints at the initial point of contact where possible.



### **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; if the member of staff receiving the complaint is not able to provide a response, then it should be referred on to a more appropriate member of staff.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity. This may mean a face-to-face discussion.

Whoever responds to the complaint, it may be settled 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. They may also explain that, as an organisation that values complaints, we may use the information given when we review policies and processes 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. Frontline resolution will always be considered, regardless of how the complaint has been received.

### ***What we will do when we receive a complaint***

- 1 On receiving a complaint, we will 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 we treat one element as a complaint, while directing them to pursue another element through an alternative route.
- 2 If we have received and identified a complaint, we will record the details on our complaints system.
- 3 Next, we will decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before we can give the complainant a suitable response. A senior officer will escalate these complaints immediately to the investigation stage.
- 4 Where we consider frontline resolution to be appropriate, we will consider four key questions:
  - What exactly is the complaint (or complaints)?
  - What does the complainant want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I cannot resolve this, who can help with frontline resolution?

#### **What exactly is the complaint (or complaints)?**

It is important to be clear about exactly what the customer is complaining about. Staff may need to ask the supplementary questions to get a full picture.



**What does the complainant want to achieve by complaining?**

At the outset, staff will seek to clarify the outcome the complainant wants. Of course, they may not be clear about this, so there may be a 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 staff can achieve the expected outcome by providing an on-the-spot apology or explain why they cannot achieve it, they will do so. If they consider an apology is suitable, they may wish to follow the SPSO's guidance on the subject, which can be found on the SPSO website.

The customer may expect more than we can provide. If their expectations appear to exceed what the organisation can reasonably provide, the officer will tell them as soon as possible in order to manage expectations about possible outcomes.

Decisions at this stage may be conveyed face to face or on the telephone or via e-mail. In those instances, you are not required to write to the customer as well, although you may choose to do so. A full and accurate record of the decision reached must be kept, including the information provided to the customer..

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

If the complaint raises issues which you cannot respond to in full because, for example, it relates to an issue or area of service you are unfamiliar with, pass details of the complaint to more senior staff who will try to resolve it.

## **Timelines**

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

Staff may need to get more information or seek advice to resolve the complaint at this stage. However, they will respond to the complainant within five working days, either resolving the matter or explaining that Midlothian IJB will investigate their complaint.

## **Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, senior management may agree an extension of no more than five working days with the complainant. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

If, however, the issues are so complex that they cannot be resolved in five days, it will be appropriate to escalate the complaint straight to the investigation stage.

If the customer does not agree to an extension but it is unavoidable and reasonable, a senior manager can still decide upon an extension. In those circumstances, they will then tell the complainant about the delay and explain the reason for the decision to grant the extension.



Such extensions will not be the norm, though, and the timeline at the frontline resolution stage will be extended only rarely. All attempts to resolve the complaint at this stage will take no longer than **ten working days** from the date Midlothian IJB received the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will be presented to Midlothian IJB on a quarterly basis.

**Appendix 1** provides further information on timelines.

### **Closing the complaint at the frontline resolution stage**

When staff have informed the customer of the outcome, they are not obliged to write to the customer, although they may choose to do so. The response to the complaint must address all areas that we are responsible for and must explain the reasons for our decision. Staff will keep a full and accurate record of the decision reached. The complaint will then be closed and the complaints system updated accordingly. The complaints resolved at the frontline stage will be reported to the Midlothian IJB on a quarterly basis.

### **When to escalate to the investigation stage**

Midlothian IJB will escalate a complaint to the investigation stage when:

- frontline resolution has been attempted but the customer remains dissatisfied and requests an investigation. This may happen immediately when the decision at the frontline stage is communicated, or some time later
- the customer refuses to take part in frontline resolution
- 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.

We will take particular care to identify complaints that might be considered serious, high risk or high profile. 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 an organisation's operations
- present issues of a highly sensitive nature, for example concerning:
  - 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 complainant a full, objective and proportionate response that represents our final position.

### **What we will do when we receive a complaint for investigation**

It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that all involved – including the customer - understand the investigation's scope. It may be helpful for an investigating officer 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, the investigating officer will consider three key questions:

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

It may be that the customer expects more than we can provide. If so, our staff will make this clear to them as soon as possible.

Where possible we will also clarify what additional information we 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, staff will ensure that all relevant information will be passed to the officer responsible for the investigation, and record that they have done so.

### **Timelines**

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

- complaints must be acknowledged within **three working days**
- Midlothian IJB will provide a full response to the complaint as soon as possible but not later than **20 working days** from the time they 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 we will 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 complainant agrees. They will 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 can 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.
- Further essential information cannot be obtained 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 senior management will judge the matter in relation to each complaint. However, an extension would be the exception and we will 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 will be presented to Midlothian IJB on a quarterly basis.

**Appendix 1** 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, we 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 Midlothian IJB and the customer agree to mediation, revised timescales will need to be agreed.

### **Closing the complaint at the investigation stage**

We will inform the customer of the outcome of the investigation, in writing or by their preferred method of contact. This response to the complaint will address all areas that we are responsible



for and explain the reasons for the decision. We will record the decision, and details of how it was communicated to the customer, on the system for recording complaints. The complaint will then be closed and the complaints system updated accordingly. The complaints resolved at the investigation stage will be reported to the Midlothian IJB on a quarterly basis.

In responding to the customer, we will make clear:

- 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.

We will use the wording below to inform customers of their right to ask SPSO to consider the complaint. The SPSO provides further information for organisations on the [Valuing Complaints](#) website. This includes details about how and when to signpost customers 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 the Scottish Government, NDPBs, agencies and other government sponsored organisations. If you remain dissatisfied with an organisation 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 organisation'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

Freepost SPSO

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)



## **Governance of the Complaints Handling Procedure**

### **Roles and responsibilities**

As per the Public Bodies (Joint Working) Act and as specified within the integration authority's Integration Scheme, the Chief Officer's role is to provide a single senior point of overall strategic and operational advice to the integration authority. In line with this, overall responsibility and accountability for the management of complaints lies with the Chief Officer.

Our final position on a 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.

**Many complaints will relate to direct services provided to members of the public. These services will be provided by or on behalf of either NHS Lothian or Midlothian Council Adult Care Service and therefore will be subject to those organisation's own complaints procedures.**

In situations where the complaint is directed towards Midlothian IJB itself the Partnership staff will undertake the following roles:

#### **Chief Officer:**

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 Officer may take a personal interest in all or some complaints, or may delegate responsibility for the CHP to appropriate members of the Senior Management Team of the Health & Social Care Partnership. Regular management reports assure the integration authority of the quality of complaints performance.

#### **Members of the Senior Management Team:**

Members of the Senior Management Team of the Health & Social Care Partnership may be responsible for:

- managing 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 Officer on occasion.

However, members of the Senior Management Team may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, senior management should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.



**Heads of service:**

May be involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to customers, 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. They may work in a service delivery team or as part of a centralised customer service team, and 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 organisation.

**All staff:**

A complaint may be made to any member of staff in either Midlothian Council or NHS Lothian. So all staff must be aware of this CHP and how to handle and record IJB 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.

***Midlothian IJB SPSO liaison officer:***

Our SPSO liaison officer's 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.]

**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. We must ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints, including the handling of complaints about the Chief Officer.

**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 IJB. 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 opportunities for improvements.

**Recording complaints**

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:



- the complainant's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- 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.

We have structured systems for recording complaints, their outcomes and any resulting action.

### **Reporting of complaints**

Complaints details are analysed for trend information to ensure we identify procedural failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform improvement actions.

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 processes. It also helps ensure transparency in our complaints handling service and will help the public to see that we value their complaints.

We must:

- publicise on a quarterly basis complaints outcomes, trends and actions taken
- where and when possible, use case studies and examples to demonstrate how complaints have led to improvements.

This information should be reported regularly (and at least quarterly) to the integration authority.

### **Learning from complaints**

At the earliest opportunity after the closure of the complaint, officers involved in handling the complaint will make sure that the customer and relevant staff in the integration authority understand the findings of the investigation and any recommendations made.

Senior management will review the information gathered from complaints regularly and consider whether processes 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 processes.



Where we have identified the need for improvement:

- the action needed to improve services must be agreed by the integration authority
- senior management will designate 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 should be monitored to ensure that the issue has been resolved
- we must ensure that the integration authority learns 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 complainant'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 complainant 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, work with the Health Board and the Council to apply the relevant organisational policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour. Where a decision is made to restrict access to a customer under the terms of an unacceptable actions policy, the relevant procedure will be followed 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.



### **Supporting the complainant**

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 processes to help the customer where appropriate.

Several support and advocacy groups are available to support individuals 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 complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.



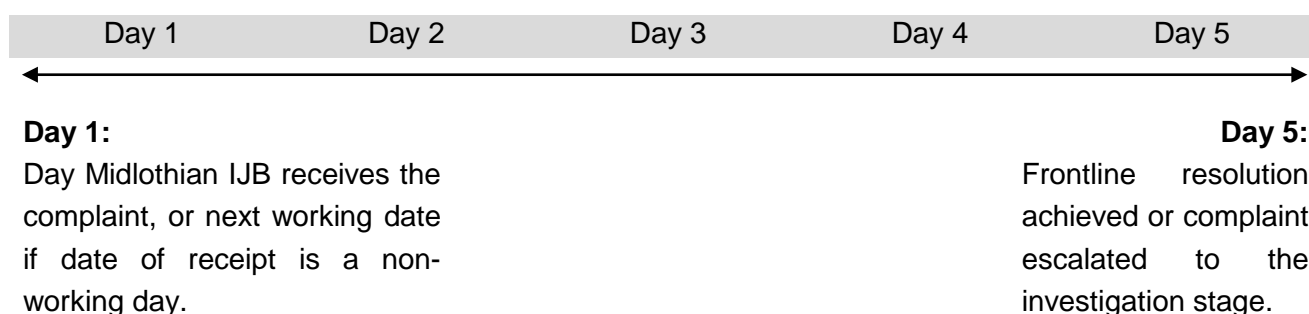
## Appendix 1 - Timelines

### 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.

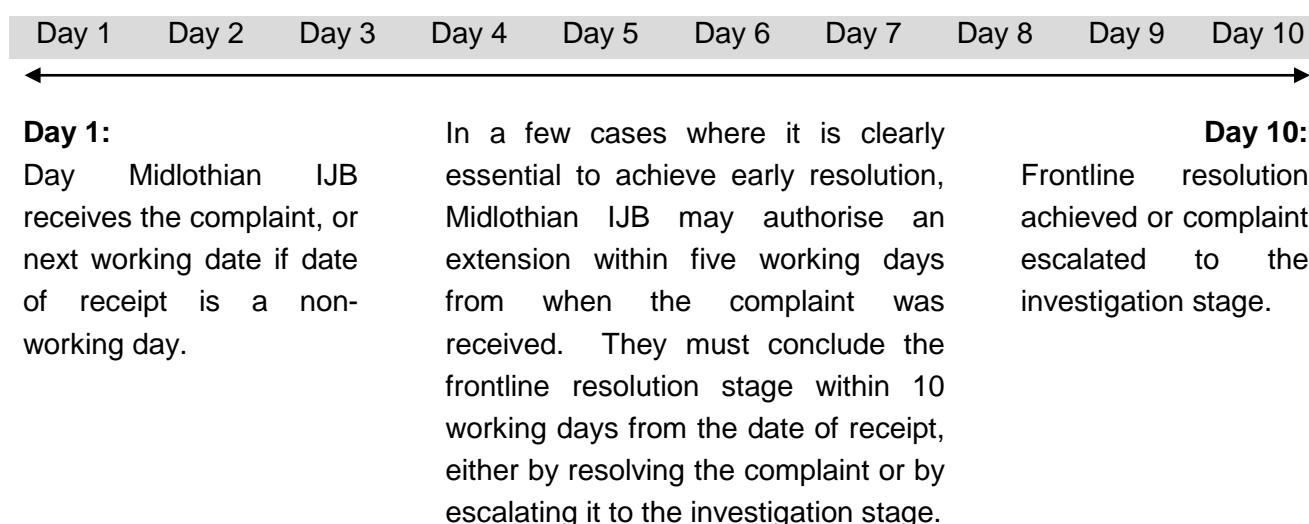
### Timelines at frontline resolution

We will aim to achieve frontline resolution within five working days. The day the Chief Officer receives the complaint is day 1. Where they 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 Midlothian IJB has extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response will 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 complainant 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 complainant is told this will happen.

## Timelines at investigation

Midlothian IJB may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if they believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Acknowledgement

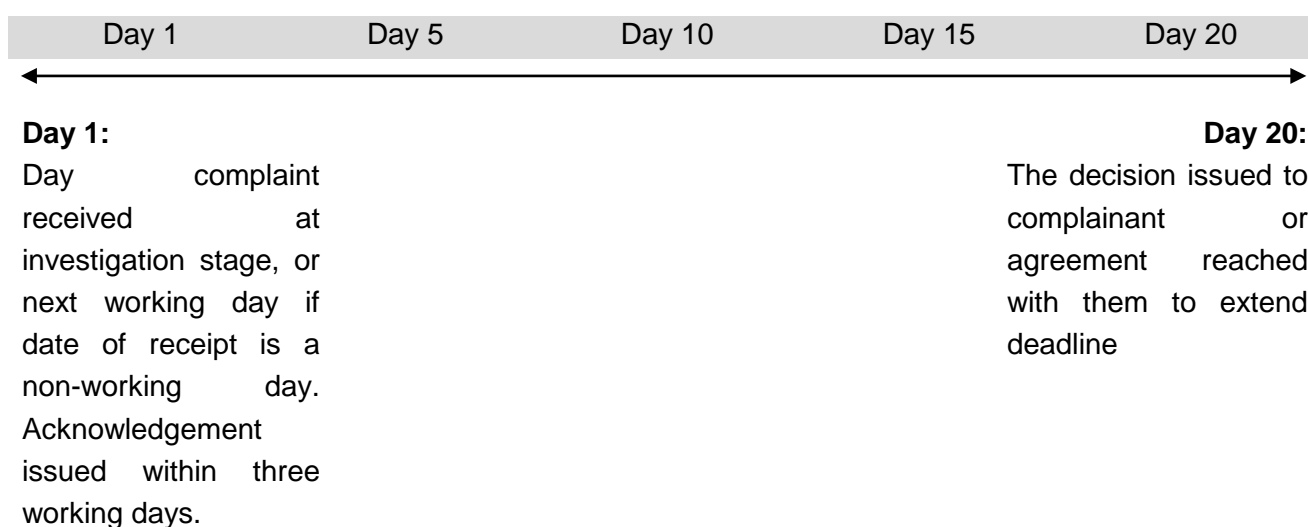
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- 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 complainant asks for an investigation after a decision at the frontline resolution stage. It is important to note that a complainant may not ask for an investigation immediately after attempts at frontline resolution, or
- the date Midlothian IJB receives the complaint, if it is sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Investigation

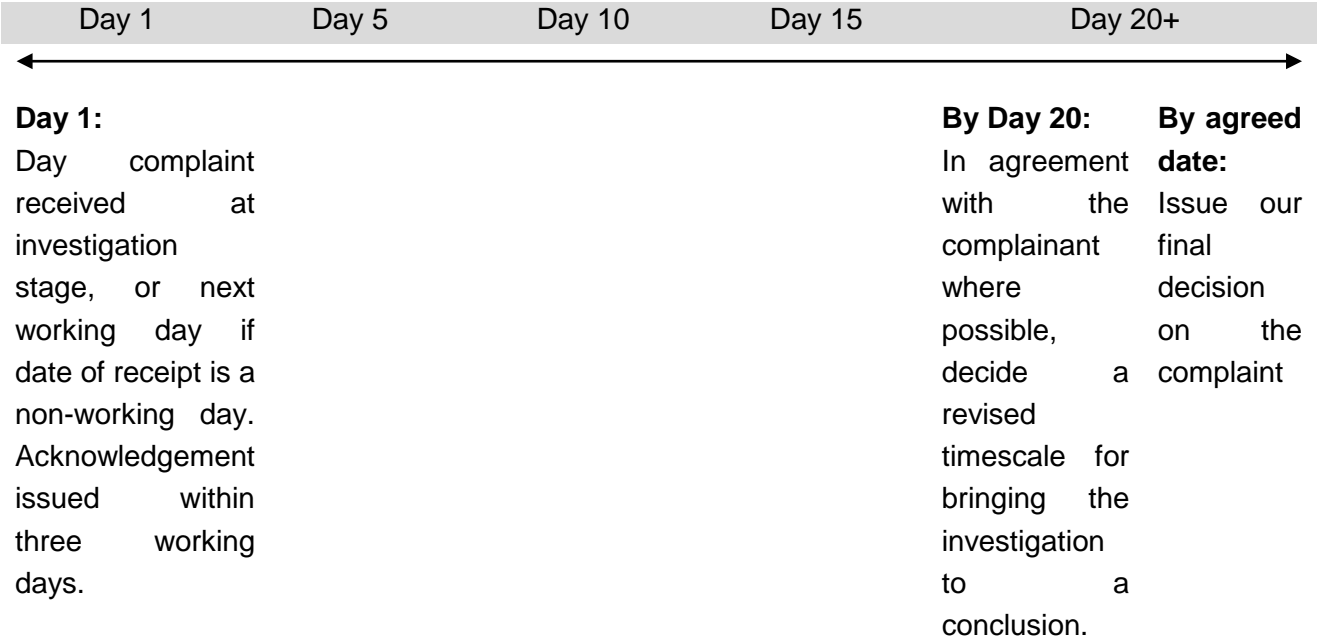
Midlothian IJB will respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

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. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



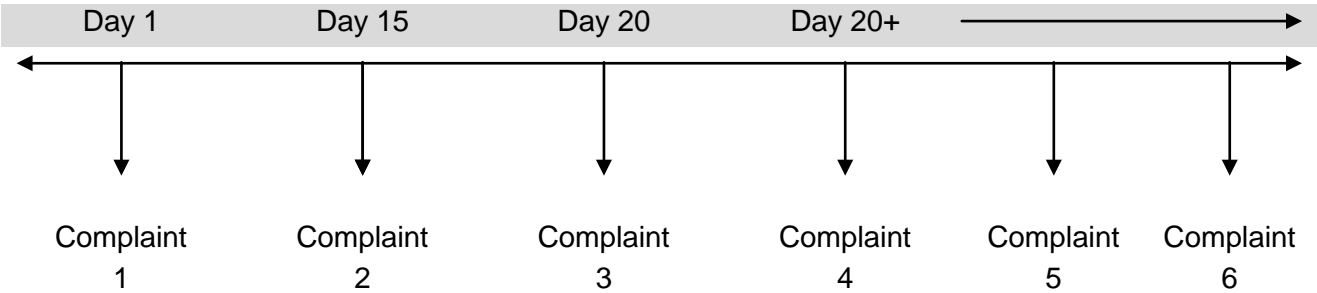


Exceptionally you may need longer than the 20-day limit for a full response. If so, the Chief Officer will explain the reasons to the complainant, and agree with them a revised timescale.



**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 complainant 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 complainant 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 2 - The complaints handling procedure

