

# COMPLAINTS HANDLING PROCEDURE

SCOTTISH BORDERS COUNCIL



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Scottish Borders Council is committed to providing high-quality customer services.

## WE VALUE COMPLAINTS AND USE THEM TO HELP US IMPROVE OUR SERVICES

**If something goes wrong or you're dissatisfied with our services, please tell us. This leaflet describes:**

- our complaints procedure
- how to make a complaint
- how we will handle your complaint
- what you can expect from us

## WHAT IS A COMPLAINT?

**A complaint is any expression of dissatisfaction about:**

- our actions or lack of action
- standards of service provided by us or on our behalf



## WHAT YOU CAN COMPLAINT ABOUT

### **You can complain about things like:**

- our failure or refusal to provide a service
- inadequate quality or standard of service
- an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on you
- our failure to properly apply law, procedure or guidance when delivering services
- our failure to follow the appropriate administrative process
- the conduct, treatment by or attitude of a member of staff or contractor (except where arrangements are in place for the contractor to handle the complaint themselves)
- your disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector)

## WHAT YOU CAN'T COMPLAINT ABOUT

### **There are some things we can't deal with through our complaints handling procedure, including:**

- routine first-time requests for a service
- first-time reports of a fault (for example, potholes or street lighting)
- requests for compensation only
- issues that are currently in or have already been heard by a court or tribunal (if you have an ongoing complaint and decide to take legal action you should let us know)
- where the law outlines how to challenge a decision (such as Freedom of Information and Subject Access Requests)
- where there is an established appeals process followed throughout the sector (such as council tax, planning, or a parking ticket appeal)
- a decision or condition based on social work recommendations, but determined by a court or other statutory body (such as decisions made by a children's panel, parole board or mental health tribunal)
- requests for information under the Data Protection or Freedom of Information (Scotland) Acts

- grievances by a staff member or a grievance relating to employment or staff recruitment
- concerns raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- concerns about a child or an adult's safety
- requests to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Vexatious Complaints and Correspondence Policy
- concerns about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf)

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

## WHO CAN COMPLAIN

**Anyone who receives, requests or is directly affected by our services can make a complaint, including representatives of the person dissatisfied with our service such as:**

- relatives
- friends
- advocates
- advisers

If you make a complaint on behalf of someone else you may need their written consent. Please also read the section on GETTING HELP TO MAKE YOUR COMPLAINT below.

# HOW TO COMPLAIN

**You can make a complaint online at [scotborders.gov.uk/complaints](https://scotborders.gov.uk/complaints) or**

- by email
- by phone
- in writing to any of our offices
- in person at any of our offices

You can find our contact details at [scotborders.gov.uk/contact](https://scotborders.gov.uk/contact) or at the end of this leaflet

You can make a complaint anonymously, but if you'd like a response let us know your name and contact details.

## **You should also tell us:**

- as much about the problem as possible
- what went wrong
- what you would like us to do to put things right

# WHEN YOU SHOULD MAKE YOUR COMPLAINT

**It's easier for us to address complaints if you let us know as soon as possible, but you should make your complaint within six months of:**

- the event you want to complain about
- finding out that you have a reason to complain

In exceptional circumstances, we may be able to accept a complaint after this time limit. If you don't think the time limit should apply to your complaint, you should tell us why not.

# HOW WE HANDLE YOUR COMPLAINT

## STAGE ONE: FRONTLINE RESPONSE

**Where possible, we'll try to respond to your complaint when you first tell us about the problem, which could mean**

- an on-the-spot apology and explanation if something has clearly gone wrong
- immediate action to resolve the problem

We'll give you our decision at Stage One in 5 working days or less, unless there are exceptional circumstances.

If you're not satisfied with our response, we'll tell you what you can do next.

**If you decide to take your complaint to Stage Two, you must normally tell us:**

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your Stage One response (if this is later)

In exceptional circumstances, we may be able to accept a Stage Two complaint after the time limit. If you don't think the time limit should apply to your complaint, you should tell us why not.

## STAGE TWO: INVESTIGATION

### **Complaints are handled at this stage for two reasons:**

- you're not happy with the outcome or response to your complaint at Stage One
- complaints that clearly require more detailed investigation

If you don't want your complaint to be handled at Stage One, you can ask us to handle it at Stage Two instead.

### **When we investigate your complaint at Stage Two we'll:**

- acknowledge receipt of the complaint within 3 working days
- confirm our understanding of the complaint we'll investigate
- confirm our understanding of the outcome you're looking for

### **When investigating your complaint we:**

- may try to resolve your complaint by having a conversation with you, and in some cases we may suggest using an alternative approach such as mediation; or
- we'll give you a full written response

You'll normally receive a response within 20 working days, but if our investigation will take longer than this we'll let you know our revised timescales and keep you updated on progress.

## WHAT IF YOU'RE STILL DISSATISFIED?

### **You can ask the Scottish Public Services Ombudsman (SPSO) to look at your complaint if:**

- you've got all the way through Scottish Borders Council's complaint handling procedure and you're dissatisfied with our final decision or you're not satisfied with the way we've handled your complaint; and
- it's less than 12 months after you became aware of the matter you want to complain about; and
- the matter has not been (and is not being) considered in court.

Some complaints have an alternative route for independent review, but we'll tell you how to do this when we give you our final response to your complaint.

# SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO)

The SPSO are an independent organisation that investigate complaints, and they'll ask you to complete a complaint form and provide a copy of our final response to your complaint.

## **You can do this:**

- online at [www.spsso.org.uk/complain/form](http://www.spsso.org.uk/complain/form)
- or by calling Freephone 0800 377 7330

They're not an advocacy or support service, but if you need help to progress your complaint you can find details of organisations who can help in the section on GETTING HELP TO MAKE YOUR COMPLAINT below.

## **The SPSO's contact details are:**

### **SPSO**

Bridgeside House | 99 McDonald Road | Edinburgh | EH7 4NS

(if you would like to visit in person, you must make an appointment first)

## **Their freepost address is:**

### **FREEPOST SPSO**

freephone: 0800 377 7330

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

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



# CARE COMPLAINTS

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

## **CARE INSPECTORATE**

tel: 0345 600 9527 | email: [concerns@careinspectorate.gov.scot](mailto:concerns@careinspectorate.gov.scot)  
[www.careinspectorate.com](http://www.careinspectorate.com)  
online complaint: Making a complaint online

# GETTING HELP TO MAKE YOUR COMPLAINT

We understand that you may be unable or are reluctant to make a complaint yourself. Friends, relatives, or advocates can make a complaint for you if you have given them your consent.

**Some organisation that may also be able to help you are:**

## **SCOTTISH INDEPENDENT ADVOCACY ALLIANCE**

tel: 0131 510 9410 | email: [enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)  
[www.siaa.org.uk](http://www.siaa.org.uk)



## **BORDERS INDEPENDENT ADVOCACY SERVICE**

Low Buckholmside | Galashiels | TD1 1RT  
tel: 01896 752200 | email: [info@bordersadvocacy.org.uk](mailto:info@bordersadvocacy.org.uk)  
[www.bordersadvocacy.org.uk](http://www.bordersadvocacy.org.uk)

## **CITIZENS ADVICE SCOTLAND**

[www.cas.org.uk](http://www.cas.org.uk)  
Or check your phone book for your local citizens advice bureau.

We're committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we'll always ensure that reasonable adjustments are made to help you access and use our services.

If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please contact our Customer Advice and Support Service.

# CUSTOMER ADVICE AND SUPPORT SERVICE CONTACT DETAILS

## **CUSTOMER ADVICE AND SUPPORT SERVICE**

Council Headquarters | Newtown St Boswells | MELROSE | TD6 0SA  
tel: 0300 100 1800 | email: [CustomerAdvice@scotborders.gov.uk](mailto:CustomerAdvice@scotborders.gov.uk)  
[www.scotborders.gov.uk](http://www.scotborders.gov.uk)



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