



SCOTTISH  
CHILDREN'S REPORTER  
ADMINISTRATION

# SCRA Complaints Handling Procedure 2018



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## Introduction and Background

This Complaints Handling Procedure (CHP) reflects SCRA's commitment to valuing complaints. It seeks to resolve complaints as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints.

This procedure is a standardised approach to handling complaints which complies with the Scottish Public Sector Ombudsman's (SPSO's) guidance on a model complaints handling procedure. It focuses on early resolution of complaints, with staff being properly trained and empowered to deal with complaints.

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.

We are developing a culture of valuing complaints, recognising that complaints are an excellent way of learning and driving improvements. Individual lessons are learned through each complaint that we receive, and the organisation will collectively learn about more general issues.

This is a revised version of the CHP which has been updated to ensure that we cover all that is required by the SPSO.

The term customer refers to children, families and professionals throughout this document.

Please let us know if there are any difficulties in using this CHP, or if there are any ideas for improving it. You can contact us at [communications@scra.gsi.gov.uk](mailto:communications@scra.gsi.gov.uk).

Acknowledgments: Thank you to the Scottish Public Services Ombudsman and its staff for their support and guidance.

## What is a Complaint?

SCRA's definition of a complaint is:

*An expression of dissatisfaction by one or more members of the public or from another agency about SCRA's action or lack of action, or about the standard of service provided by, or on behalf of, SCRA.*

### A complaint may be that:

- A service that should have been provided by SCRA has not been provided.
- A service has not been provided by SCRA to an appropriate standard.
- A request for a service has not been answered/actioned.
- A complaint that an SCRA staff member was rude or unhelpful.
- An SCRA staff member failed to attend a scheduled appointment.

**Appendix 1** provides a range of complaints that we may receive and how these may be handled.

A complaint is not:

- A routine first time request for a service
- Issues that are in court/ at Children's Hearing or have already been heard by a court or a Children's Hearing.
- 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.

SCRA will not treat these issues as complaints, and will instead direct customers to use the appropriate procedures.

**Appendix 2** gives more examples of "what is not a complaint" and how to direct individuals appropriately.

### 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 Locality Reporter Manager (LRM) or a senior manager.

If an anonymous complaint makes serious allegations, it should be referred to a LRM or a senior manager immediately.

If an anonymous complaint is pursued 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 recorded and allow corrective action to be taken where appropriate.

### **What if the customer does not want to complain?**

If a customer has expressed dissatisfaction in line with SCRA's definition of a complaint but does not want to complain, we will encourage them to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the individual is updated on the action taken and gets 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 the customer's 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.

Please refer to the example in [Appendix 1](#) for further guidance.

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

Anyone who receives, requests or is affected by our services can make a complaint. A customer may be a child/young person, their family or a professional. 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.

### **Supporting the customer**

All members of the community have the right to equal access to complain. Complainants who do not have English as a first language may need help with interpretation and translation services, and other complainants may have specific needs that we will seek to address to ensure easy access to complain.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help children, young people and their families and anyone accessing our service where appropriate.

When a complaint is first received, it should be reviewed to determine whether the complaint relates to alleged unlawful and unfair discrimination on the basis of age, disability, care experience, religion or belief, sex, gender re-assignment, marriage and civil partnership, pregnancy, race, or sexual

orientation. It may be immediately obvious from the substance of the complaint e.g. no reasonable adjustments made to address the needs of a child, young person or their family member(s) with a disability in communicating with or supporting them to attend a children's hearing; failing to use sensitive and appropriate language in relation to a child, young person or their family member(s) gender identity; or failing to provide help with translation or interpretation services for children, young people and their families attending children's hearings where English is not their first language.

There may, however, be other examples where the complaint does not focus on an equalities issue and only on reading the background papers does the equalities issue emerge. For instance: the complainant may be complaining about a hearing proceeding in their absence and it is only on looking further that it can be identified that the reason for the non attendance was that the reporter scheduled the hearing on a date that coincided with a religious festival.

Identifying any equalities issue at the outset is important not just for the resolution of the complaint but for effective communication with the complainant. For instance, does any letter need to be translated? If offering to meet the complainant, does the proposed venue provide accessibility and any reasonable adjustments the complainant requires to meet their individual needs?

Contact with the equalities lead or an equalities ambassador should always be considered to get their advice/ support but also to inform them where appropriate of the nature of the complaint and any implications for the development of national policy or training. The complaints administrator within SCRA should also be advised if the complaint has an equalities feature so that a proper record can be made of how many complaints SCRA receives that has an equalities component

Several support and advocacy groups are available to support children, young people and their families and anyone accessing our service in pursuing a complaint and they will be signposted to these by the SCRA complaint handler, as appropriate.

### **Scottish Independent Advocacy Alliance**

Tel: 0131 260 5380 Fax: 0131 260 5381 Website: [www.siaa.org.uk](http://www.siaa.org.uk)

### **Citizen's Advice Bureau**

Web: [www.cas.org.uk](http://www.cas.org.uk)

### **Learning from complaints**

At the earliest opportunity after the closure of the complaint, the complaint handler will always make sure that the complainant and staff of the locality involved understand the findings of the investigation and any recommendations made.

The head of Practice and Policy/Senior Executive Management Team will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, SCRA 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 SCRA has identified the need for service improvement:

- the action needed to improve services must be authorised
- a staff member (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 individual 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
- SCRA must ensure that staff learn from complaints.

To monitor and improve the quality of our complaints handling, SCRA regularly reviews the handling of a sample of complaints.

Quarterly management review of complaints volumes, outcomes and actions resulting from complaints allows SCRA to identify trends and take appropriate actions to improve our services. There is further scrutiny of SCRA's Complaints Handling Procedure through annual reporting to SCRA's Audit and Risk Committee.

### **Complaints involving more than one organisation**

If a complaint to SCRA is about the service of another agency or public service provider, but SCRA has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where a complaint relates to a service provided by SCRA and the service of another agency or public service provider, (for example Children's Hearing Scotland, Local Authorities), and SCRA has a direct interest in the issue, we must handle the complaint about SCRA through the Complaints Handling Procedure.

We should advise the complainant of which aspects of the complaint lie outwith our jurisdiction and to whom they should be directed. If enquiries to an outside agency in relation to the complaint are required we will always take account of data protection legislation and our guidance on handling our customer's personal information.

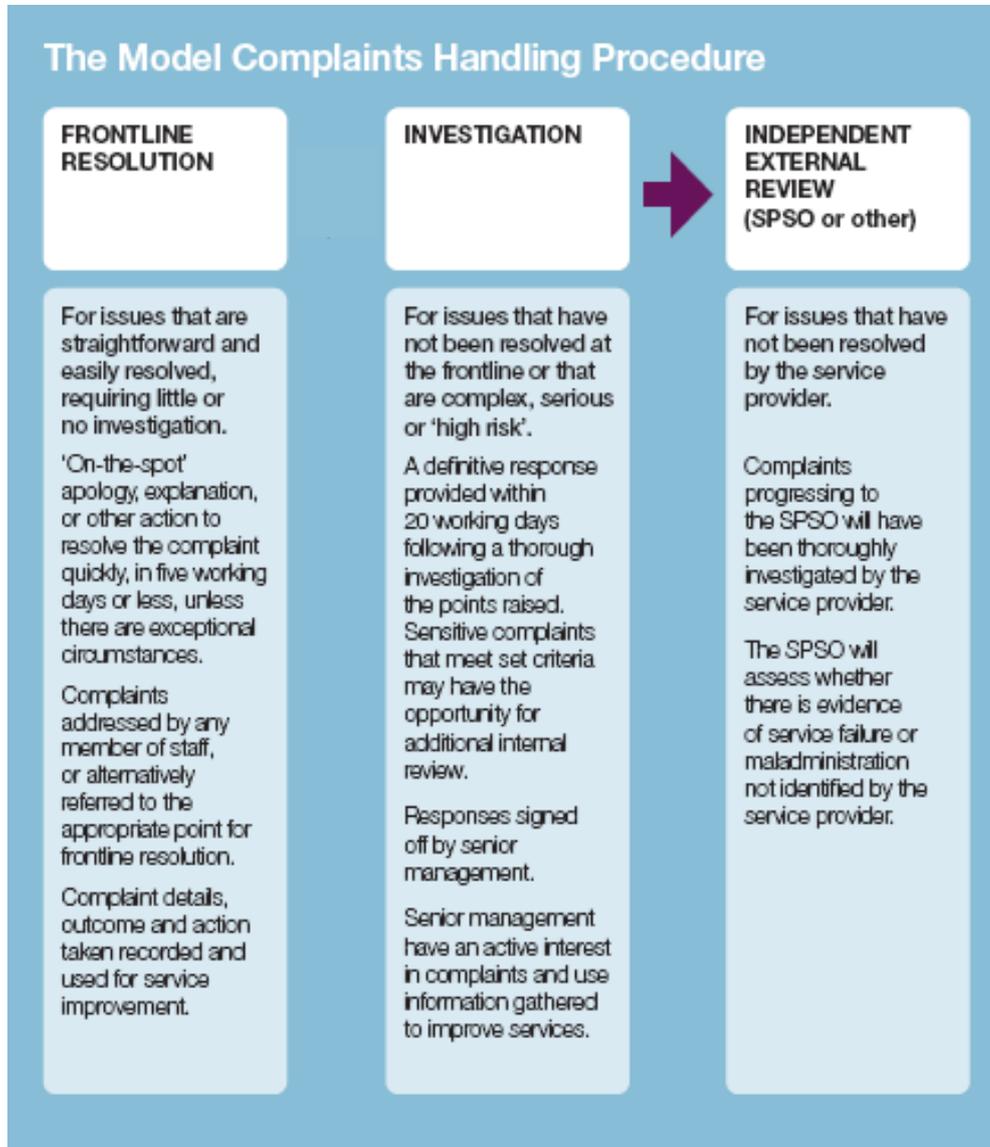
The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Such complaints may include:

- The treatment by or attitude of a Children's Reporter and a panel member at a children's hearing
- The provision of inaccurate or late information for a hearing directed at both social work and SCRA.

## The Complaints Handling Procedure

The following graphic outlines the model CHP created by the SPSO - SCRA's guidance reflects this model.



There is a helpful flowchart of the Complaints Handling Procedure in Appendix 4.

## Frontline resolution

We will take every opportunity to resolve complaints at the first point of contact, if at all possible. Frontline resolution will be attempted where the issues involved are straightforward and potentially easily resolved, requiring little or no investigation. Complaints may be received by different means such as a letter or email, over the telephone or in person. Accordingly, all staff members who could potentially be the first point of contact for a customer wishing to raise a complaint, will be equipped to attempt to resolve a complaint relevant to their area of service there and then, wherever possible.

In a practical sense, this means all frontline staff will, as a minimum, be aware of SCRA's CHP and be empowered to deal with and resolve such complaints as they arise. Alternatively, in the event that they are unable to deal with the complaint, for example if they are unfamiliar with the issues or area of service involved, they will be in a position to signpost customers and/or complaints received to the appropriate point for frontline resolution.

The clear focus of frontline resolution is on taking action to resolve complaints quickly where this is possible. This may take the form of a quick apology or explanation for a service failure where this is evident.

Complaints resolved at the frontline of service provision are an effective tool in terms of minimising costs as well as resolving customer dissatisfaction. The fewer people that are involved in responding to a complaint, and the quicker a response is given, the greater the chance of resolution and the lower the cost of that complaint to SCRA in terms of resources and potential redress.

### When is frontline resolution appropriate?

As a matter of course, any staff member being presented with a complaint (regardless of whether that complaint has been submitted in writing, in person or by telephone) will attempt to resolve the issue that has been raised. Examples of issues suitable for frontline resolution are available in Appendix 1.

The member of staff receiving the complaint should consider four key questions:

- What is the complaint?
- What does the customer wish to achieve by complaining?
- Can I achieve this, or provide an explanation as to why not?
- If I can't resolve this who can I refer the complaint to for frontline resolution?

Wherever possible, staff members who are the subject of a complaint will not handle or respond to the complaint. Neither will frontline staff who may have a clear conflict of interest in the matter. These complaints can still be resolved at the frontline, however, through involving other staff as appropriate including supervisory staff.

It is the nature of the complaint (i.e. non-complex/non-contentious), rather than the means by which it is presented, that should determine whether a complaint is handled at the frontline. A complaint in writing could, therefore, be resolved at the frontline.

### Who responds to complaints at the frontline?

Any frontline member of staff can potentially be approached by a customer wishing to raise a complaint. All frontline staff involved in delivering services will, therefore, seek to resolve straightforward complaints at the point of service delivery where they are qualified and in a position to do so.

Of course, it will not always be possible for all frontline staff to attempt to resolve complaints about all issues. Frontline staff will pass the complaint to an appropriate and empowered member of staff, if they themselves are not in a position to handle the complaint directly.

### Timescales for frontline resolution

The aim of frontline resolution is to provide a quick, informed response to a complaint without the need for a detailed investigation of the points raised. The issues are by definition those that can mostly be addressed 'on-the-spot' by frontline staff. In this context it is likely that resolution will take place face-to-face or on the telephone, and should be achievable within a short period of time - 24 hours in the majority of cases.

Frontline resolution will be completed within **five working days**. In practice frontline resolution will often be achieved in a much shorter timescale.

It may on occasion be necessary to obtain information from other parts of the organisation to resolve the complaint at the frontline. Where this is the case, frontline staff will make the appropriate enquiries to obtain the information required for the response to be made to the complainant.

It is important, however, that frontline staff take no longer than five working days to go back to the customer, either with a response that resolves the matter, or to advise the customer that their complaint is going to be investigated further.

In exceptional circumstances, where there are clear and justifiable reasons for doing so, we have the option to negotiate an agreed extension with the complainant during frontline resolution. This extension will be of no more than five working days and will be applied only when this will increase the possibility of resolving the complaint at the frontline without escalation to investigation.

Where this action is taken, authorisation will be obtained from the line manager of the person dealing with the complaint. It is important to stress that such extensions will not become the norm and should only be used in a small proportion of complaints.

Where the timescale is extended during frontline resolution, the reasons for delay and a revised timescale for response will be provided to the complainant. Importantly, all attempts to resolve the complaint will take no longer than 10 working days from the date of receipt of the complaint. See Appendix 3 for further information on timelines.

### Closing the complaint at the frontline resolution stage

Where a complaint has been successfully resolved at the frontline, and the outcome has been communicated to the complainant either by face-to-face, telephone or email communication, there is no additional requirement to send further written confirmation to the customer, although we may choose to do so if deemed appropriate.

**It is important to keep a full and accurate record of the decision reached and given to the customer. The complaint form should be completed and emailed to the complaints mailbox.**

There may be occasions where a complainant simply refuses to engage with attempts to achieve frontline resolution and insists that their complaint be fully investigated and a formal response provided. Although every effort will be made to resolve complaints at the frontline, in these circumstances complaints should be escalated and investigated.

#### Frontline resolution – key points:

- All frontline staff are responsible for dealing with complaints.
- Frontline staff will make themselves aware of the CHP, and regard themselves as empowered to resolve complaints wherever possible or to escalate the complaint to a higher level.
- An immediate response is preferred or within five working days if informal investigation is required.
- Telephone or face-to-face contact is encouraged.
- All complaints must be recorded.

## Investigation

### When is investigation appropriate?

Some examples of complaints that may be considered suitable for investigation are listed below, but any member of staff dealing with a frontline complaint is free to seek guidance with a view to escalating the complaint.

#### Examples of issues suitable for investigation:

- Frontline resolution was attempted, but the customer remains dissatisfied.
- The customer refuses to engage with the frontline resolution process.
- The issues raised are complex and will require detailed investigation.
- The complaint relates to issues that have been identified as serious or high risk/high profile.

#### Issues which may lead to potential serious or high risk profile complaints:

- Involves death or terminal illness.
- Involves major delays in service provision or repeated failure to provide a service.
- There has been press interest.
- A risk to the organisation has been identified.

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved by the frontline. Complaints handled by investigation are typically those that are complex or require a certain amount of examination to establish the relevant facts before we can state our position.

At the investigation stage, the investigating officer should also be aiming to 'get it right first time'. Their goal is to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response that represents our definitive position. Decisions reached at this stage of the CHP should communicate the views of Senior Management, as represented by Locality managers.

### Who responds to complaints that require investigation?

Dependent upon the issues raised within a complaint and if it is decided that investigation is required, then a referral will be made to Senior Management who will appoint an investigating officer.

Complainants will have a single point of contact for their complaint. Not only does this provide reassurance for them that someone is attending to their complaint, it also ensures that one individual within SCRA has taken responsibility for investigating the points raised and responding to them. The complainant will be provided with the name and contact details of the person dealing with their complaint as early as possible after the decision to investigate the matter is taken.

The investigating officer is responsible for establishing what information is required, for gathering that information and for ensuring that the information gathered is of a suitable quality and accuracy to enable a full and informed response to be issued.

The investigating officer will be a staff member that has not been involved in the issues complained about nor, where possible, have had previous contact with the complainant. If appropriate, the investigating officer will be from a different area.

Staff selected as investigating officers, will have sufficient internal credibility and independence to ask difficult questions, and recommend changes to policy or procedures in response to the complaint. They will have a thorough understanding of the CHP and a reasonable knowledge of the procedures of the department or function involved. They will be fully trained in how to plan and conduct investigations, including how to obtain and analyse evidence. They will have the authority to resolve complaints within pre-determined boundaries and will have the support of Senior Management to do so. There will be a direct reporting line to the Senior Management team and investigators will also be able to seek advice from Senior Management about the conduct or findings of an investigation whenever necessary.

### **Support for staff through the investigation process**

Where staff members become directly or indirectly the subject of investigation, it is not only important that they are made aware of the relevant allegations or concerns as early as practical by the investigating officer, but also that they are provided with appropriate support throughout the process. To that end SCRA will appoint a separate member of staff with sufficient knowledge and experience to provide support and advice. That support person will make contact with the staff member offering their services and will make themselves available as appropriate. It is important that the support person is kept informed of progress by the investigating officer. This provision of support is in addition to other supports available to staff such as their local UNISON representative and the HELP EAP help line.

This offer of support is independent of SCRA's Disciplinary Policy in which employees are entitled to representation – and which has a different purpose. The Disciplinary Policy should be strictly followed in cases where the investigation demonstrates that the issues are within the scope of that policy.

Where a complaint relates to the handling of a case by a specific member of staff, consideration should be given to whether that member of staff should remain involved in the case while the complaint is being investigated. The line manager for the member of staff should consider the following factors:

- The best interests of the child. This is the paramount consideration. If it would be detrimental for the child if the case was transferred to another member of staff then clearly that should not be done.
- The impact on the member of staff. In some cases it can be difficult for a member of staff to continue to handle a case when they are being criticised by, for example, the family. On the other hand, removing a member of staff from the handling of the case can be disempowering.
- The nature of the complaint. The more personal it is against the member of staff, the more difficult it can be for them to continue to handle the case.
- The stage that the case has reached. For example, if a case is in the middle of a court process then it will be very difficult to extract the member of staff from that case.
- The impact on the complainer. Removing a member of staff from a case can empower the complainer, and for serial complainers they may use complaints as a tactic for constantly changing the person dealing with the case.
- The fairness of the complaints process.

The decision on this issue lies with line manager of the member of staff. Advice and support can be obtained from senior managers.

### Timescales for investigation

The following deadlines will be appropriate:

- Complaints will be acknowledged within three working days.
- A full response will be provided within 20 working days.

If the response is likely to be delayed, the complainant will be told and given a revised timescale for bringing the investigation to a conclusion.

It is recognised that some complex complaints may take longer to resolve and that there may be some complaints that are so complex that they will require careful consideration and detailed investigation beyond the 20 working days target. Where there are clear and justifiable reasons for extending the timescale, the investigating officer will set time limits on any extended investigation, subject to agreement with the complainant. The important consideration in cases which exceed the 20 working days target is that the complainant should be kept updated of the reason for the delay and given a revised timescale for bringing the investigation to a conclusion. If the complainant does not agree to an extension but it is unavoidable and reasonable, then Senior Management must consider and confirm the extension.

There may be occasions where we have no option but to 'suspend' a complaint investigation in circumstances where the case cannot be closed but, for reasons out with our control, it cannot be progressed either. Examples of such situations may include cases where we cannot get the information we require as a result of incapacity/health issues or in cases where a person cannot be contacted.

Suspending a complaint will be very much the exception, with any decision to suspend an investigation being agreed by Senior Management. A decision to suspend will be formally recorded and be for a defined period of time at the end of which it should be reviewed.

#### **Investigation – key points:**

- The investigating officer will define the issues to be considered when a formal investigation is instructed.
- We will provide a full written response within 20 working days.
- The outcome of any formal investigation will be a single definitive decision, signed by the investigating officer.
- Authority to deal with complaints will often be delegated to Locality Managers but for more serious or high profile complaints there will be a requirement to fully consult with Senior Management.

#### **Establishing the complaint**

Where possible, complaints to be considered that require further investigation should be submitted in writing. It is important, however, that this does not present a barrier to the complainant and that they do not feel that it is being used as such. Where the customer cannot provide the complaint in writing, SCRA will accept complaints also by e-mail and verbally.

If SCRA staff assist the complainant by writing the complaint for them, the member of staff will read the complaint back to the customer to ensure that an accurate record has been taken. Where possible, the complainant should endorse the complaint form or letter to show that they agree that this is the complaint they want to make.

There will be occasions where a customer is unable, or reluctant, to make a complaint on their own. SCRA will accept complaints brought by third parties as long as they obtain appropriate consent from the child or family or professional. They will also explain the role of advocacy agencies e.g. Family Law Centres and their ability to provide impartial assistance to complainants. Complaints which do not centre on specific cases, but are related to policy and procedure in general, may be made anonymously (e.g. by non-identifying email).

## Investigating complaints

On receiving a complaint, the investigating officer will address three key questions:

- What is the complaint?
- What does the complainant wish to achieve by complaining?
- Are the complainant's expectations realistic and achievable?

The answers to these questions should be established and agreed by the SCRA staff member and complainant at the outset. In many cases the answers will be clear, but where they are not, the SCRA staff member will ask the customer directly for clarification. Once the specific points of the complaint and the desired outcome are established, the investigating officer can use these to focus the investigation. A proper investigation starts with a thorough review of the circumstances being complained about.

To establish the facts behind the complaint and the service provider's definitive position, it is essential that a tailored investigation is carried out which is thorough but also proportionate to the issues that have been raised. It is for the investigating officer to decide what information is required and from where that information should be gathered.

When gathering evidence as part of an investigation, due regard should always be given to information that may be confidential, sensitive, restricted (e.g. in relation to relevant persons) or covered by data protection legislation, court orders, with consent to access records (such as medical records) being obtained where appropriate.

Relevant staff will be made aware of the investigating officer's role and will be asked to co-operate by providing any information requested, quickly and in full.

The staff involved in investigating must be of an appropriate level and suitably neutral in relation to the allegation. The investigative staff must have the authority to obtain relevant evidence and have full access to people, records and specialist advice if necessary.

Relevant evidence will normally include the child or family or professional's records, notes of conversations with the child or family or professional and details of the complaint itself, as well as any supporting correspondence or documentation, including relevant policies and procedures. Once the evidence is collated, it is good practice to prepare a chronology or history of the circumstances and events leading to the complaint. If there are gaps in the required information, these should be identified and further evidence collected.

The evidence suggests a higher resolution rate when there is direct dialogue with the complainant either by phone or by personal meeting. While there will always be a judgement to be made – and that must include a check on any personal safety issues if a direct meeting is planned - a greater use of personal contact is likely to help the overall rate of success and should always be considered.

Investigative staff can use various tools to establish the facts that they need to reach a decision. Staff should be given the resources to conduct interviews, make site visits and obtain independent professional advice if this is required. When investigating a complaint, wherever possible, staff who were originally involved in the issues being complained about should be spoken to as part of the investigation process.

Investigative staff will not, however, simply accept the account of staff without question. Where appropriate, and particularly where accounts differ, they will need to question explanations given by colleagues. They will, therefore, have the authority to do so.

The scale of the investigation will be proportionate to the issues complained about. The complaint handler will seek to establish:

- What should have happened?
- What did happen?
- What was the cause of any identified failings?
- What can be done to rectify any failings?

The conclusion reached must be based on an objective analysis of the evidence and will provide a clear explanation of this analysis. It is essential that all points raised by the child or family or professional and agreed at the start of the investigation, are properly and fully considered in SCRA's response. Multiple subjects of complaint relating to a similar issue can be grouped together or summarised.

The investigating officer will aim to resolve the complaint by either meeting the customer's expectations or, where this is not appropriate, providing a full explanation of the service provider's position.

**The investigating officer must keep appropriate notes of their investigation, including telephone calls and meetings and retain these for a period of one year to cover any potential investigation by the SPSO/ICO.**

### Using alternative dispute resolution

Some types of complaint are not easily resolved through written correspondence. Complaints handling staff will be aware of the different forms of dispute resolution available. They will be encouraged to use services such as mediation which can be a very effective tool in resolving customer dissatisfaction and can defuse problems before they escalate. Where parties agree, mediation can be used to facilitate communication between the customer and the person or organisation that they are complaining about, helping all concerned to get to the real issues and underlying concerns. SCRA has access to appropriately trained and qualified mediators.

**The benefits of mediation:**

- It provides an efficient and fair process.
- It enables both parties to understand what is driving the complaint.
- It is more likely to result in mutually satisfactory solutions being reached or special arrangements being made and put in place quickly.
- It often results in improved relationships and increased customer satisfaction rates.

**Redress**

Redress can come in a number of forms and it is important that SCRA is not overly prescriptive in their approach. SCRA may propose a form of redress that will resolve their complaint. SCRA should always consider the child or family or professional's wishes and, if it is reasonable and legal to meet them, complaints handling staff should be encouraged to make the desired arrangements.

The child or family or professional's wishes will not, however, always be reasonable and there will, of course, be limits to SCRA's powers to provide certain remedies. Any failures should be acknowledged and remedied quickly and fairly and in a way that best reflects the extent of the problems encountered by the customer. Appropriate redress could include:

- An apology
- An explanation
- Correcting the error

Generally, where service failings have been identified, SCRA should attempt, if possible, to put the child or family or professional back in the position they were in before the error occurred. If this is not possible, then other forms of redress will be considered such as providing an explanation and apology.

SCRA will undertake to improve procedures or systems or implement staff training to address service failures where this is appropriate. The complainant will be told about action taken, although it is not appropriate to share specific details that affect individual staff members.

In many cases, the customer may want SCRA to acknowledge their shortcomings and apologise. Apologies will be unequivocal and SCRA will not apportion blame on the customer.

**Redress – key points:**

- A form of redress may be available and SCRA will always consider the customer's wishes.
- The approach to redress will be consistent, but adaptable to the specific circumstances of the complaint – a variety of redress options should be available to complaints handling staff.
- Suggestions made by customers will be considered and met if appropriate.

**Closing the complaint at the investigation stage**

At the end of the investigation, SCRA's decision will be formally communicated to the customer, either face-to-face or in writing. Responses will be based on the facts established by the investigation and a full explanation will be given about how those facts were used to inform the conclusions reached. Literacy will not be assumed and the use of telephone contact may be appropriate if the child or family member has special needs, or where the subject matter to be communicated is sensitive. In these cases, it is good practice to communicate the information by telephone, followed by a letter.

Each of the issues agreed between SCRA and the child or family or professional as forming the complaint should be responded to in full. Correspondence should be clear and easy for the recipient to understand. Investigating officers should take into account the specific needs of customers and provide material in a suitable format and in languages other than English if appropriate.

Technical language and jargon will be avoided where possible, or explained in lay terms. It may also be helpful to signpost complainants at this point to the role of advocates, if they require further assistance.

Where an investigation identifies a service failure and SCRA proposes to take action to resolve the dissatisfaction, the correspondence will include details of what will be done and when.

**The outcome of the complaint, details of how the complaint was investigated and a copy of the decision letter should be sent to the complaints mailbox so that it can be recorded on the complaints database.**

**Independent external review**

A thorough investigation leading to a full and objective response to the complaints, endorsed by Senior Management, will ensure that the definitive

position has been established. Should the child or family or professional remain dissatisfied, further investigation by SCRA will not change that decision.

The final decision letter will tell the customer about their right to complain to the Scottish Public Sector Ombudsman (SPSO), should they be dissatisfied with the outcome of their complaint and provide SPSO's contact details. It will inform the complainant that they should take their complaint to the SPSO within 12 months of becoming aware of the issue which gave rise to the complaint.

The SPSO will consider complaints from the child or family or professional and may carry out its own investigation where there are indications that there may have been maladministration or service failure by SCRA. SCRA will ensure that complaints correspondence and details of their own investigation are available for review by the Ombudsman if required. SCRA staff will keep accurate records of their investigation and of any interviews or meetings held to discuss the complaint. These documents will be retained in line with SCRA's Records Management Policy.

## Unacceptable behaviour by complainants

People may act out of character in times of trouble or distress. If there have been upsetting or distressing circumstances leading up to a complaint, in a small number of cases this can lead to a customer acting in an unacceptable way. Examples of behaviour that may be considered unacceptable include: persistent refusal to accept explanations relating to what can or cannot be done about the complaint, and continuing to pursue a complaint without presenting any new information.

Behaviour should not be viewed as unacceptable just because a child or family or professional is forceful or determined. In fact, being persistent can be a positive advantage when pursuing a complaint. However, the actions of a child or family or professional who is angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards staff. This is covered in SCRA's [Unacceptable Behaviour Policy](#) and [Dignity at Work Policy](#).

The threat or use of physical violence, verbal abuse or harassment towards staff may result in the ending of all direct contact with the child or family or professional. It may be appropriate to report incidents to the police. Incidents where physical violence is used or threatened should always be reported.

## Vexatious complaints

Most complaints made are reasonable, however, we may receive some complaints which we consider to be of a vexatious nature.

Features of a vexatious complaint may include the following:

- There appears to be insufficient or no grounds for the complaint.
- The complaint appears to have been made only to annoy or cause problems, or the complaint is regularly added to, or the focus of the complaint keeps changing.
- There is a refusal to co-operate with the complaints investigation process.
- What appears to be groundless complaints, are made about the staff members dealing with the issue, and efforts may be made to have them replaced or dismissed.
- The person making the complaint may make what appears to be an unreasonable number of contacts with us.

If we consider a complaint to be of a vexatious nature, we will assess in the first instance whether the person making the complaint has been dealt with in a fair and open manner in line with our CHP. If it is felt the complaint has not been dealt with in a fair and open manner, then we will address this.

If a complaint is deemed as vexatious, Senior Management will then discuss the issue. We will then contact the complainant either by phone, in writing or by email to explain why we have deemed the complaint as vexatious.

We will identify the behaviour that is causing concern and ask the complainant to change their behaviour.

We will explain the actions that SCRA may take if the behaviour does not change. This may include restricting the complainant's contact with SCRA.

### Restrictions

Where behaviour is causing continued concern, we will issue a letter to the complainant advising them that the way in which they will be allowed to contact SCRA in the future will be restricted.

Any restriction that is imposed on the complainant's contact with SCRA will be appropriate and proportionate, and last only for as long as is necessary.

Restrictions will be tailored to deal with the individual circumstances of the complainant. Examples of restrictions may include:

- Requiring contact to take place with one named member of staff only.
- Restricting telephone calls to specified days / times / duration.
- Requiring any personal contact to take place in the presence of an appropriate witness.
- Banning the complainant from sending emails or calling particular members of staff.

- Banning the complainant from accessing any SCRA building, except by appointment.

When the decision has been taken to apply this policy to a complainant, we will contact the complainant in writing to explain: Why we have taken the decision ~ What action we are taking ~ The duration of that action ~ The review process of this policy, and the right of the complainant to contact the SPSO.

Support will be given by Senior Management to staff dealing with vexatious complaints.

## Recording, Reporting, Learning and Publicising

### Recording complaints

SCRA recognises the value of information and intelligence received from complaints. It provides us with information following lessons learned and this can help improve our services and processes in the future.

SCRA has a system for recording complaints, their outcomes and any resulting action. This system enables any member of SCRA staff to easily record the details of a complaint no matter whether it is dealt with through frontline resolution or if it needs further investigation. There will be one point of contact for the customer to reduce the number of people dealing with the complaint.

The system holds the information securely, enables the progress and outcome of any complaints that require further investigation to be easily recorded and reported on, has the ability to hold details of all correspondence in connection with a complaint and to record the timescales involved with the resolution of the complaint.

Complaints received from customers can easily be added into the same system to ensure all complaints are captured in one system and in a single location, ensuring complaint categories are kept consistent throughout.

The people responsible for administering complaints records have been fully trained in Data Protection requirements.

The internal complaints form, any subsequent investigation notes and correspondence including the final decision letter should be sent to the complaints mailbox and this information will be recorded on the log by the Information Assistant.

### Publicising our Complaints Handling Procedure

SCRA's CHP is easily accessible by children, young people and their families, as well as our partners in the Children's Hearings System, including Panel Members, Safeguarders, social workers and others.

The publicity material explains that it is a CHP and not a facility for feedback or comments. SCRA already has a mailbox for general feedback and comments – please email [communications@scra.gsi.gov.uk](mailto:communications@scra.gsi.gov.uk), and this is well publicised on the website and printed corporate material such as Annual Reports and information leaflets.

It is important to acknowledge that people might not use the actual word ‘complaint’ and the training provided to SCRA staff ensures that any issues/expressions of dissatisfaction, are still dealt with as a complaint under this new procedure.

## Complaints information

SCRA has tried to ensure that the appropriate information and materials are available to meet the needs of all our customers. SCRA has the following tools available:

**Printed information leaflet and complaints form.** This is a double sided A4 document, which has information on one side about SCRA’s CHP and the other side is a simple form which people can fill in by hand to register their complaint. This form is available in reception areas in Hearing suites and also available on request from Reception staff or other members of SCRA staff.

**Website.** SCRA’s website ([www.scra.gov.uk](http://www.scra.gov.uk)) contains a section on complaints. This can be accessed via the Contact Us tab which is clearly visible on the home page of our website.

The complaints section is split into four sections:

- General information about how to make a complaint.
- Who do I contact?
- What can I do if I am not happy with the outcome?
- Information about how to complain about others involved in the Hearings System.

**Complaints form for children and young people.** There are two separate complaints forms on SCRA’s website. One is aimed at children – 11 years and under, the other is aimed at young people, 12 years and over. The language and design have been created to make the forms more appealing to children and young people.

**Your Rights leaflets.** Leaflets are available in waiting rooms for children and young people. These provide children and young people with information about their rights. It informs children and young people that amongst other rights, they have the right to complain.

Information about complaints, including the form, can be provided in other formats on request.

### Publicising the complaints handling procedure – key points:

- A complaint is a ‘complaint’ – not ‘feedback’ or ‘comments’.
- The CHP is easily found in SCRA’s public information.
- The CHP is presented online and offline and in formats that recognise the varying needs of customers.
- Details of where to complain, who will deal with the complaint and how long it will take are readily available.

### Publishing complaints performance information

Information about complaints is reported annually by the Head of Practice and Policy to the Executive Management Team and to the SCRA Board. This provides high level information about complaints and work being undertaken to improve our service as a result of complaints made.

SCRA will publish information externally about complaints on an annual basis through SCRA’s website. This will include information about the numbers and types of complaints that have been received, as well as the outcomes of the complaints, what actions have been taken and whether the appropriate timescales were met.

Complaint handling reporting will demonstrate improvements that have taken place as a result of complaints and will help share best practice in service delivery.

## Governance of the Complaints Handling Procedure

### Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with SCRA’s Principal Reporter/Chief Executive and the Executive Management Team.

#### **Chief Executive/Principal Reporter:**

The Principal Reporter/ 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 CHP, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Executive/Principal Reporter may take a personal interest in all or some complaints, or may delegate responsibility for the Complaints Handling Procedure to senior staff. Oversight of the Complaints Handling Procedure is

delegated to the Head of Practice and Policy. Regular management reports assure the Principal Reporter/Chief Executive of the quality of complaints performance.

**Executive Management Team/Locality Management Teams on behalf of the PR/CEO 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
- in the case of EMT deputising for the Principal Reporter /Chief Executive on occasion.

However, EMT/LMTs may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other staff. Where this happens, EMT/LMTs 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.

**Complaints about Senior Staff (LSMs/LRMs/SOM's/EMT/PR)**

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. Accordingly:

Complaint about:	Investigated by:
Locality Staff Member	Locality Support Manager/Locality Reporter Manger
Locality Support Manager	Locality Reporter Manager/Senior Operational Manager
Locality Reporter Manager	Senior Operational Manger/Executive Management Team member
Senior Operational Manager/EMT	Principal Reporter/Chief Executive

Principal Reporter/Chief Executive

Chair of the SCRA Board

## Appendix 1 - Complaints

The following table gives specific examples of complaints that may be considered at the frontline stage, and suggests possible actions to achieve resolution when the complaint has been upheld.

Complaint	Possible actions to achieve resolution
A relevant person requested a review of the CSO and this has not been arranged timeously.	Apologise for delay, provide explanation and take remedial action to arrange Hearing asap.
Waiting room is untidy	Apologise and take action to ensure room is tidy and will be kept tidy on an on-going basis by clarifying who is responsible.
Delay to the start of the Hearing and family kept waiting for long period of time	Apologise for delay, provide explanation, ensure they are kept informed of situation.
Data or non-disclosure breach (depending on the complexity, this may escalate to the investigation stage)	Apologise and take remedial action (for example, going out to retrieve information)
A victim of youth crime is unhappy with the decision taken by the Reporter.	Give general explanation of powers and basis of decisions without breaching confidentiality.
An individual expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter.	Encourage them to submit the complaint.  If they still insist that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again

Complaint	Possible actions to achieve resolution
	about the matter.

## Appendix 2 - 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 a service.

A customer may also be concerned about a decision made by the organisation. These decisions may have their own specific review or appeal procedures, and, where appropriate, customers must be directed to the relevant procedure.

**Example 1:** An individual expresses dissatisfaction with the decision of a children's hearing. *Advise of the appropriate appeal procedure.*

**Example 2:** A relevant person is unhappy about how the Compulsory Supervision Order is working. *Advise of the review process and suggest they contact the implementation authority to discuss concerns in the interim.*

**Example 3:** A parent/carer is worried and anxious about a forthcoming Hearing and requests information. *Explanation by Reporter, direct to website and provide appropriate leaflet.*

**Example 4:** A grandparent is unhappy that they are not considered a relevant person. *Explanation of relevant person status, advise about requesting a pre hearing panel and appealing any subsequent decision made about rp status.*

**Example 5:** A social worker suggests that magazines are made available in the waiting room to give people something to read. *This is noted as a suggestion.*



### Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the customer 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 customer is told this will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage either:

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

### Acknowledgement

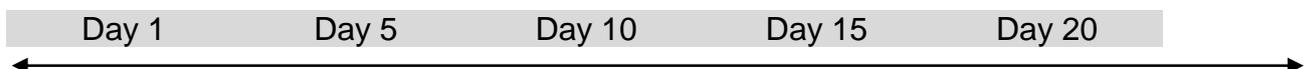
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- 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 customer asks for an investigation after a decision at the frontline resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at frontline resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Investigation

You should 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. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



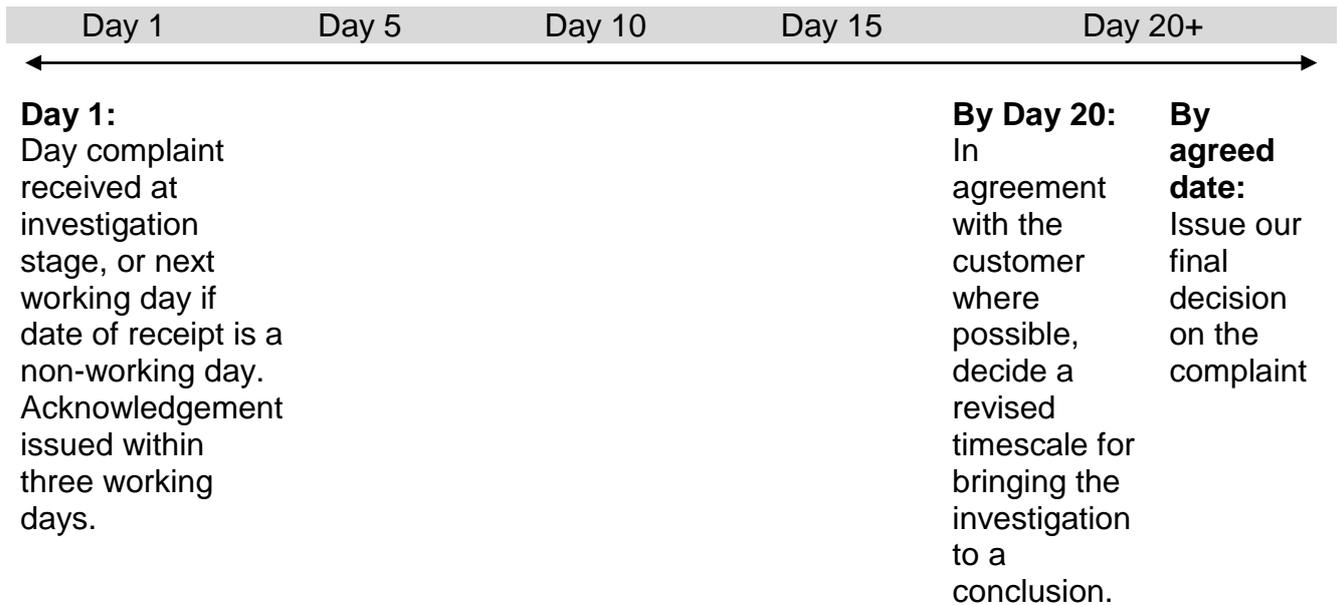
#### Day 1:

Day complaint received at investigation stage, or next working day if date of receipt is a non-working day. Acknowledgement issued within three working days.

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

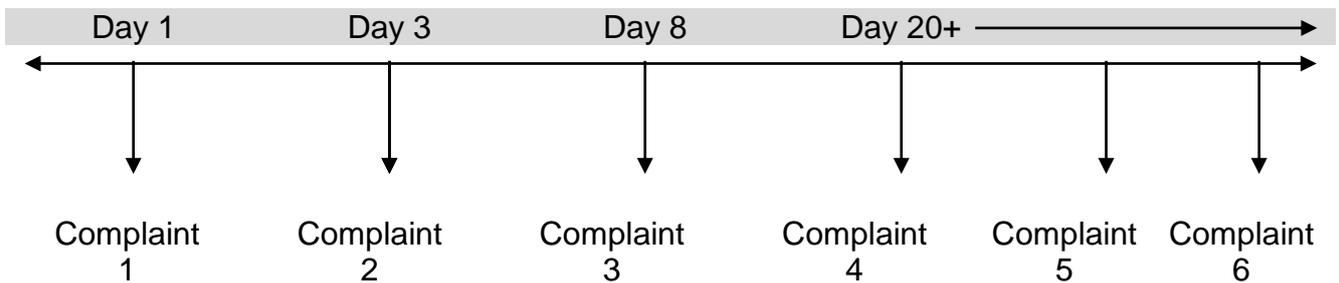
#### Day 20:

The organisation's decision issued to customer or agreement reached with customer to extend deadline



**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 5 working days. However, we authorised an extension on a clear and demonstrable expectation

that the complaint would be satisfactorily resolved within a further 5 days. We resolved the complaint at the frontline resolution stage in a total of 8 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 customer 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 customer 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 4 - The complaints handling procedure

