

# COMPLAINTS PROCEDURE

Argyll and Bute Council is committed to providing high quality services for the people in Argyll and Bute. However, sometimes things can go wrong and when they do, we need to know so we can put them right and learn from them. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.

We welcome and value complaints because this feedback helps us improve our services and ensures our customers are treated fairly.

The complaints procedure aims to be:

- **User-focused:** it puts the complainant at the heart of the process
- **Accessible:** it is clearly communicated, easily understood and available to all
- **Simple and timely:** it has as few steps as necessary within an agreed and transparent timeframe
- **Thorough, proportionate and consistent:** it should provide quality outcomes in all complaints through robust but proportionate investigation and the use of clear quality standards
- **Objective, impartial and fair:** it should be objective, evidence-based and driven by the facts and established circumstances, not assumptions, and this should be clearly demonstrated

**and should:**

- **Seek early resolution:** it aims to resolve complaints at the earliest opportunity, to the service user's satisfaction wherever possible and appropriate
- **Deliver improvement:** it is driven by the search for improvement, using analysis of outcomes to support service delivery and drive service delivery improvements

**Cleland Sneddon, Chief Executive**



December 2018

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us (01546 604188)

### Gaelic

Ma tha sibh ag iarraidh an sgrìobhainn seo ann an cànan no riochd eile, no ma tha sibh a' feumachdainn seirbheis eadar, feuch gun leig sibh fios thugainn.

### Polish

Jezeli chcieliby Państwo otrzymaO ten dokument w innym języku lub w innym formacie albo jeeli potrzebna jest pomoc Uumacza, to prosimy o kontakt z nami.

### Hindi

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

### Urdu

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو براۓ مہربانی ہم سے رابطہ کیجئے۔

### Punjabi

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਇੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

### Cantonese

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

### Mandarin

本文件可以翻译为另一语文版本，或制作成另一格式，如有此需要，或需要传译员的协助，请与我们联系。

## What is a complaint?

A complaint is 'an expression of dissatisfaction about the Council's action or lack of action, or about the standard of service provided by or on behalf of the Council'

## How do I Complain?

You should make your initial complaint by filling in our online complaints form or by phoning 01546 605516.

You can also make your complaint by e-mail at [complaints@argyll-bute.gov.uk](mailto:complaints@argyll-bute.gov.uk), in person or in writing to any Council office or by using the complaints form provided in this leaflet.

When complaining, please tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter

## What can I complain about?

Examples of what can be dealt with under the Council's complaints procedure:

- Failure to provide a service
- The standard of service provided
- The treatment by, attitude or conduct of a member of staff
- Delays or refusal to give advice or answer questions in response to enquiries or requests
- The Council's failure to follow the proper administrative process
- Dissatisfaction with the way in which a Council policy has been applied
- Dissatisfaction with Council policies e.g. if a customer is unhappy about the changes to refuse collection service.

**Social Work/Care Complaints:** Are dealt with under a different procedure, however, anyone receiving social work or care services from us has the right to complain either direct to us using the methods detailed above or alternatively by complaining to the [care inspectorate](http://careinspectorate.gov.uk) or by tel: 0845 600 9527, fax: 01382 207289 or email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

## What can't I complain about?

Examples of what can't be dealt with under the Council's complaints procedure:

- A first time request for a service e.g. a request for a street-lighting repair
- A request for compensation only
- Where there is a statutory or other formal right of appeal e.g. decision on housing or council tax benefit or in regard to formal enforcement action
- Insurance claims or potential claims concerning injury to people or damage to property
- Matters which are currently subject to court proceedings or have already been heard in court or at a tribunal
- Complaints regarding the conduct of a Councillor
- A complaint which has already been investigated and a final decision given

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

## Who can complain?

Any person or organisation who receives, requests or is affected by the services of the Council can make a complaint, including the representative of someone who is dissatisfied with our service. We will take complaints from a friend, relative or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the

**Scottish Independent Advocacy Alliance: Tel: 0131 260 5380, Fax: 0131 260 5381, Website: [www.siaa.org.uk](http://www.siaa.org.uk)**

## How long do I have to make a complaint?

Normally, you must make your complaint within six months of;

- the event you want to complain about, or
- finding out that you have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit and if you feel the time limit should not apply to your complaint then please tell us why.

## What happens when I have complained?

The Council wants to resolve complaints, to the satisfaction of the customer, as early as possible in the process. This could mean an on-the-spot apology and explanation if something has clearly gone wrong and immediate action taken to resolve the problem.

We have a two stage procedure, 'Frontline Resolution' (stage 1) and 'Investigation' (stage 2), which allows us two opportunities to resolve the complaints internally.

### **STAGE 1: Frontline Resolution**

On being contacted by a customer we have to determine whether the issue raised is a complaint and our staff will have to consider, on the basis of the four key questions listed below, whether the complaint is suitable for frontline resolution.

Key questions:

- What exactly is your complaint (or complaints)? – it is important that the member of staff is clear about what you are complaining about, this may require additional information from you and further probing to get a full understanding of the issue.
- What do you wish to achieve by complaining? – the outcome you want must be clarified at the outset in order to establish your expectations, and whether they can be satisfied.
- Can this be achieved, or must we provide an explanation as to why not? – if the expected outcome can be achieved at this point, eg, by way of an apology or by another means, then we should do it. If the expected outcome cannot be achieved then we must provide you with an explanation.
- Can it be resolved immediately, if not, who can assist in seeking Frontline Resolution? – if the member of staff is unable to deal with your complaint, eg, because they are unfamiliar with the issues or area of service involved, they should pass the details to the appropriate Departmental Complaints Co-ordinator in order that they can pursue a

resolution at this stage.

Frontline resolution should be completed and you should be advised of the outcome within **five working days of receipt of the complaint**, although the Council expects that the resolution will be achieved as soon as possible.

In exceptional circumstances, where there are clear and justified reasons for doing so, the Council may extend the timescale for resolution for a period of no more than a further five working days. The reasons for the extension will be communicated to you.

If we can't resolve the complaint at this stage, we will explain why and tell you that you can take your complaint to stage 2. You may choose to do this immediately or sometime after you get our initial decision.

## **STAGE 2: Investigation**

A complaint will be escalated to this stage when

- Frontline Resolution was attempted but you remain dissatisfied.
- The issues are complex and will require detailed investigation.
- The complaint relates to issues that have been identified as serious, high risk or high profile.

Where a complaint has been escalated to stage 2, you will be sent an acknowledgement within **three working days** from the date on which the decision was taken to escalate it to stage 2.

You should be provided with a full and final response as soon as possible but not later than **20 working days** from the date on which the decision was taken to escalate it to stage 2.

In exceptional circumstances, where there are clear and justified reasons for doing so, the investigating officer should try to agree an extension of the timescale for the response with the customer. If the customer does not agree to an extension but the reasons are unavoidable, clear and reasonable then the Head of Service or Executive Director can grant the extension.

The outcome of the investigation should be communicated to you, by letter or email, whichever is the preferred method of contact.

## **What if I am still dissatisfied?**

If, after you have received the stage 2 response, you remain dissatisfied with the way we have dealt with your complaint you have the right to ask the Scottish Public Services Ombudsman (SPSO) to look at your complaint.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (so please make sure that it has done so before contacting the SPSO)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

The SPSO's contact details are:

SPSO, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS  
Freepost SPSO

Freephone: 0800 377 7330

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

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

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

**Complaints involving more than one service:** If your complaint relates to the actions of two or more services, then we must tell you which service will take the lead in dealing with the complaint and that you will receive one response covering all aspects of the complaint.

**Complaints involving another organisation:** If you make a complaint about the service of another agency or public service provider but we have no involvement in the issue then we will refer you to the appropriate organisation.

**Complaints about the conduct of a Councillor:** Complaints about a Councillor are not dealt with by the Council and anyone making such a complaint should contact the Public Standards Commissioner for Scotland, 39 Drumsheugh Gardens, Edinburgh EH3 7SW at [www.publicstandardscommissioner.org.uk](http://www.publicstandardscommissioner.org.uk) or by telephone: 0300 011 0550

**Unacceptable Behaviour by Customers:** We are aware that customers may act out of character in times of trouble or distress and that there may have been upsetting or distressing circumstances leading up to a complaint.

However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on Council staff or unacceptable behaviour towards them. It will be for the member of staff to determine when they consider the behaviour of a customer to be unacceptable. They should confirm to the customer that they are no longer prepared to deal with the matter and refer the customer to an appropriate line manager.

## Quick guide to complaints procedure

### Complaints Procedure

You can make a complaint in person, by phone, by email or in writing.

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.



### Stage 1: Frontline Resolution

We will always try to resolve your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.



### Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within **three working days**. We will give you our decision as soon as possible. This will be after no more than **20 working days** unless there is clearly a good reason for needing more time.



### The Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

# ARGYLL AND BUTE COUNCIL

## Complaints Form

Please use block capitals

Name: .....

Address: .....

..... Postcode: .....

Tel No: ..... Email: .....

What is your complaint?  
(Please give as much information as possible)

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How would you like us to resolve the matter?

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Your Signature: ..... Date: .....

Please return the completed form to: Any Argyll and Bute Council Office or send by email to: [complaints@argyll-bute.gov.uk](mailto:complaints@argyll-bute.gov.uk)