

SCOTTISH SOCIAL SERVICES COUNCIL

Complaints Procedure for how the Scottish Social Services Council will handle complaints about how officers have undertaken its functions

1. Introduction

1.1 The Scottish Social Services Council is a statutory body established by the Regulation of Care (Scotland) Act 2001. Its main purpose is to regulate the social service workforce and their education and training. The aim of the Council is to provide protection to those who use services, promote high standards of conduct and practice among social service workers, strengthen and support the professionalism of the workforce and promote public confidence in the sector.

1.2 The Council is committed to carrying out its responsibilities to the highest standards possible and wishes to hear about and address any concerns or complaints regarding the way in which it has carried out, or failed to carry out, any of its functions. To ensure a clear and effective response to concerns or complaints the Council will investigate and address them using the following complaints procedure.

2. Key Principles

The key principles that underpin the Council's Complaints Procedure are that it should be:

- **Easy to access and simple to operate** : in particular, complaints should be resolved as close to the point of complaint as possible;
- **Effective**: complaints are taken seriously and appropriate remedies are provided;
- **Clear**: the remits of the Council and the roles and responsibilities of members and staff are clearly defined;
- **Open and transparent and well-publicised**: both the complainant and the subject of the complaint should see what process has been applied and that adequate reasons have been given for the determination of the Council. All parties should be kept adequately informed and information should be made available in different languages/formats;

- **Considerate:** the Council will deal with people in a courteous and helpful manner;
- **Fair** all those involved in the complaints process should be treated equally regardless of race, gender, age, disability, religion or sexual orientation;
- **Balanced and objective;** each complaint should be dealt with on its individual merits and impartially;
- **Confidential:** to protect complainants and those complained against where appropriate and possible;
- **Speedy:** complaints should be dealt with as quickly as is reasonably possible, and generally within defined timescales determined by the Council;
- **Lawful:** the Council will operate within the limits of its statutory authority; and,
- **Regularly monitored and audited:** to ensure that the systems and procedures are operating properly and are appropriately reviewed and improved.

3. Complaints Procedure

3.1 All written or verbal complaints about a member of staff of the Council or how the Council has undertaken its functions will be logged on the Complaints record system on the date they are received.

3.2 Within one working day of receipt of the complaint, it will be referred to the Chief Executive or in her absence the Registrar, or in exceptional and urgent circumstances another senior manager ('Senior manager' means the Chief Executive, Registrar, Head Of Learning and Development, the Director of Finance and Administration, the Director of Human Resources or the Legal Adviser).

3.3 Having regard to the nature of the complaint the Chief Executive, the Registrar or other senior manager as appropriate, will determine the nature of the investigation and appoint another senior manager to carry out an investigation, unless the complaint is about a senior manager. In such circumstances paragraph 4 will apply.

3.4 The Council will not normally proceed with the investigation of a complaint which relates to a matter which is the subject of a police enquiry or criminal proceedings, until those enquiries or proceedings are complete. If the Council considers that it would be appropriate to commence an investigation about a matter which is the subject of a police enquiry or criminal proceedings it will first seek the advice of the Procurator Fiscal before commencing any investigation.

3.5 The investigation stage may include correspondence and face to face meetings with the complainant and any member of staff being complained about and if possible resolution of the complaint will be sought during that period.

3.6 Within 28 days of receipt of the complaint the nominated senior manager shall seek to issue a letter to the complainant and any member of staff complained about informing them of her/his final decision upon the complaint, detailing the findings, conclusions and any action to be taken, if appropriate. This letter will advise the complainant of their right to seek a review of the nominated senior manager's decision by the Chief Executive of the Council and will include a form that the complainant must submit to request such a review.

Review by the Chief Executive

3.7 On receipt of a request to review a decision of a senior manager in relation to a complaint the Chief Executive shall, having regard to the nature of the outstanding complaint and review application, determine how the review should proceed. She will determine whether further investigation or meetings with the complainant and any member of staff being complained about are necessary. She may ask the senior manager who first investigated the complaint to explain both the process followed and the reasons for the findings.

3.8 She may appoint an independent person to investigate the complaint and how it was handled and to report back to her. However, before taking such action she must gain the agreement of both parties to the appointment of a named independent person.

3.9 Within 28 working days from the date of receipt of the review application, the Chief Executive shall seek to issue a final decision. This final decision will contain the findings, conclusions and any action to be taken, if appropriate. The letter will advise that if the complainant is not satisfied that the Council has followed its Complaints Procedure in investigating the complaint an application may be made to the Convener of the Council requesting a review of the procedures followed in the investigation of the complaint.

3.10 Where the Convener decides that a review of the procedures followed in the investigation should be undertaken a panel of three Council members will be convened as a Complaints Review Committee to review whether staff followed agreed procedures in investigating the complaint and determining the findings.

3.11 Where the Convener decides that there is no just cause for a review of the procedures followed in the investigation, she will inform the complainant of her decision and the reasons for it in writing and make clear that a complaint may in certain circumstances be made to the Scottish Public Services Ombudsman ("the Ombudsman"). (*See paragraph 9*)

Review by the Complaints Review Committee

3.12 Where the Convener of the Council decides that a Complaints Review Committee should be convened its remit will be to consider the complaint and determine whether the Council's Complaints Procedure has been followed. The Complaints Review Committee will normally meet in private. It will receive copies of all documentation in relation to the complaint held by the Council, a written summary from the Chief Executive of the investigation of the complaint and her decisions in relation to it and a written statement from the complainant

about why they consider that staff have not followed the Complaints Procedure in investigating the complaint.

3.13 The complainant, any member of staff complained about and the Chief Executive shall be advised of the decision of the Complaints Review Committee in writing as soon as possible following the meeting of the Committee and at least within a maximum of 48 working days from the date of receipt of the review application by the Convener of the Council.

3.14 Where a Complaints Review Committee finds that procedures have not been followed, the complaint will be referred back to the Chief Executive and she will be asked to reconsider her decision within agreed procedures.

3.15 Where the Complaints Review Committee determines that the decisions were taken within agreed procedures, it will advise the complainant of its decision and the reasons for it and explain that a complaint may be made in certain circumstances to the Ombudsman. (*See paragraph 9*)

4. Complaints against senior managers including the Chief Executive

4.1 Where a complaint is received about a senior manager, the terms of Paragraph 3 will apply with the following amendments:-

4.2 Where a complaint is received about a senior manager other than the Chief Executive, the Chief Executive will be responsible for the initial investigation and may appoint an independent person to investigate the complaint on her behalf. The Chief Executive must gain the agreement of both parties to the appointment of a named independent person.

If a review is requested of the Chief Executive's decision then the Convener will appoint two Council members to undertake that review.

4.3 Within 28 working days from the date of receipt of the review application the Council members appointed to undertake the review shall seek to issue a final decision. This final decision will contain the findings, conclusions and any action to be taken, if appropriate. The letter will advise that if the complainant is not satisfied that the Council has followed its Complaints Procedure in investigating the complaint that an application can be made to the Convener of the Council requesting a review of the procedures used.

4.4 If such a request is received the Convener can determine whether or not a panel of Council members should be convened as a Complaints Review Committee to review whether Council followed agreed procedures in investigating the complaint and determining the findings.

4.5 Where a complaint is received about the Chief Executive, the Convener will appoint two Council members and an independent person to investigate the complaint on her behalf. The Convener must gain the agreement of both parties to the appointment of a named independent person.

4.6 Within 28 days of its appointment the team appointed to investigate the complaint will seek to issue a final decision. This final decision will contain the

findings, conclusions and any action to be taken, if appropriate. The letter will advise that if the complainant is not satisfied that the Council has followed its Complaints Procedure a request for a review can be made to the Convener.

4.7 If such a request is received the Convener can determine whether or not a panel of Council members should be convened as a Complaints Review Committee to review whether the Council followed agreed procedures in investigating the complaint and determining the findings.

4.8 If the Convener decides that a review is appropriate, she will appoint a Complaints Review Committee and may appoint an independent person to advise the Committee on whether agreed procedures have been followed. The decision of the Complaints Review Committee will be final and the complainant will be advised that a complaint may in certain circumstances be made to the Ombudsman. (*See paragraph 9*)

5. Time Limits

5.1 All of the proposed time limits for action or response by the Council are best estimates only. The time limits may vary depending upon the nature of the complaint and investigation. The Council will seek to notify the complainant and any member of staff complained about of any anticipated delay, the reason for the delay and the estimated amended time-scale, if possible. (*See paragraph 9 for time limits on complaints to the Ombudsman*)

6. Impartiality

6.1 No employee of the Council or member of the Complaints Review Committee should be involved in investigating or determining a complaint in relation to their own acts, omissions or decisions.

7. Chief Executive of the Council

7.1 The Chief Executive is the Principal Officer for the purpose of the handling of cases involving the Ombudsman. Where the Chief Executive is the subject of the relevant complaint the Registrar will act as the Principal Officer. The Principal Officer is responsible for informing the Secretary of the Sponsor Department within the Scottish Executive about any complaints accepted by the Ombudsman for investigation, and about the Council's proposed response to any subsequent recommendations from the Ombudsman.

8. Monitoring of complaints

8.1 The Council recognises that the outcomes from the investigation of complaints provide valuable learning material for the organisation. Accordingly, the Council will record and monitor all outcomes of complaints and will prepare reports to be considered by the Council on a 6 monthly basis.

9. Procedure for Complaint to the Ombudsman

9.1 Where the complainant believes that they have sustained injustice or hardship in consequence of poor service, failure to provide a service or administrative failure by the Council, they may complain to the Ombudsman by writing, faxing or e-mailing her at this address:

**The Scottish Public Services Ombudsman
23 Walker Street
Edinburgh
EH3 7HX**

Telephone : 0870 011 5378

Fax: 0870 011 5379

e-mail: enquiries@scottishombudsman.org.uk

9.2 In special circumstances the Ombudsman may consider an oral complaint.

9.3 The time limit for a request for review is normally 12 months after the date of the occurrence of the matter about which you are complaining. However, the Ombudsman may consider complaints outwith this period, if there are special circumstances which make it appropriate for her to do so.