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The Children's Panel – life changing.

Complaints Handling Procedure

June 2016



Foreword

Our Complaints Handling Procedure reflects Children's Hearings Scotland's commitment to valuing complaints. It seeks to resolve dissatisfaction as early as possible and to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

Children's Hearings Scotland's Complaints Handling Procedure (CHP) is based on the Scottish Public Service Ombudsman's (SPSO) [model CHP](#) for the Scottish Government, Scottish Parliament and Associated Public Authorities in Scotland. This model CHP was published on 28 March 2013 under section 16B of the SPSO Act 2002 (as amended by the Public Services Reform (Scotland) Act 2010).

Children's Hearings Scotland (CHS) and the National Convener adopted the procedure on 24 June 2013 when we became operational.

CHS' CHP enables us to address a member of the public's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For a member of the public, complaints provide a first-hand account of their views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give a member of the public a form of redress when things go wrong, and can also help us continuously improve.

The CHP will help us carry out our duties better, improve relationships with children, young people and families and enhance the public perception of CHS. It will help us keep children, young people and families at the heart of the process, while enabling us to better understand how to improve by learning from complaints.



*Boyd McAdam
National Convener and Chief Executive*

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How to use the Complaints Handling Procedure

This document sets out the overarching procedure for handling complaints at Children's Hearings Scotland (CHS). This includes complaints received and handled by panel and Area Support Team (AST) members, CHS National Team and Board members.

To support this procedure, CHS has also produced a Complaints Handling Toolkit for all members of the CHS Community to refer to when handling complaints. This toolkit provides practical guidance on recording and reporting complaints and includes sample templates to use when handling a complaint.

This Complaints Handling Procedure (CHP) explains how complaints made by a member of the public about the actions or service provided by or on behalf CHS by a member of the CHS Community (panel and AST members, CHS National Team and Board members) are to be handled and should be read and understood in that context.

This CHP should not be used where a member of the CHS Community or a member of a local authority carrying out functions as set out in a Partnership Agreement¹, wishes to make a complaint against another member of the CHS Community. In these cases, you should refer to the guidance contained in the *CHS Community Concerns Procedure* or other relevant procedure.

Complaints solely against Clerks to the AST about a service that they provide for the AST should not be handled under this CHP. Clerks are local authority employees and accordingly, complaints against them should be handled under the local authority's own complaints handling procedure.

Complaints solely against local authority members of the AST should not be handled under this CHP. These should be handled by [The Standards Commission for Scotland](#).

CHS values all complaints and is committed to handling complaints efficiently and effectively. Complaints are monitored, recorded, analysed and reported on in order to ensure continuous improvement and learning. Wherever practicable, CHS will seek to resolve complaints through frontline resolution in order to minimise disruption to services and resolve issues and concerns as swiftly as possible.

When using this document, please also refer to CHS' Complaints Handling Toolkit, the [SPSO Statement of Complaints Handling Principles](#) and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO <http://www.valuingcomplaints.org.uk>

¹ This includes Clerks to the AST and their teams as well as individuals carrying out functions that have been set out in a local authority Partnership Agreement, e.g. finance staff processing expenses. It does not include individuals working within a social work department or in schools.

What is a complaint?

CHS' definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about the CHS Community's action or lack of action, or about the standard of service provided by or on behalf of the CHS Community.'

A member of the public is **not**:

- a member of the CHS Community (i.e. panel member, AST member, member of the CHS National team, or CHS Board member)
- a member of an organisation carrying out functions or duties as set out in a Partnership Agreement (please refer to the footnote on page 5 for further information)

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with policy
- treatment by, or attitude of, a member of the CHS Community towards a member of the public
- disagreement with an action where no other external procedure or appeals process exists (for example an appeal or review), regardless of any time limits which may apply
- failure to follow the appropriate administrative process

This list does not cover everything.

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

A complaint is **not**:

- disagreement with a decision where a statutory right of appeal or review exists, for example if there is a disagreement about a decision made at a hearing
- a first-time request for a service
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision

These issues should not be treated as complaints. Instead members of the public are to be directed to use the appropriate procedures.

Appendix 2 gives more examples of 'what is not a complaint' and how to direct members of the public properly.

Handling concerns and complaints from partner organisations

In order to support the culture of working together as partners in the Children's Hearings System in the best interests of children, young people and families, we would like to encourage partners (e.g. social workers, teachers, Children's Reporters, safeguarders, members of the CHS Training Unit) to raise any concerns with the relevant AST first. This may be through a local liaison meeting or by contacting a member of the AST (please see contact details on the [website](#)).

It may be that the concerns cannot be dealt with under the CHP as they do not meet the definition of a complaint so if they are raised locally, AST members can consider the best way to handle and resolve the concerns as soon as possible. If the concerns can be considered under the CHP, AST members can manage through frontline resolution or can identify a PPA or DAC to investigate.

Handling anonymous complaints

CHS values all complaints. All complaints including anonymous complaints will be treated seriously and members of the CHS Community will take action to consider them further, wherever this is appropriate. Generally, anonymous complaints will be considered if there is enough information in the complaint to enable a member of the CHS Community to make further enquiries. If, however, an anonymous complaint does not provide enough information a decision may be taken not to pursue it further. Any decision not to pursue an anonymous complaint should be authorised by the Depute Area Convener of the relevant AST or the Depute Chief Executive/Information Governance Officer.

If an anonymous complaint makes serious allegations, it should be referred to the Depute Chief Executive immediately.

If an anonymous complaint is to be pursued further, the issues are to be recorded as an anonymous complaint on the complaints system. This will help to ensure the completeness of the recorded complaints data and allow us to take corrective action where appropriate.

For further information about what information can be disclosed when investigating an anonymous complaint, please see the Complaints Handling Toolkit.

What if the member of the public does not want to complain?

If a member of the public has expressed dissatisfaction in line with CHS' definition of a complaint but does not want to complain, they are to be advised that we consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. Members of the public should be encouraged to submit their complaint so that it can be managed

through the CHP. This will ensure that a member of the public is updated on the action taken and gets a response to their complaint.

If, however, a member of the public insists they do not wish to complain, the issue is to be recorded as an anonymous complaint. This will ensure that members of the public'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.

What happens if a complaint is withdrawn?

If a member of the public wishes to withdraw their complaint they should be advised that complaints are taken very seriously as they provide an opportunity to improve services, and that by complaining the member of the public can be updated on the action taken and any changes to services as a result.

Where a member of the public is clear that they do not wish to complain, despite being encouraged to do so, the matter may still be investigated as an anonymous complaint and the member of the public should be informed accordingly. In doing so the integrity of the complaints performance is maintained, with the matter being investigated, however, the member of the public will not be updated in terms of the findings.

If a member of the public does not want the matter to be investigated, even as an anonymous complaint, this should be taken into consideration by CHS. It is the responsibility of the Depute Area Convener or Depute Chief Executive to decide if a matter is still to be investigated after a complaint has been withdrawn.

The member of the public should be advised that the CHP sets timescales within which a complaint should be submitted for consideration and if a complaint is resubmitted out with these timescales, it may not be possible to consider the matter.

If the member of the public resubmits the complaint within the set timescales, the Depute Area Convener or Depute Chief Executive should decide whether it is appropriate to provide a response to the complaint based on an earlier investigation of the matter and then signpost to SPSO, or whether the member of the public has raised issues that have not been addressed by an earlier investigation. If so, the complaint should be recorded as a new complaint and considered accordingly.

Who can make a complaint?

Members of the public, as defined above, can make a complaint.

Sometimes a member of the public may be unable or reluctant to make a complaint on their own.

Complaints brought by third parties are accepted as long as a member of the public has given their personal consent.

Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more of the CHS Community's activities, (for example the actions of a panel member and a CHS National Team member), you should tell the member of the public who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

If a member of the public complains about the service of another agency or public service provider you should advise them to contact the appropriate organisation directly. However, where a complaint relates to the activities of the CHS Community and the service of another agency or public service provider, (for example a regulator, commissioner or a government department), and the CHS Community has a direct interest in the issue, the aspects of the complaint which relate to the activities of the CHS Community are to be handled through the CHP.

If it is necessary to make enquiries to an outside agency in relation to the complaint, data protection legislation should be taken into account. You should seek advice from CHS' Information Governance Officer prior to contacting third parties about a complaint.

Such complaints may include:

- the treatment by or attitude of a Children's Reporter and a panel member at a children's hearing
- inadequate standard of service from the Clerk to the AST and an AST member

The Complaints Handling Process

The CHP aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained members of the CHS Community.

Our complaints process provides two opportunities to resolve complaints internally:

- 1 frontline resolution, and
- 2 investigation

FRONTLINE RESOLUTION	INVESTIGATION	INDEPENDENT EXTERNAL REVIEW (SPSO or other)
<p>For issues that are straightforward and easily resolved, requiring little or no investigation.</p>	<p>For issues that have not been resolved at the frontline or that are complex, serious or ‘high risk’.</p>	<p>For issues that have not been resolved by the CHS Community.</p>
<p>‘On-the-spot’ apology, explanation, or other action to resolve the complaint quickly, in 5 working days or less, unless there are exceptional circumstances.</p>	<p>A definitive response provided within 20 working days following a thorough investigation of the points raised.</p>	<p>Complaints progressing to the SPSO will have been thoroughly investigated by the CHS Community.</p>
<p>Complaints addressed by any member of the CHS Community, or alternatively referred to the appropriate point for frontline resolution.</p>	<p>Responses signed off by senior post holders.</p>	<p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the CHS Community.</p>
<p>Complaint details, outcome and action taken recorded and used for improvement.</p>	<p>Senior post holders have an active interest in complaints and use information gathered to make improvements.</p>	

For clarity, the term ‘frontline resolution’ refers to the first stage of the complaints process. It does not reflect any job or role description within the CHS Community but means seeking to resolve complaints at the initial point of contact where possible.

Stage one: frontline resolution

Frontline resolution aims to quickly resolve straightforward complaints that require little or no investigation. Any member of the CHS Community may deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity. This may mean a face to face discussion with a member of the public, or asking an appropriate member of the CHS Community to deal directly with the complaint.

Appendix 1 gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, frontline resolution means resolving the complaint at the first point of contact with a member of the public, either by the member of the CHS Community receiving the complaint or other identified CHS Community member.

In either case, a complaint may be settled by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. It may also be explained that, as an organisation that values complaints, we may use the information given when reviewing standards in the future.

A member of the public can make a complaint in writing, verbally, by telephone, by email or online, or by having someone complain on their behalf. Frontline resolution should always be considered on receipt of a complaint regardless of how it was received.

Complaints can be submitted in the following ways:

- by completing [this electronic complaints form](#)
- by writing to CHS, Area 2/1/1 Ladywell House, Ladywell Road, Edinburgh EH12 7TB, marking the envelope as "Complaint - private and confidential"
- by emailing complaints@chs.gsi.gov.uk
- by telephoning CHS on 0131 244 3696
- by contacting the relevant AST – please see contact details available on the [website](#)

What to do when you receive a complaint

- 1 On receiving a complaint, you should first decide whether the issue can indeed be defined as a complaint. A member of the public may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing a member of the public to pursue another element through an alternative route (see Appendix 2).
- 2 If you have received and identified a complaint, allocate a complaint reference number in accordance with the guidelines in the Complaints Handling Toolkit.

- 3 Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before you can give a member of the public a suitable response. You should escalate these complaints immediately to the investigation stage.
- 4 Where you think frontline resolution is appropriate, you should consider four key questions:
 - What exactly is a member of the public’s complaint (or complaints)?
 - What does a member of the public want to achieve by complaining?
 - Can I achieve this, or explain why not?
 - If I can’t resolve this, who can help with frontline resolution?

What exactly is a member of the public’s complaint (or complaints)?

It is important to be clear about exactly what a member of the public is complaining about. You may need to ask a member of the public supplementary questions to get a full picture.

What does a member of the public want to achieve by complaining?

At the outset, clarify the outcome a member of the public wants. Of course, a member of the public may not be clear about this, so you may need to probe further to find out what they expect and whether they can be satisfied.

Can I achieve this, or explain why not?

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is suitable, you may wish to follow the SPSO's guidance on the subject:

[SPSO guidance on apology](#)

A member of the public may expect more than we can provide. If a member of the public’s expectations appear to exceed what we can reasonably provide, you should tell them as soon as possible in order to manage expectations about possible outcomes.

You are likely to have to convey the decision face to face or on the telephone. If you do so face to face, by telephone or by email, you are not required to write to a member of the public as well, although you may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to a member of the public.

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

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues involved, pass details of the complaint to someone who can try to resolve it.

Timelines

Frontline resolution should be completed within five working days.

You may need to get more information from other members of the CHS Community to resolve the complaint at this stage. However, it is important to try and respond to a member of the public within five working days, either resolving the matter or explaining that a member of the CHS Community will investigate their complaint.

Extension to the timeline

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

When you ask for an extension, you should get authorisation from your Depute Area Convener or the Depute Chief Executive/Information Governance Officer, who will decide whether you need an extension to effectively resolve the complaint. Examples of when this may be appropriate include when members of the CHS Community are temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. You should tell a member of the public about the reasons for the delay and when they can expect your response.

If a member of the public does not agree to an extension but it is unavoidable and reasonable, the Depute Area Convener or Depute Chief Executive/Information Governance Officer should decide on the extension. You should then tell the member of the public about the delay and explain the reason for the decision to grant the extension.

Appendix 3 provides further information on timelines.

Closing the complaint at the frontline resolution stage

When you have informed a member of the public of the outcome, you are not obliged to write to them, although you may choose to do so. You should ensure that the response to the complaint addresses all aspects of the complaint that the CHS Community are responsible for and explains the reasons for the decision. It is also important to keep a full and accurate record of the decision reached and given to a member of the public.

When to escalate to the investigation stage

You should escalate a complaint to the investigation stage when:

- you tried frontline resolution but a member of the public remains dissatisfied and requests an investigation - this may happen immediately when you communicate the decision at the frontline stage, or some time later
- a member of the public refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high risk or high profile issues

Take particular care to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that need the CHS National Team's direct input. The SPSO defines potential high-risk or high-profile complaints as those that:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to our operations
- include allegations of criminal behavior
- are raised by or on behalf of a child or young person
- involve a serious breach of the [National Standards](#)

Stage two: investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the CHP are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give a member of the public a full, objective and proportionate response that represents our final position.

What to do when you receive a complaint for investigation

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the member of the public and the member of the CHS Community responsible for handling the complaint understand the investigation's scope.

It may be helpful to discuss and confirm these points with the member of the public at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the member of the public, consider three key questions:

- 1 What specifically is the member of the public's complaint or complaints?
- 2 What does the member of the public want to achieve by complaining?

3 Is the member of the public's expectations realistic and achievable?

It may be that the member of the public expects more than we can provide. If so, you should make this clear to them as soon as possible.

Where possible you should also clarify what additional information you will need to investigate the complaint. A member of the public may need to provide more evidence to help us reach a decision.

If the investigation stage follows attempted frontline resolution, you should hand over all case notes and associated information to the member of the CHS Community responsible for the investigation, and record that you have done so.

Timelines

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

- complaints should be acknowledged within 3 working days
- you should provide a full response to the complaint as soon as possible but no later than 20 working days from the time you received the complaint for investigation

Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these you should always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, you should keep the member of the public updated on the reason for the delay and give them a revised timescale for completion. If the member of the public does not agree to an extension but it is unavoidable and reasonable, then the Depute Area Convener or Depute Chief Executive/Information Governance Officer should consider and confirm the extension. The reasons for an extension might include the following:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from others but they cannot help because of long-term sickness or leave.
- You cannot obtain further essential information within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- A member of the public has agreed to mediation as a potential route for resolution.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics.

Appendix 3 provides further information on timelines.

Mediation

Some complaints, including complaints where members of the public and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, you may consider using services such as mediation or conciliation using suitably trained and qualified mediators to try to resolve the matter and to reduce the risk of the complaint escalating further.

Mediation will help both parties to understand what has caused the complaint, and so is more likely to lead to mutually satisfactory solutions.

If you and the member of the public who submitted the complaint agree to mediation, revised timescales will need to be agreed.

Closing the complaint at the investigation stage

You should let the member of the public know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint should address all areas that we are responsible for and explain the reasons for our decision. You should record the decision, and details of how it was communicated to a member of the public, on the system for recording complaints. You should also make clear to a member of the public:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO

Independent external review

Once the investigation stage has been completed, a member of the public has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

The SPSO recommends that you use the wording below to inform members of the public of their right to ask SPSO to consider the complaint.

Information about the SPSO

The Scottish Public services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, NDPBs, agencies and other government sponsored organisations. If you remain dissatisfied with an organisation after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through the organisation's own complaints handling procedure
- more than 12 months after you became aware of the matter you want to complain about or
- that have been or are being considered in court

The SPSO's contact details are:

- post (no stamp needed): Freepost SPSO
- telephone: 0800 377 7330

The SPSO offices are located at SPSO, 4 Melville Street, Edinburgh EH3 7NS

Online contact: www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

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

Governance of the Complaints Handling Procedure

Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the National Convener/Chief Executive and the Depute Chief Executive. Our final position on the complaint should be signed off by an appropriate senior post-holder and we will confirm that this is our final response. This ensures that our senior post-holders own and are accountable for the decision. It also reassures a member of the public that their concerns have been taken seriously.

The National Convener/Chief Executive:

The National Convener/Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all our activities. 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 National Convener/Chief Executive may delegate responsibility for the CHP to senior post-holders. Regular management reports assure the National Convener/Chief Executive of the quality of complaints performance.

Depute Chief Executive/Depute Area Conveners:

On the National Convener/Chief Executive's behalf, the Depute Chief Executive and Depute Area Conveners 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

However, the Depute Chief Executive and Depute Area Conveners may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other members of the CHS Community.

The Depute Chief Executive may delegate responsibility for handling complaints to any member of the CHS National Team. Depute Area Conveners may delegate responsibility to Panel Practice Advisors.

Where this happens, the Depute Chief Executive and Depute Area Conveners should retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to members of the public, so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints investigators:

Panel Practice Advisors and Depute Area Conveners are responsible for handling complaints relating to panel and AST members (except Depute Area Conveners and Area Conveners) at stage two. The CHS National Team is responsible for handling complaints relating to Depute Area Conveners, Area Conveners and members of the CHS National Team. Please refer to the table below for further guidance.

Complaints investigators are responsible and accountable for the management of the investigation. They will also be involved in the investigation and in coordinating all aspects of the response to a member of the public. This may include preparing a written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

It is the responsibility of the complaints investigator to identify a named person to support a panel or AST member who is the subject of a complaint. This will normally be a Lead Panel Representative or Panel Representative from the same AST area, however if the panel or AST member so wishes they may ask someone else from within the CHS Community. The individual providing support to the panel or AST member will have the option to attend any meetings or interviews relating to the investigation and to support the individual.

If frontline resolution has been attempted and has been unsuccessful, the individual who handled the complaint at frontline may wish to escalate it to another individual to handle at investigation. This can be decided on a case by case basis. If the complaint is to be escalated to another individual this will be either a Panel Practice Advisor, Depute Area Convener, Area Convener or member of the CHS National Team. Please note that complaints handled at the frontline by panel members, Lead Panel Representatives, Panel Representatives or Learning and Development Coordinators must be passed onto the appropriate complaints investigator (as set out below) if they are to be escalated to stage two.

Complaint about the actions or service provided on behalf of CHS by a:	Complaints investigator:	Recommended support:
CHS Board member	Please refer to the Board member's Code of Conduct	
CHS National Team member (this includes policies and procedures produced by the National Team)	Line manager (where appropriate) or agreed investigator by SMT/CHS Board	Colleague (where appropriate) / Trade Union representative / Human Resources
Panel member	Panel Practice Advisor / Depute Area Convener	Lead Panel Representative / Panel Representative / other panel member (where appropriate)
Lead Panel Representative	Panel Practice Advisor / Depute	Panel Representative / other

	Area Convener	panel member (where appropriate) / PAS Officer assigned to the LPR's area
Panel Representative	Panel Practice Advisor / Depute Area Convener	Lead Panel Representative / other panel member (where appropriate) / PAS Officer assigned to the PR's area
Learning and Development Coordinator	Panel Practice Advisor / Depute Area Convener	Lead Panel Representative / Panel Representative / other panel member (where appropriate) / PAS Officer assigned to the LDC's area
Panel Practice Advisor	Depute Area Convener	Lead Panel Representative / Panel Representative / PAS Officer assigned to the PPA's area
Depute Area Convener	CHS National Team member	Area Convener / PAS Officer assigned to the DAC's area
Area Convener	CHS National Team member	PAS Officer assigned to the Area Convener's area
Depute Chief Executive	Chief Executive	Human Resources / Trade Union representative
Chief Executive	Chair of the CHS Board	Human Resources / Trade Union representative

All members of the CHS Community:

A complaint may be made to any member of the CHS Community so we should all be aware of the CHP and how to handle and record complaints at the frontline stage. All members of the CHS Community should also be aware of whom to refer a complaint to, in case they are not able to personally handle the matter. We encourage all members of the CHS Community to try to resolve complaints as early possible, to prevent escalation.

SPSO liaison officer:

Our SPSO liaison officer is CHS' Information Governance Officer. The role includes providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on the CHS Community's behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

CHS' Information Governance Officer is also responsible for monitoring and recording all complaints in line with the CHP.

Panel and Area Support Officers (PAS Officers):

PAS Officers are responsible for providing general guidance and support to AST members who are the subject of a complaint.

PAS Officers may also be required to handle complaints investigations about AST members out with their own AST areas of responsibility.

Lead Panel Representatives and Panel Representatives:

Lead Panel Representatives and Panel Representatives are responsible for providing support to panel members who are the subject of a complaint. Lead Panel Representatives and Panel Representatives should not be involved in complaints that reach stage two of the CHP.

For further guidance on the support available to members of the CHS Community who are the subject of a complaint, please see our *Information Leaflet*.

Recording, reporting, learning and publicising

Complaints provide valuable feedback. One of the aims of the CHP is to identify opportunities to improve services across the CHS Community. We should record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

Recording complaints

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

- the member of the public's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken.

All complaints received by members of the CHS Community should be recorded centrally. When you receive a complaint you should inform the CHS National Team by emailing complaints@chs.gsi.gov.uk or calling 0131 244 3696. Please inform CHS of the nature of the

complaint, the date it was received, the member of the public's name and who will be responsible for handling the complaint. The CHS National Team should be kept up-to-date as a complaint investigation progresses and should be informed of any learning outcomes identified.

Reporting of complaints

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We publish on a quarterly basis the outcome of complaints and the actions we have taken in response. This information is published on an anonymous basis. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to our members of the public users that we value their complaints.

This information should be reported regularly to CHS' Strategic Planning and Performance Officer.

Learning from complaints

At the earliest opportunity after the closure of the complaint, the complaint handler should always make sure that the member of the public and those involved understand the findings of the investigation and any recommendations made.

CHS' Strategic Planning and Performance Officer 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, we should:

- 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 we have identified the need for service improvement:

- the action needed to improve services should be authorised
- a member of the CHS National Team or AST member should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date should be set for the action to be taken
- the designated member of the public should 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

- we should ensure that all members of the CHS Community learn from complaints.

Publicising complaints performance information

We also report on our performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

Maintaining confidentiality

Confidentiality is very important in complaints handling. It includes maintaining the member of the public's confidentiality and explaining to them the importance of confidentiality generally. We should always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of member of the public's information.

Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the member of the public acting in an unacceptable way. Members of the public who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A member of the public's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we should treat all complaints seriously and properly assess them. However, we also recognise that the actions of members of the public who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards members of the CHS Community. We will, therefore, apply our policies and procedures to protect members of the CHS Community from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from members of the public. Where we decide to restrict access to a member of the public under the terms of our *Unacceptable Actions Policy*, we will notify the member of the public of a right of appeal and review any decision to restrict contact with us. This will allow the member of the public to demonstrate a more reasonable approach later.

Supporting members of the public

Everyone has the right to equal access to our CHP. Members of the public who do not have English as a first language may need help with interpretation and translation services, and other members of the public may have specific needs that we will seek to address to ensure easy access to the CHP.

We should always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the members of the public where appropriate. Several support and advocacy groups are available to support members of the public in pursuing a complaint and members of the public should be signposted to these as appropriate.

Further to this, CHS understands that being the subject of a complaint is a potentially difficult and stressful experience. Members of the CHS Community should not have to face this unsupported. With this in mind, at the outset of any complaint investigation it is incumbent on the complaints investigator to identify a named person to be available as pastoral support to a panel or AST member who is the subject of a complaint. This will normally be a Lead Panel Representative or Panel Representative from the same AST area, however if the member of the public so wishes they may ask to choose someone else from within the CHS community.

Time limit for making complaints

This CHP sets a time limit of six months from when the member of the public first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a member of the public's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.



Appendix 1 : Example complaints

Example 1

A member of the public expresses dissatisfaction in line with the definition of a complaint, but does not want to complain – just wants to tell us about the matter.

Possible actions to achieve resolution

Tell the member of the public that we value complaints because they help to improve services. Encourage them to submit the complaint.

In terms of improving service delivery and learning from mistakes, it is important that customer feedback, such as this, is recorded, evaluated and acted upon. Therefore, if a member of the public still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the member of the public that they will not be contacted again about the matter but that it may be investigated as an anonymous complaint.

Example 2

A legal representative contacts CHS to inform us that they believe a panel member spoke to a young person in an inappropriate way which they believe to be detrimental to the child.

Possible actions to achieve resolution

Contact the legal representative to establish exactly what was said at the hearing and why they believe this to be inappropriate. Once this is established, a discussion should take place with the panel member (and where appropriate, the other panel members who were present at the hearing and the Reporter). If the panel member acknowledges that the comments were inappropriate they should be encouraged to apologise and look at ways of communicating more appropriately at hearings in future.

Appendix 2 : What is not a complaint

Issues that are raised by someone who is not a member of the public cannot be considered under the CHP even if the member of the public raising the issue describes it as a complaint.

Example 1

An AST member raises concerns about a panel member who regularly calls-off from attending their allocated children's hearings.

Relevant procedure to follow

CHS Community Concerns Procedure. This issue may also be considered during the reappointment process or ultimately through the process for removing a panel member.

Example 2

A panel member raises concerns about the way in which an AST member spoke to them at a recent training event.

Relevant procedure to follow

CHS Community Concerns Procedure. This issue may also be considered during the reappointment process or ultimately through the process for removing an AST member.

Issues relating to a decision made at a children's hearing or the way in which a decision was reached cannot be considered under the CHP.

Example 1

A father has just attended a hearing for his daughter. The father wants to complain about the decision made by the panel members at the hearing regarding contact arrangements.

Relevant procedure to follow

Appeals procedure - the father (as a Relevant Person) has the right to appeal to the Sheriff against the decision of a hearing. Appeals should be in writing to the Sheriff at the Sheriff Court, and should usually be made within 21 days of the decision. If the 21 day period has passed, the father should be advised that he can request a review children's hearing after 3 months.

Example 2

A social worker recently attended a children's hearing and feels undermined by the panel members. The social worker complains that the panel members listened to the views of the safeguarder but were dismissive of the views of the social worker. The social worker believes that the CSO should be varied.

Relevant procedure to follow

Review procedure – Panel members are not obliged to follow the views of a child, relevant person or any professional at a hearing. The role of a panel member is to consider the views available and give due weight to views expressed. As this relates to the decision making process at the hearing, in particular which views and assessments were given more weight than others, the concerns cannot be considered under the CHP.

As the implementation authority, however, the local authority must require a review children's hearing if they are satisfied that one of more circumstances as set out in s131 (2) of the Children's Hearings (Scotland) Act 2011 exist (e.g. the CSO ought to be terminated or varied).

Appendix 3 : Timescales

General

In this procedure, 'day' means a working day. References to timelines throughout the CHP relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

Timelines at frontline resolution

You should aim to achieve frontline resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.

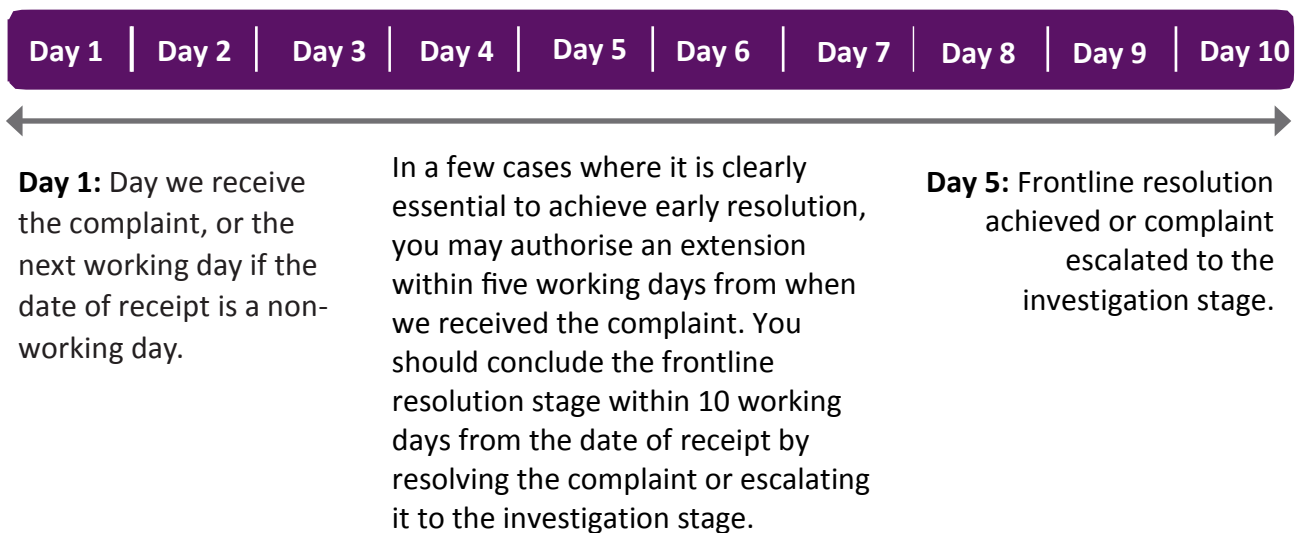


Day 1: Day we receive the complaint, or the next working day if the date of receipt is a non-working day.

Day 5: Frontline resolution achieved or complaint escalated to the investigation stage.

Extension to the five-day timeline

If you have extended the timeline at the frontline resolution stage, the revised response time should be no longer than 10 working days from the date we receive the complaint.



In a few cases where it is clearly essential to achieve early resolution, you may authorise an extension within five working days from when we received the complaint.

You should conclude the frontline resolution stage within 10 working days from the date of receipt by resolving the complaint or escalating it to the investigation stage.

Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and a member of the public wants to escalate the complaint to the investigation stage, you should pass the case for investigation without delay. In practice this will mean the same day that a member of the public is told it will happen.

Timelines at investigation

You may consider a complaint at the investigation stage:

- 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

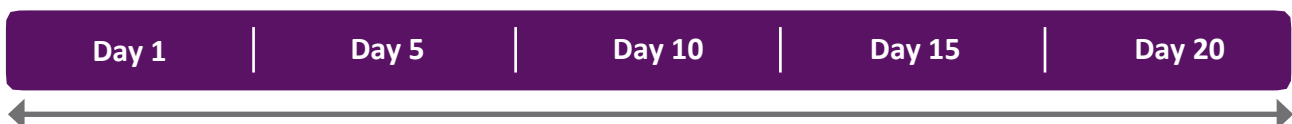
All complaints considered at the investigation stage should be acknowledged within three working **days** of receipt. The date of receipt is:

- 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 a member of the public asks for an investigation after a decision at the frontline resolution stage – you should note that a member of the public 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.

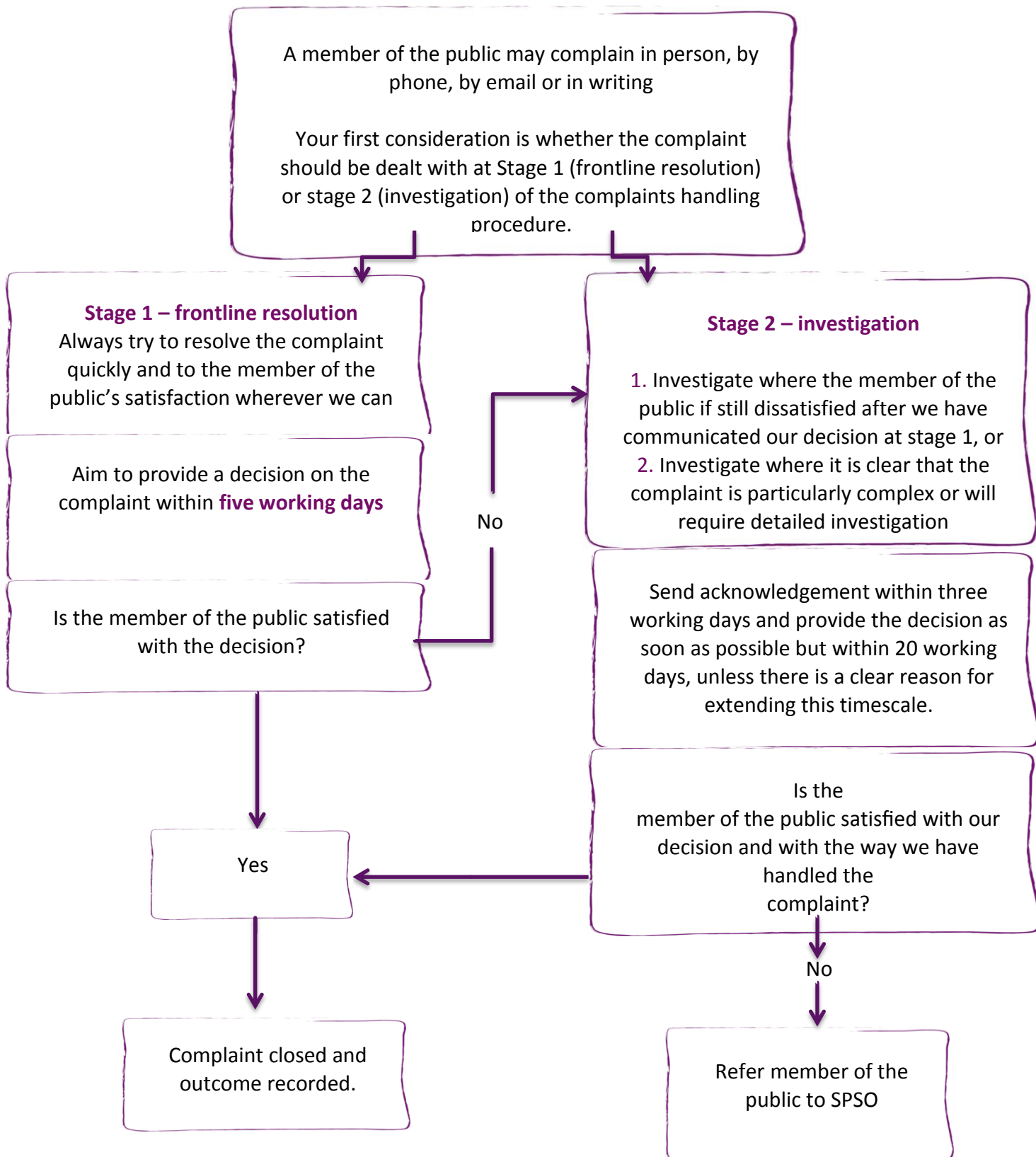


Day 1: Day complaint received at investigation stage, or next working day if date of receipt is a non-working day.

Day 20: The organisation's decision issued to member of the public or agreement reached with member of the public to extend deadline.

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

Appendix 4 : The Complaints Handling Procedure



Document Control

Title	Complaints Handling Procedure
Author	Information Governance Officer, May 2016
Approved by	CHS Board and Senior Management Team
Date of approval	22 December 2015 and X May 2016
Version number	2.0
Review frequency	Every two years
Next review date	May 2018

Status Control

Version	Date	Status	Author(s)	Amendments to policy	Approved by
1.0	24 June 2013	Final	Damian Sherwood-Johnson	N/A	CHS Board
2.0		Final	Ava Wieclawska	Changes throughout the policy, including the definition of a complaint, roles and responsibilities for complaints handling as well as additional sections on handling withdrawn complaints and handling concerns for partner organisations	CHS Board and Senior Management Team

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