



LOTHIAN & BORDERS  
COMMUNITY JUSTICE AUTHORITY

## **COMPLAINTS PROCEDURE**

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## **INTRODUCTION**

The complaints handling procedure has two purposes. First, to reassure the public that their views are taken seriously and that their comments or complaints will be dealt with efficiently and in a fair manner. Secondly, it ensures that certain standards are maintained. Treating our customers with fairness and respect, listening and communicating are relevant and important.

## **PRINCIPLES OF THE COMPLAINTS SYSTEM**

The aims and objectives of the complaints system are to:

- be easily accessible
- be simple to understand and use
- allow speedy handling, with established time limits for action
- keep people informed of progress
- ensure a full and fair investigation
- respect people's desire for confidentiality
- address all points at issue, provide an effective response and appropriate redress
- provide information so that services can be improved.

## **Definition**

The definition of a complaint is very important if the procedure is to work properly. The former local authority Ombudsman defined a complaint as:

*“An expression of dissatisfaction, however made, which alleges failure on the part of the Council to perform a function or provide a service in line with stated Council practices and policies.”*

This definition would apply equally to the Community Justice Authority and would include unreasonable delay and incompetence.

General comments about aspects of service provision or about an agreed policy that is being followed do not necessarily reflect any failure on the part of the Authority or its officers to carry out their responsibilities in accordance with the Authority's functions and consequently cannot be considered to refer to maladministration on the Authority's part. Comments of this kind will not form part of the formal complaints monitoring or review process although they will be recorded and acknowledged courteously and promptly. These comments are to be encouraged and can be useful in identifying ways to improve services, quality control, efficiency and public relations and hence reduce the number of actual complaints arising.

## **Published Information**

Information about how to make comments, provide feedback and to complain should be readily accessible.

## **Employee Training**

All employees who come into direct contact with the public will receive training that will help them deal with the public in a responsible, fair and reasonable manner. This training aims to empower staff, helping them to deal with difficult members of the public, to recognise and distinguish between complaints, and service requests or enquiries and to understand their role in the complaints' process. In most cases, with appropriate training and support, front line staff will be able to deal with comments and complaints before a formal complaint requires to be made – helping to foster a culture of responsiveness and customer care.

## **Confidentiality**

The public should not be deterred in any way from making a complaint. All complaints must be handled with due discretion at all times. While complaints against employees should be treated in strictest confidence, only in exceptional circumstances should an employee not be told about such an investigation.

## **Monitoring and Maintaining Records**

Complaints will be recorded fully and accurately. This is important as it allows the progress of complex complaints to be tracked and monitored.

Ultimately, if the Ombudsman takes a complaint up it also allows a clear record of all investigations and decisions taken to be shown. Complaints should be classified in a way that will identify routine problems like delays in responding, staff attitudes and failures to provide service.

## **Responsible Officers**

The Chief Officer will have responsibility for co-ordinating complaints, monitoring their progress, keeping an up to day complaints register, identifying recurring problems and reporting back to the Authority giving summary information as to the number and nature of complaints received. Furthermore he/she will act as a single point of contact to whom queries and complaints can be addressed which should ensure more accurate information provision to the public and to other staff members.

## **PROCEDURES TO BE FOLLOWED**

### **1 STAGES OF COMPLAINT**

#### **1.1 Complaints are identified in three stages:**

##### **Stage 1 - Informal Complaints**

When approached by potential complainant the officer concerned should try to resolve the complaint as quickly as possible by making contact with the member of staff dealing with the issue and obtaining appropriate information or taking appropriate action regarding the matter. The complaint should be recorded and an appropriate record kept of the complaint and the action taken. If the complainant is not satisfied at this stage they should be asked if they wish to make a formal complaint.

##### **Stage 2 - formal Complaints**

- Formal complaints **MUST** be in writing.
- Complaints will be acknowledged in writing within three working days together with any request for further information which may be required in order to process the complaint.
- Contact information will be sent along with details of the complaints procedure and their right to contact the Scottish Public Services Ombudsman.
- A detailed response to a complaint will be made in writing, giving an explanation of the situation and explaining what further action, if any, will be taken within a further 10 working days.
- If this deadline cannot be met, then the complaint will be advised when a full reply will be provided.
- In all cases full records will be maintained together with records of who has been involved and the decisions and action taken.

##### **Stage 3 - Appeal**

If the complainant remains dissatisfied they will be invited to write to the Convenor of the Authority stating why they are still unsatisfied and how they wish to see the matter resolved. A response will be sent to the complainant within 10 working days of receipt of a statement of continued dissatisfaction.

All information issued to complainants will remind people at every stage of their right to contact the Scottish Public Services Ombudsman and the address and contact numbers. Records of all correspondence will be kept.

## **2 IDENTIFICATION OF COMPLAINTS**

**2.1** Complaints may relate, among other things, to delays in responding; failure to provide a service; failure to achieve standard/quality of service; failure to fulfil a statutory responsibility; bias or unfair discrimination; employee attitude or actions of an agent.

### **3 RECEIPT OF COMPLAINTS**

**3.1** Personal callers should be asked to complete a complaints form, if they have not already done so. Assistance should be offered with this, including an officer completing the form if necessary. The complainant should be given a copy of their complaints form and the name, address and contact number for the officer who will be handling the complaint.

**3.2** When a complaint is received by telephone, a complaints form should be completed from the details received. A copy should be sent to the complainant together with details of the complaints procedure and the name, address and contact number for the officer who will be handling their complaint.

**3.3** When a written complaint is received it should be acknowledged in writing within 3 working days, the complainant should be asked for any further information which may be required in order to process the complaint. Details of the complaints procedure, and the name, address and contact number for the officer handling the complaint should also be issued.

### **4 INVESTIGATION OF COMPLAINT**

**4.1** The Chief Officer has the right to undertake such investigations as he/she sees fit. If members of staff require to be interviewed proper minutes of the meeting should be kept and the staff member has the right to be accompanied or represented at the interview.

### **5 RESPONSE TO COMPLAINTS**

**5.1** All complaints received should be acknowledged within three working days of receipt.

**5.2** Detailed responses should be issued within a further ten working days of the acknowledgement. Where it is anticipated that this time scale cannot be met the complainant should be informed of a revised date on which a response will be issued.

**5.3** Once a complainant has been advised of the outcome of the investigations into their complaint, they must be advised that if they remain dissatisfied with the response or the manner with which their complaint has been dealt they may appeal in terms of stage 3 of the complaints procedure.

### **6 MONITORING OF COMPLAINTS**

**6.1** All complaints received will be monitored by the Chief Officer to determine what changes, if any, should be made to procedures to avoid such complaints arising in the future.

**6.2** Reports should be prepared for the Authority on an annual basis which will identify complaints received and how they were resolved.