

# Report

## IJB Complaints Handling Procedure

### Edinburgh Integration Joint Board

2 March 2018



#### Executive Summary

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1. The Scottish Public Services Ombudsman (SPSO) has indicated that as public bodies, all integration authorities should have their own complaints handling procedures (CHP) to deal with any complaints made against them.
2. The SPSO has published a template CHP for Integration Joint Boards. This is based on the Scottish Government, Scottish Parliament and Associated Public Authorities model CHP.
3. Our proposed CHP aligns with those of NHS Lothian and the City of Edinburgh Council (the Council), which are also based on SPSO guidance – to ensure a consistent approach to complaints handling across the Health and Social Care Partnership (the Partnership).
4. A draft CHP has been published on the IJB website to comply with SPSO timescale requirements and this publication will be formalised should members agree its content.

#### Recommendations

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5. The Integration Joint Board is asked to:
  - i. note that the SPSO has confirmed that the proposed IJB CHP is fully compliant with the requirements of the Scottish Government and Associated Public Authorities Model
  - ii. approve the CHP for immediate implementation to deal with complaints about the decisions and activities of the Integration Joint Board
  - iii. agree that any minor changes may be incorporated to the procedure with the approval of the Chief Officer; and

- iv. agree that the approved procedure be published on the IJB website; the information will make clear the distinction between the Partnership CHP and the IJB CHP.

## Background

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6. The IJB is required to have its own complaints handling procedure (separate to those of the Council's social work service and NHS Lothian patient care procedures) concerning its decisions, actions and administration.
7. In 2017, the SPSO developed a model complaints handling procedure for Integration Joint Boards. It provides clarity and consistency when people are dissatisfied with the operation of the IJB.
8. Although the model allows for some flexibility to suit local circumstances, the general process, timescales and principles of complaints handling are determined by the SPSO and may not be significantly altered.

## Main report

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9. In January 2018, the Interim Chief Officer submitted a draft IJB CHP, together with a statement of compliance and self-assessment checklist. The draft CHP and the information/checklist are set out at Appendix 1 and 2 respectively.
10. The SPSO has since assessed the proposed CHP and has confirmed that it is fully compliant with the requirements. The confirmation letter is attached at Appendix 3.
11. To summarise, the CHP covers the following aspects:
  - the definition of a complaint and who can make a complaint
  - the process for resolution
  - the governance, including roles and responsibilities, how a complaint is recorded, reported, how lessons can be learned to improve services, confidentiality, managing unacceptable behaviour, supporting the complaint and the time limit for making complaints; and
  - the duties regarding publishing information on complaints performance.
12. The IJB CHP does not replace the complaints processes for NHS Lothian, the Council or the Partnership, which all require to operate complaints procedures for people dissatisfied with service delivery.
13. Examples of complaints that may require the IJB to respond include:
  - policies
  - decisions on resource allocation or strategic direction decisions

- administrative or decision-making processes
14. In circumstances where the route for a complaint is unclear, the Partnership Chief Officer will make a judgement on which process should take the lead in managing the complaint to a conclusion. It is proposed that the Chief Officer will approve minor suggested changes resulting from feedback or further work undertaken to refine any aspect of the CHP.

## Key risks

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15. The IJB has a legal requirement to implement the procedure as per Section 16B of the Scottish Public Services Ombudsman Act 2002, as amended by section 119 of the Public Service Reform (Scotland) Act 2010.
16. Failure to comply will result in reputational risk.

## Financial implications

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17. There could be staff time associated with IJB complaints. However, the early resolution of complaints can help to save money, time and resources.

## Implications for Directions

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18. An IJB complaint could be made about a strategic direction. The IJB CHP will ensure this is handled fairly, consistently, and wherever possible resolved to the complainant's satisfaction.

## Equalities implications

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19. The standardised CHP will ensure that all complaints are dealt with in a fair and consistent way for all.
20. Although the CHP is based on a model determined by the Scottish Public Services Ombudsman, the model was not subject to an equality impact assessment (EIA). The SPSO believed that the impact would be different in each area, and therefore should be tailored on the community in that area.
21. On 31 January 2018, the draft IJB CHP was shared with the Edinburgh Equality and Rights Network (EaRN) at their monthly members' meeting, asking for feedback on the document and on the [Transform Edinburgh](#) complaint page.
22. Initial feedback was positive for the page's content. It includes a variety of ways for the public to make a complaint. EaRN also recognised that the standardised complaints procedure promotes fairness and equality.

23. A request was made to include a summary 'Easy English' version of the CHP. Work is underway to the complete this for the Chief Officer's approval.
24. EaRn has agreed to share the draft among its wider member list, and to include it on its members various social media platforms. Any additional feedback received will be considered by the Chief Officer.

## Involving people

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25. This procedure is based on a model determined by the Scottish Public Services Ombudsman and must be approved by them as well as by the IJB.
26. EaRN was consulted on IJB CHP.

## Impact on plans of other parties

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27. Additional website links to the IJB CHP have been added to the Council's website. A request has also been made for the link to made available on NHS Lothian's complaints webpage.

## Background reading/references

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28. None.

## Report author

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<b>Appendix 1</b>	IJB Complaints Handling Procedure
<b>Appendix 2</b>	Chief Officer's statement of compliance and self-assessment checklist
<b>Appendix 3</b>	Complaints Standards Authority compliance letter



# **Edinburgh Integration Joint Board for Health and Social Care Complaints Handling Procedure**

**January 2018**

## Foreword

The Edinburgh Integration Joint Board for Health and Social Care values complaints as an important part of our quality assurance and continuous improvement activity. Our complaints handling procedure will allow us to provide redress when people are dissatisfied with the operation of the Integration Joint Board, and to make appropriate changes to how we work to avoid difficulties recurring.

This procedure complies with the Scottish Public Services Ombudsman's (SPSO) guidance, which is designed to promote a standardised approach to handling complaints across integration authorities. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling, with local, early resolution.

As far as possible, this procedure aligns with those of NHS Lothian and the City of Edinburgh Council – which are also based on SPSO guidance – to ensure a consistent approach to complaints handling across the Health and Social Care Partnership.

Resolving complaints early creates better customer relations, and learning from them leads to better service delivery. Sorting complaints as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can add significantly to our workload, diverting resources from service delivery.

This procedure will help us keep the public at the heart of our processes, while enabling us to understand better how to improve our services.

We are committed to valuing complaints. We want to resolve dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of complaints to allow evidence-based decisions on the facts of each case.

*Michelle Miller*  
*Interim Chief Officer*

*Ricky Henderson*  
*Convenor of Edinburgh Integrated Joint Board*

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## What is a complaint?

Edinburgh Integration Joint Board's (IJB) definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about the IJB's action or lack of action, or about the standard of service IJB has provided in fulfilling its responsibilities as set out in the Integration Scheme'.

Issues that are not covered by this definition are likely to be covered by our other CHPs, relating to either our health or social work services.

A complaint may relate to dissatisfaction with:

- Edinburgh's IJB's policies
- Edinburgh IJB's decisions
- the administrative or decision-making processes followed by the IJB in coming to a decision

This list does not cover everything.

A complaint is **not**:

- a first time request made to the IJB
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- disagreement with a decision where a statutory right of appeal exists
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

We will not treat these issues as complaints, but will instead direct the customer raising them to use the appropriate procedures.

### Handling anonymous complaints

We value all complaints. This means we treat all complaints, including anonymous complaints seriously and will consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by a senior manager.

If an anonymous complaint makes serious allegations, it will be considered by a senior officer immediately.



If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

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

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage them to submit their complaint and allow us to deal with it through the CHP. This will ensure that they are updated on the action taken and receive a response to their complaint.

If, however, the customer insists they do not wish to complain, we will record the issue as an anonymous complaint. This will ensure that their 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.

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

Anyone who is affected by the decisions made by the IJB can make a complaint. This is not restricted to people who receive services through the IJB and their relatives or representatives. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties, as long as the customer has given their personal consent.

### **Complaints involving the Health and Social Care Partnership (HSCP) or more than one organisation**

A complaint may relate to a decision that has been made by the IJB, as well as a service or activity provided by the HSCP. Initially, these complaints should all be handled in the same way. They must be logged as a complaint, and the content of the complaint must be considered, to identify which services are involved, which parts of the complaint we can respond to and which parts are appropriate for the HSCP to respond to. A decision must be taken as to who will be contributing and investigating each element of the complaint, and that all parties are clear about this decision. The final response must be a joint response, taking into account the input of all those involved.

Where a complaint relates to a decision made jointly by the IJB and the health board or local authority, the elements relating to the IJB should be handled through this CHP. Where possible, working together with relevant colleagues, a single response addressing all the points raised should be issued.

Should a member of staff who represents the HSCP receive a complaint in relation to the IJB, and if they have the relevant and appropriate information to resolve it, they should attempt to do so. If the staff member feels unable to offer a response, the complaint should be passed to the IJB team as early as possible for them to resolve.

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If a customer complains to IJB about services of another agency or public service provider, but the IJB is not involved in the issue, they will be advised to contact the appropriate organisation directly.

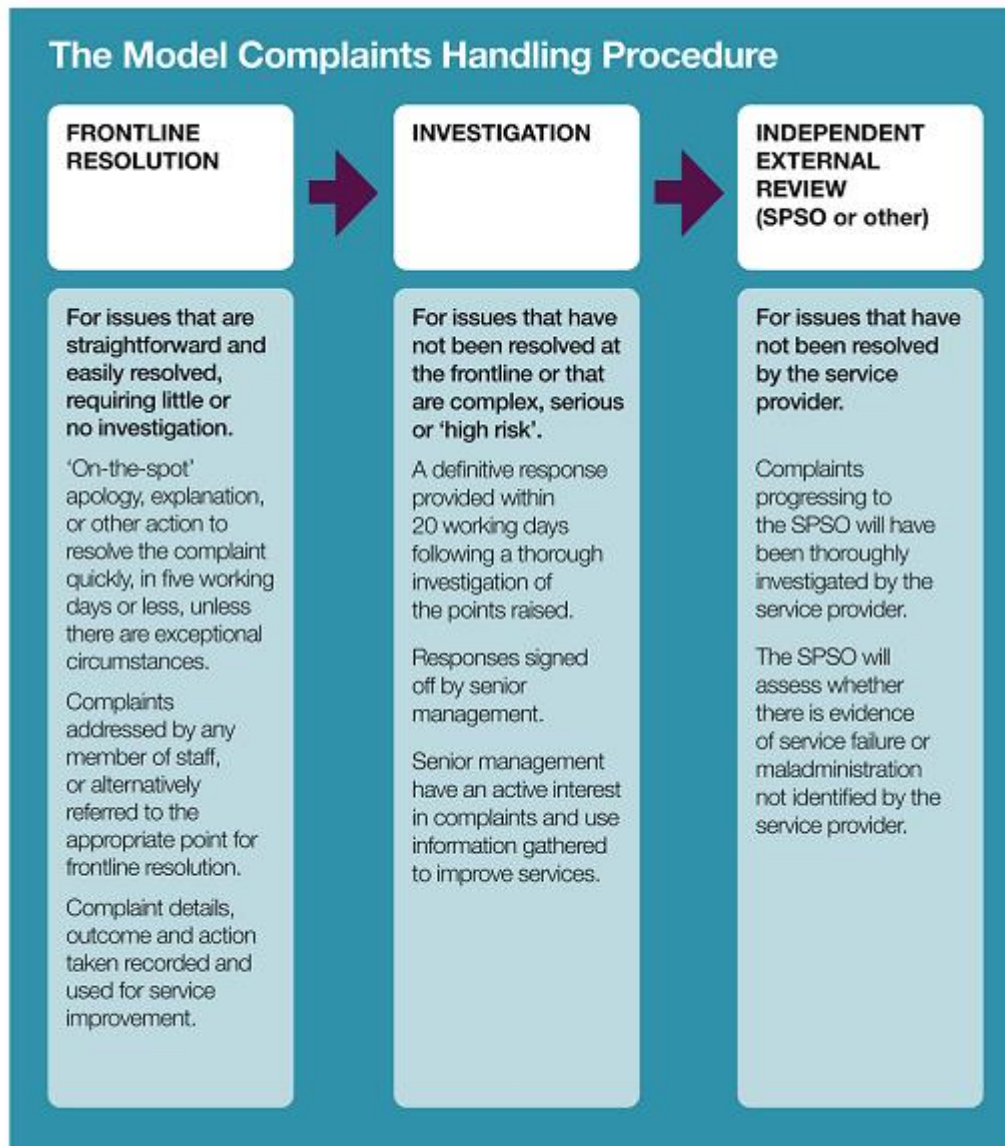
If we need to make enquiries to an outside agency in relation to a complaint, we will always take account of data protection legislation and SPSO guidance on handling our customers' personal information. The Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

## The complaints handling procedure

The complaints handling procedure (CHP) aims to provide a quick, simple and streamlined process for resolving complaints early and locally, by capable, well-trained staff.

Our complaints process provides two opportunities to resolve complaints internally:

- **frontline resolution**, and
- **investigation**.



For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within the IJB, but means seeking to resolve complaints at the initial point of contact, wherever possible.

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## **Stage one: frontline resolution**

Frontline resolution aims to resolve quickly those straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage. If the member of staff receiving the complaint is not able to provide a response, it should be referred on to a more appropriate member of staff.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity. This may mean a face-to-face discussion.

Whoever responds to the complaint, it 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. They may also explain that, as an organisation that values complaints, we may use the information given when we review policies and processes in the future.

A customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Frontline resolution will always be considered, regardless of how the complaint has been received.

Phone us: 0131 529 7153

Email us: [healthsocialcareintegration@edinburgh.gov.uk](mailto:healthsocialcareintegration@edinburgh.gov.uk)

Write to us: Chief Officer  
Edinburgh Integration Joint Board  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

## ***What we will do when we receive a complaint***

- 1 On receiving a complaint, we will first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean we treat one element as a complaint, while directing them to pursue another element through an alternative route.
- 2 If we have received and identified a complaint, we will record the details on our complaints system.
- 3 Next, we will decide whether the complaint is suitable for frontline resolution. Some complaints will need to be investigated fully before we can give the complainant a suitable response. A senior officer will escalate these complaints immediately to the investigation stage.
- 4 Where we consider frontline resolution to be appropriate, we will consider four key questions:
  - What exactly is the complaint (or complaints)?
  - What does the complainant want to achieve by complaining?
  - Can I achieve this, or explain why not?
  - If I cannot resolve this, who can help with frontline resolution?

**What exactly is the complaint (or complaints)?**

It is important to be clear exactly what the customer is complaining about. Staff may need to ask supplementary questions to get a full picture.

**What does the complainant want to achieve by complaining?**

At the outset, staff will seek to clarify the outcome the complainant wants. Of course, they may not be clear about this, so there may be a 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 staff can achieve the expected outcome by providing an on-the-spot apology or explain why they cannot achieve it, they will do so. If they consider an apology is suitable, they may wish to follow the SPSO's guidance on the subject, which can be found on the SPSO website.

The customer may expect more than we can provide. If expectations appear to exceed what the IJB can reasonably provide, the officer will tell the complainant as soon as possible, to manage expectations about possible outcomes.

Decisions at this stage may be conveyed face to face, by telephone or by e-mail, in which case, the staff member is not required to write to the customer as well, although may choose to do so. A full and accurate record of the decision reached will be kept, including the information provided to the customer.

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

If the complaint raises issues that cannot be responded to in full because, for example, it relates to a different issue or area of service, the details of the complaint will be passed to more senior staff who will try to resolve it.

**Timelines**

Frontline resolution must be completed within **five working days** of the IJB receiving the complaint, although in practice we would often expect to resolve the complaint much sooner.

Staff may need to get more information or seek advice to resolve the complaint at this stage. However, they will respond to the complainant within five working days, either resolving the matter or explaining that the IJB will investigate their complaint.

**Extension to the timeline**

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

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If, however, the issues are so complex that they cannot be resolved in five days, it will be appropriate to escalate the complaint straight to the investigation stage. If the customer does not agree to an extension but it is unavoidable and reasonable, a senior manager can still decide upon an extension. In those circumstances, they will then tell the complainant about the delay and explain the reason for the decision to grant the extension.

Such extensions will not be the norm, and the timeline at the frontline resolution stage will be extended only rarely. All attempts to resolve the complaint at this stage will take no longer than **ten working days** from the date the IJB received the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will be presented to the IJB on a quarterly basis.

**Appendix 1** provides further information on timelines.

### **Closing the complaint at the frontline resolution stage**

When staff have informed the customer of the outcome, they are not obliged to write to the customer, although they may choose to do so. The response to the complaint must address all areas for which the IJB is responsible, and must explain the reasons for the decision. Staff will keep a full and accurate record of the decision reached. The complaint will then be closed and the complaints system updated accordingly. Complaints resolved at the frontline stage will be reported to the IJB on a quarterly basis.

### **When to escalate to the investigation stage**

The IJB will escalate a complaint to the investigation stage when:

- frontline resolution has been attempted but the customer remains dissatisfied and requests an investigation
- the customer 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.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.

Care will be taken to identify complaints that might be considered serious, high risk or high profile. The SPSO defines potential high-risk or high-profile complaints as those that may:

- 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 the organisation's operations
- present issues of a highly sensitive nature, for example concerning:
  - a particularly vulnerable person

- public protection.

### **Stage two: investigation**

Not all complaints are suitable for frontline resolution and not all complaints will be resolved satisfactorily at that stage. Complaints handled at the investigation stage are typically complex or require a detailed examination before a definitive position can be articulated. 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 the complainant a full, objective and proportionate response, which represents the IJB's final position.

### **What we will do when we receive a complaint for investigation**

It is important to be clear from the start of the investigation stage exactly what is being investigated, and to ensure that all involved – including the customer - understand the investigation's scope. It may be helpful for an investigating officer to discuss and confirm these points with the customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for appears realistic.

In discussing the complaint with the customer, the investigating officer will consider three key questions:

1. What specifically is the complaint or complaints?
2. What does the complainant want to achieve by complaining?
3. Are the complainant's expectations realistic and achievable?

It may be that the customer expects more than the IJB can provide. If so, staff will make this clear as soon as possible.

Where possible, we will also clarify what additional information we will need to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline resolution. The details must be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, staff will ensure that all relevant information will be passed to the officer responsible for the investigation, and record that this has been done.

### **Timelines**

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

- complaints must be acknowledged within **three working days**

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- The IJB will provide a full response to the complaint as soon as possible, but not later than **20 working days** from the time the complaint was received.

### **Extension to the timeline**

Not all investigations will 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 would be the exception and we will 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, senior management will set time limits on any extended investigation, subject to the complainant's agreement. They will keep the customer updated on the reason for the delay and give them a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, senior management can consider and confirm the extension. The reasons for an extension might include:

- essential accounts or statements, important to establishing the circumstances of the case, are needed from staff, customers or others, but this is hampered by long-term sickness or leave
- further essential information cannot be obtained within normal timescales
- operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions
- the customer has agreed to mediation as a potential route for resolution.

These are only a few examples, and senior management will judge the matter in relation to each complaint. However, an extension would be the exception and we will always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the frontline stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics will be presented to the IJB on a quarterly basis.

**Appendix 1** provides further information on timelines.

### **Mediation**

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the complaint. Where appropriate, we 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 the IJB and the customer agree to mediation, revised timescales will need to be agreed.



### **Closing the complaint at the investigation stage**

We will inform the customer of the outcome of the investigation, in writing or by their preferred method of contact. This response to the complaint will address all areas that we are responsible for and explain the reasons for the decision. We will record the decision, and details of how it was communicated to the customer, on the system for recording complaints. The complaint will then be closed and the complaints system updated accordingly. The complaints resolved at the investigation stage will be reported to the IJB on a quarterly basis.

In responding to the customer, we will make clear:

- 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, the customer has the right to approach the SPSO if they remain dissatisfied. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the IJB's 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.

We will use the wording below to inform customers of their right to ask SPSO to consider the complaint. The SPSO provides further information for organisations on the [Valuing Complaints](#) website. This includes details about how and when to signpost customers to the SPSO.

#### **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 consider your complaint. The SPSO cannot normally look at complaints:

- where you have not exhausted all the provisions of the IJB's 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:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

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Freepost SPSO

Freephone: **0800 377 7330**

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

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

## **Governance of the Complaints Handling Procedure**

### **Roles and responsibilities**

As per the Public Bodies (Joint Working) Act and as specified within the integration authority's Integration Scheme, the Chief Officer's role is to provide a single senior point of overall strategic and operational advice to the integration authority. In line with this, overall responsibility and accountability for the management of complaints lies with the Chief Officer.

Our final position on a complaint must be signed off by an appropriate senior officer and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

#### ***Chief Officer:***

The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective complaints handling procedure, with a robust investigation process that demonstrates how we learn from the complaints we receive. The Chief Officer may take a personal interest in all or some complaints, or may delegate responsibility to appropriate members of the senior management team of the Health and Social Care Partnership. Regular management reports assure the integration authority of the quality of complaints performance.

#### ***Members of the Senior Management Team:***

Members of the senior management team of the Health and Social Care Partnership are responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required following a complaint
- investigating complaints
- deputising for the Chief Officer as required.

Members of the senior management team may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, senior management will retain ownership and accountability for the management and reporting of complaints. They may also be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

**Complaints investigator:**

The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team, and will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the IJB.

**All staff:**

A complaint may be made to any member of staff in the IJB. All staff must be aware of this CHP and how to handle and record IJB complaints at the frontline stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly, to prevent escalation.

**Complaints about senior staff**

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. We will ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints, including the handling of complaints about the Chief Officer.

**Recording, reporting, learning and publicising**

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the IJB. We must 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 opportunities for improvements.

**Recording complaints**

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

- the complainant's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- 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.

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We have structured systems for recording complaints, their outcomes and any resulting action.

### ***Reporting of complaints***

Complaints details are analysed for trend information to ensure we identify procedural failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform improvement actions.

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

We must:

- publicise complaints outcomes, trends and actions taken on a quarterly basis
- where and when possible, use case studies and examples to demonstrate how complaints have led to improvements.

This information should be reported regularly (and at least quarterly) to the IJB.

### ***Learning from complaints***

At the earliest opportunity after the closure of the complaint, officers involved in handling the complaint will make sure that the customer and relevant staff in the integration authority understand the findings of the investigation and any recommendations made.

Senior management will review the information gathered from complaints regularly and consider whether processes could be improved or internal policies and procedures updated.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve processes.

Where we have identified the need for improvement:

- the action needed to improve services must be agreed by the IJB
- senior management will designate the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance should be monitored to ensure that the issue has been resolved
- we must ensure that the IJB learns 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 important in complaints handling. It includes maintaining the complainant's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customer'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 complainant acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and assess them effectively. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, work with the NHS Lothian and the City of Edinburgh Council to apply the relevant organisational policies and procedures to protect staff from unacceptable behaviour, such as unreasonable persistence, threats or offensive behaviour. Where a decision is made to restrict access to a customer under the terms of an unacceptable actions policy, the relevant procedure will be followed to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later.

### **Getting help to make your complaint**

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

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our processes to help the customer where appropriate.

Several support and advocacy groups are available to support individuals in pursuing a complaint and customers should be signposted to these as appropriate.

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**Time limit for making complaints**

This complaints handling procedure sets a time limit of six months from when the customer 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 complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criterion. This will enable us to consider the complaint and try to resolve it.

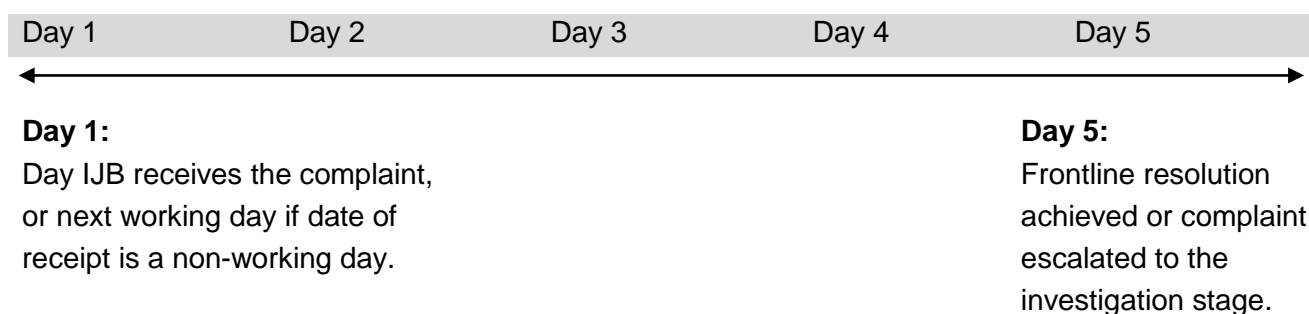
## Appendix 1 - Timelines

### General

Reference to timelines throughout the complaints handling procedure relates 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 the service has been interrupted.

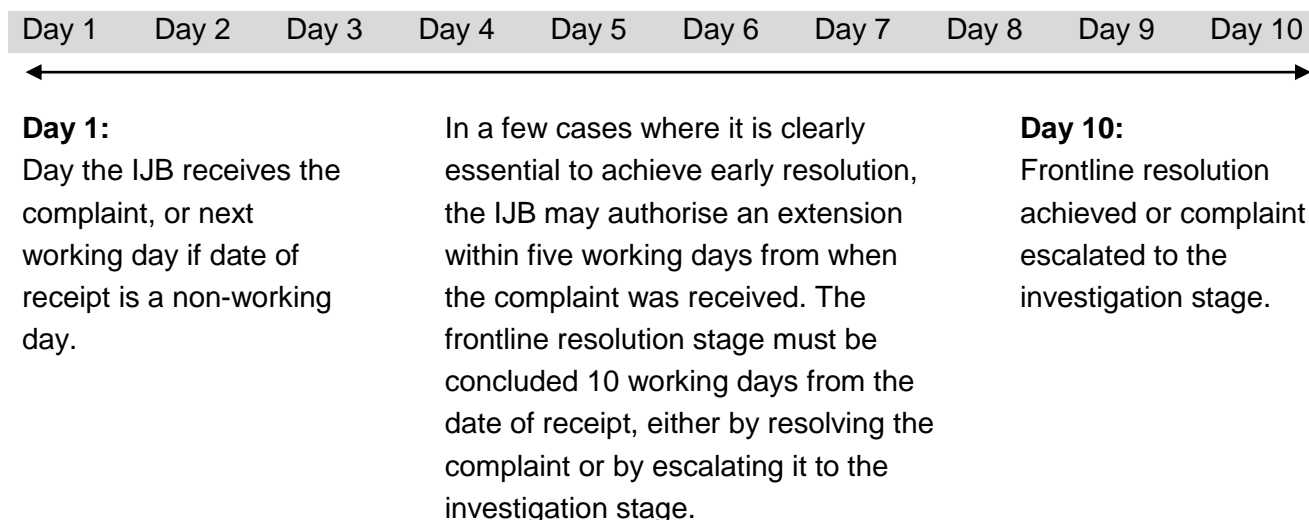
### Timelines at frontline resolution

We aim to achieve frontline resolution within five working days. The day the Chief Officer receives the complaint is day 1. Where it is received on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.



### Extension to the five-day timeline

If the IJB has extended the timeline at the frontline resolution stage in line with the procedure, the revised timetable for the response will take no longer than 10 working days from the date of receiving the complaint.



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## Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the complainant wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice, this will mean on the same day that the complainant is told this will happen.

## Timelines at investigation

The IJB may consider a complaint at the investigation stage either:

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

## Acknowledgement

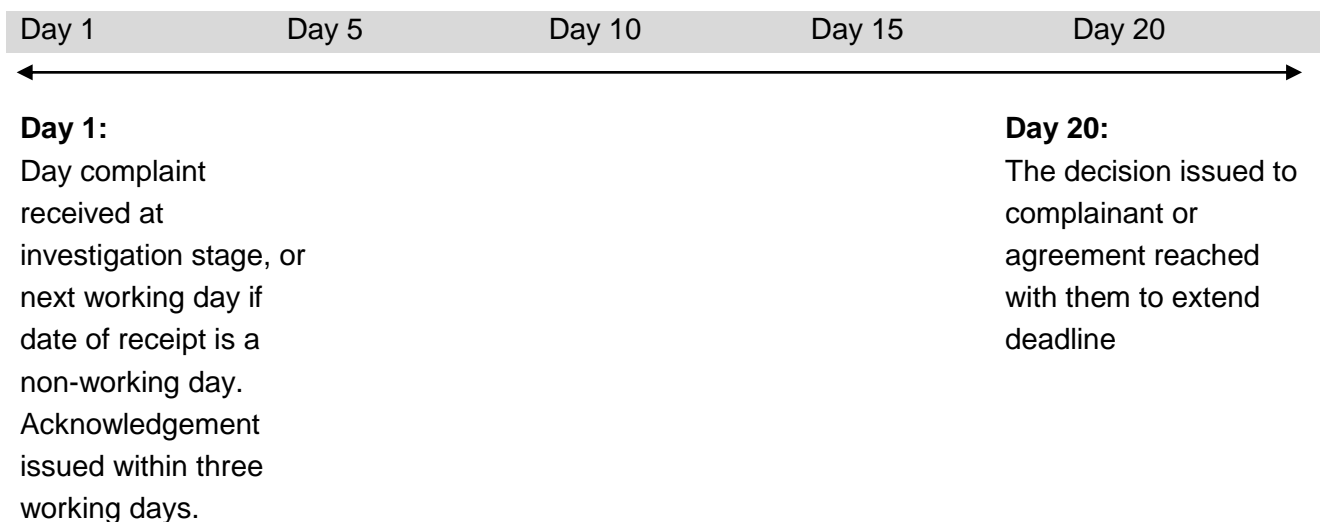
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the complainant asks for an investigation after a decision at the frontline resolution stage; it is important to note that a complainant may not ask for an investigation immediately after attempts at frontline resolution, or
- the date the IJB receives the complaint, if it is sufficiently complex, serious or appropriate to merit a full investigation from the outset.

## Investigation

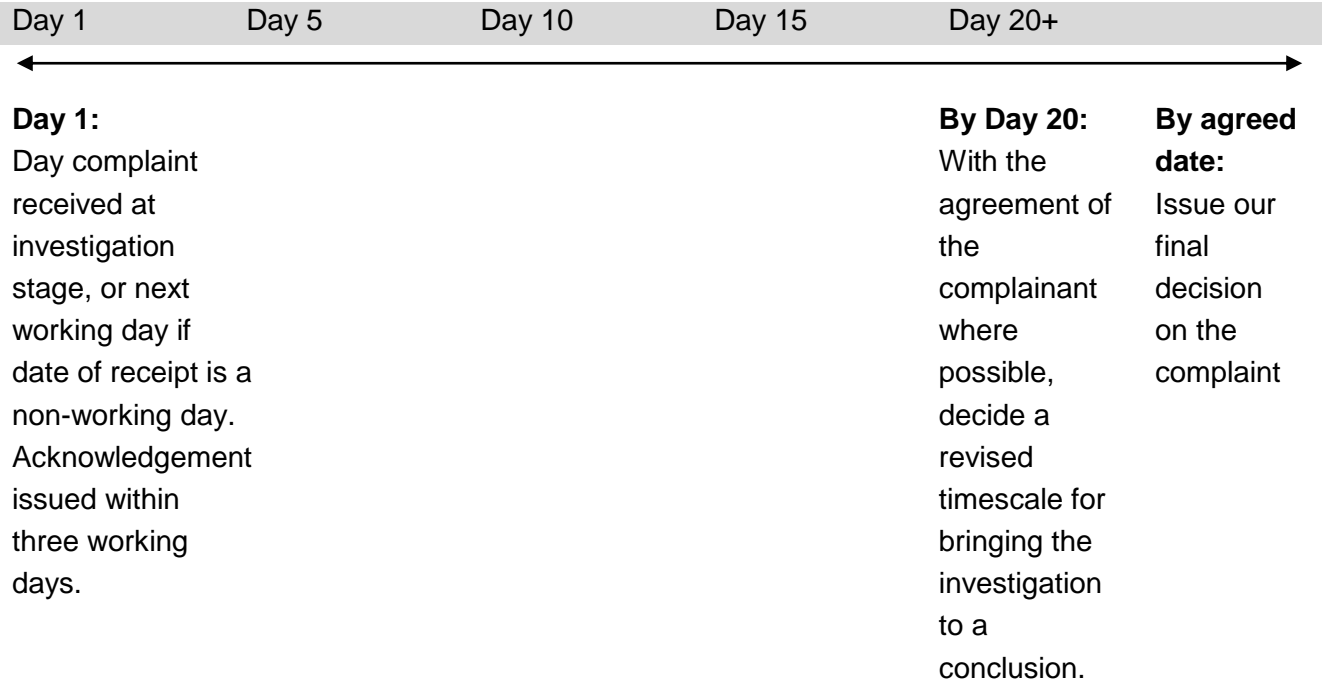
The IJB will respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

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. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.



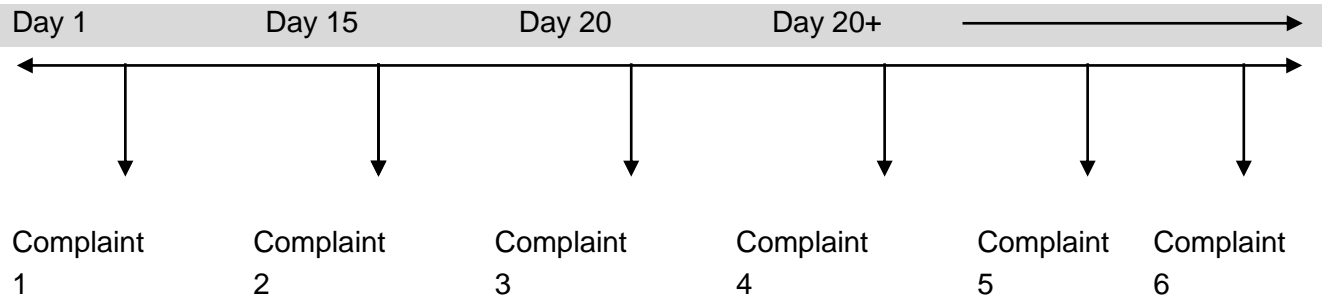


Exceptionally the 20-day limit may need to be extended in order to provide a full response. If so, the Chief Officer will explain the reasons to the complainant, and agree with them a revised timescale.



**Timeline examples**

The following illustration provides examples of the point at which the IJB concludes its consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.



The circumstances of each complaint are explained below:

**Complaint 1**

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

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**Complaint 2**

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

**Complaint 3**

Complaint 3 refers to a complaint that was considered appropriate for frontline resolution, but was not concluded in the required timeline of five working days. An extension was authorised on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. The complaint was resolved at the frontline resolution stage in a total of eight days.

**Complaint 4**

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. Frontline resolution was not tried; rather the case was investigated immediately. A final decision to the complainant was issued within the 20-day limit.

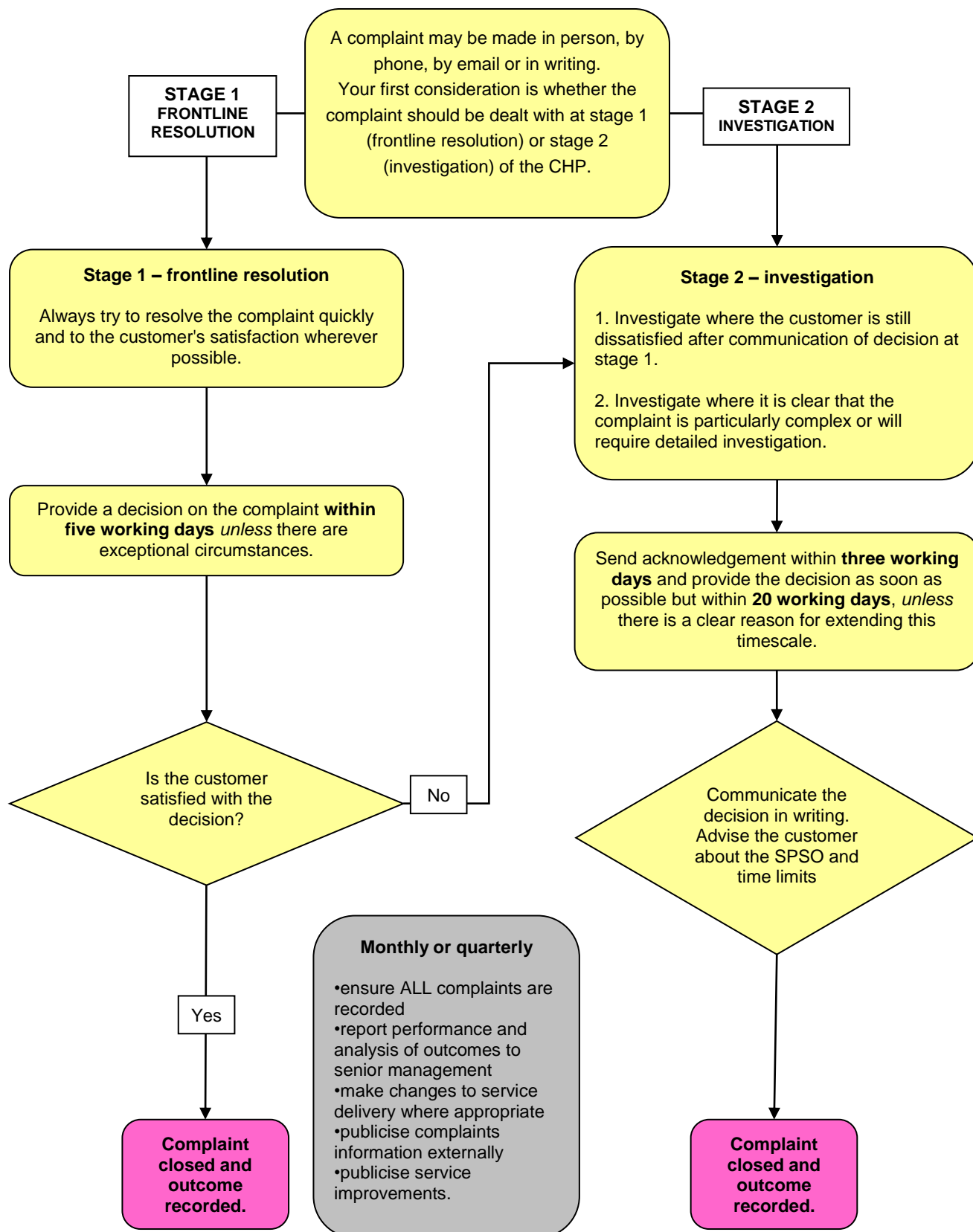
**Complaint 5**

This was considered at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline stage, the complainant was still dissatisfied. At their request, an investigation was conducted and a final response was issued within 20 working days. Although the end-to-end timeline was 30 working days, the combined time targets for frontline resolution and investigation were met.

**Complaint 6**

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. The investigation was not concluded within the 20-day limit, so a revised timescale for concluding the investigation beyond the 20-day limit was agreed with the customer.

## Appendix 2 - The complaints handling procedure



## **Integration Joint Board Compliance Statement and Self-assessment**

### **Edinburgh Integration Joint Board**

Michelle Miller – Interim Chief Officer  
Edinburgh Health and Social Care Partnership/Integration Joint Board  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

The information on this pro-forma must be provided to the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) as soon as the organisation adopts the model CHP, or by **3 July 2017** at the latest. Please send the completed form and an electronic copy of the CHP in Word format, to [CSA@spsso.org.uk](mailto:CSA@spsso.org.uk).

Please provide, **at Section 1**, confirmation that the organisation has adopted the CHP and has provided suitable information on the internet, or that the organisation will do so by 3 July 2017 at the latest.

At Section 2, please complete a self-assessment of your organisation's CHP, or draft CHP for implementation by 3 July 2017, against the requirements of the SPSO model CHP.

The CSA will assess the information provided by the organisation, and respond to indicate compliance or otherwise with the Scottish Government and Associated Public Bodies Model Complaints Handling Procedure.

**SECTION 1 - Statement from Chief Officer of Edinburgh Integrated Joint Board.**

	Please ✓
The Edinburgh Integrated Joint Board has already adopted or will adopt the IJB's CHP from 3 July 2017, accompanied by appropriate customer information available on the internet.	✓

Please confirm the name of the Chief Officer:



.....  
**Michelle Miller – Interim Chief Officer**

## SECTION 2 – Edinburgh Integrated Joint Board - Self-assessment of compliance

Requirement of CHP	Met Yes/No	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments, to reflect, for example, the organisational structure, operational processes and corporate style?	Yes	
Does the complainant facing CHP adopt the text and layout of the published model complainant facing CHP, subject to necessary amendments?	Yes	
Does the CHP include an appropriate foreword from the organisation's Chief Officer?	Yes	From Interim Chief Officer and IJB Convenor
Does the CHP provide an appropriate definition of a complaint?	Yes	Page 2
Does the CHP explain the types of issues which may be considered as a complaint?	Yes	Page 2
Does the CHP explain the types of issues which may not be considered through the CHP (for example, appeals, requests for service etc)?	Yes	Page 2
Does the CHP include appropriate guidance on handling anonymous complaints?	Yes	Page 2
Does the CHP clarify who can make a complaint?	Yes	Page 3
Does the CHP cover complaints involving HSCP services?	Yes	Page 3
Does the CHP cover complaints involving other organisations or contractors who provide a service on behalf of the organisation?	Yes	Page 4
Does the CHP explain how a complainant may make a complaint?	Yes	Page 6
Does the CHP explain the issues to be considered on the receipt of a complaint?	Yes	Page 6

<b>Requirement of CHP</b>	<b>Met Yes/No</b>	<b>Comment</b>
Does the CHP include the correct timeline at frontline resolution?	Yes	Page 7
Does the CHP explain the basis for an extension to the timeline at Frontline Resolution?	Yes	Page 7-8
Does the CHP explain the action to take in closing the complaint at the frontline resolution stage?	Yes	Page 8
Does the CHP explain when to escalate a complaint to the investigation stage?	Yes	Page 9
Does the CHP explain what to do when a complaint is received at the investigation stage?	Yes	Page 9
Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage?	Yes	Page 10
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?	Yes	Page 10
Does the CHP explain the basis for an extension to the timeline at the investigation stage?	Yes	Page 10
Does the CHP explain the required action when closing the complaint at the investigation stage?	Yes	Page 11
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?	Yes	Page 11
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?	Yes	Page 12
Does the CHP cover complaints about senior staff?	Yes	Page 13
Does the CHP include the requirement to record all appropriate details in relation to the complaint?	Yes	Page 13-14

<b>Requirement of CHP</b>	<b>Met Yes/No</b>	<b>Comment</b>
Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis and reporting information on complaints to senior management regularly (and at least quarterly)?	Yes	Page 14
Does the CHP include the requirement to learn from complaints?	Yes	Page 14
Does the CHP include the requirement to report performance in handling complaints annually?	Yes	Page 15
Does the CHP refer to legal requirements in relation to confidentiality issues?	Yes	Page 15
Does the CHP refer to managing unacceptable behaviour?	Yes	Page 15
Does the CHP refer to support for the complainant?	Yes	Page 15
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?	Yes	Page 16





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

26 January 2018

**CONFIDENTIAL**

Michelle Miller  
Interim Chief Officer  
Edinburgh HSCP  
Business Centre2:6  
Waverley Court  
4 East Market Street  
Edinburgh  
EH8 8BG

Dear Ms Miller

**Compliance with the Scottish Government and Associated Public Authorities Model Complaints Handling Procedure**

Thank you for providing me with your Integration Joint Board (IJB) Complaints Handling Procedure (CHP), together with your statement of compliance and self-assessment of compliance.

I have assessed your CHP against the requirements of the Scottish Government and Associated Public Authorities Model CHP. The IJB template CHP was developed from this Model CHP, and both have been used as the standard on which to base our assessment. Edinburgh IJB has been assessed as:

**Fully compliant with the requirements of the Scottish Government and Associated Public Authorities Model CHP.**

Ongoing compliance will be monitored by the SPSO, in conjunction with existing reporting mechanisms.

Yours sincerely

John Stevenson  
Head of Complaints Standards Authority