Procedure for managing complaints about the Care Inspectorate

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Contents

What is a complaint?	Page 3
What can I complain about?	Page 3
What can't I complain about?	Page 3
Who can make a complaint?	Page 4
How do I complain?	Page 4
Getting help to make your complaint	Page 5
How long do I have to make a complaint?	Page 6
What happens when I have complained	Page 6
Stage 1: Frontline response	Page 6
Stage 2: Investigation	Page 6
When using stage 2	Page 6
What if I'm still dissatisfied?	Page 7
Quick guide to our complaints procedure	Page 8

The Care Inspectorate is committed to providing high-quality customer services. We value complaints and use learning from them to help us improve our service to you.

If something goes wrong or you are dissatisfied with our services, please tell us. This information describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a complaint?

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

What can I complain about?

You can complain about things like:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves); or
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector)
- more than one Care Inspectorate service or someone working on our behalf.
- how your information has been handled.

What can’t I complain about?

There are some things we can’t deal with through our complaints handling procedure. These include:

- a routine 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 (if you decide to take legal action, you should let us know, as the complaint cannot then be considered under this process)

- disagreement with a decision where there is another procedure for challenging that decision (such as; post investigation review forms or error response forms), or an established appeals process followed throughout the sector. A complaint is not an appeal process or a review of evidence for making an operational decision
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
- a concern about a child or an adult's safety
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our unacceptable behaviour policy
- a concern about the actions or service of a different organisation, where we have no involvement (except where the other organisation is delivering services on our behalf).
- a complaint which is more than six months old unless there are exceptional circumstances.

If we are unable to proceed with your complaint but can signpost you to an organisation that may be able to support you, we will do so.

Who can make a complaint?

Anyone who receives, requests or is directly affected by the work of the Care Inspectorate can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on Getting help to make your complaint below.

How do I complain

You can complain, by phone, in writing, by email or online via our complaint about the Care Inspectorate form.

It is often easier for us to address concerns when they are raised quickly and directly with the Care Inspectorate staff you have been dealing with. Where appropriate, you can speak to the staff member or their line manager about your concerns. They may be able to resolve the issue directly or explain the reasons for the action or decision taken.

When making a complaint, please tell us:

- your full name and contact details
- as much as you can about the complaint
- what has gone wrong; and
- what outcome you are seeking.

Our contact details can be found on our website Submit a complaint online

Our address:
Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Our phone number: 0345 600 9527

Phonelines are open:

- Monday, Tuesday, Thursday and Friday, 09:00 - 16:00
- Wednesday, 09:00 - 14:00

Getting help to make your complaint

We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Tel: 0131 510 9410

You can find out about advisers in your area through Citizens Advice Scotland website or check your phone book for your local citizens advice bureau.

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities' duties, we will always ensure that reasonable adjustments are made to help you access and use our services. We can also give you this information in other languages and formats (such as large print, audio and Braille if you require this, please tell us.

How long do I have to make a complaint?

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

- the event you want to complain about; or
- finding out that you have a reason to complain.

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

What happens when I have complained?

We will always tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline response

We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

Our aim is to resolve a stage 1 complaint within five working days, unless there are exceptional circumstances.

If you are not satisfied with our response, you have the right to request that your complaint is handled through our stage 2 process.

You must normally ask us to consider your complaint at stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why. We will provide a written response to requests for exceptional circumstances.

Stage 2: Investigation

Stage 2 deals with two types of complaint:

- where you remain dissatisfied after stage one and request your complaint is looked at under stage 2 of our procedure, or
- for more complex complaints that require investigation from the outset.

When using stage 2:

- We will acknowledge receipt of your complaint within three working days.
- Confirm our understanding of the complaint to be investigated and clarify the outcome you are looking for.
- Aim to provide you with an outcome response letter within 20 working days. If these is a delays, we will write to you to explain the reason why and set a new completion date.

What if I'm still dissatisfied?

After we have given you our final decision, if you are dissatisfied with the way your complaint has been handled, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it. Our outcome response letters provide details on how to contact the SPSO.

The SPSO is an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- You have gone all the way through the Care Inspectorate's complaints handling process.
- It is less than 12 months after you became aware of the matter you want to complain about; and
- The matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on Getting help to make your complaint (page 5).

The SPSO's contact details are:

SPSO
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
(if you would like to visit in person, you must make an appointment first)

Their freepost address is:
FREEPOST SPSO

Contact number: 0800 377 7330

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

Quick guide to our complaint procedure

Complaints procedure

You can make your complaint in phone, by email, online, or in writing. We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our progress.

Stage 1: Frontline response

We will always try to respond to your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

Stage 2: Investigation

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1.

We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will:

- acknowledge your complaint within three working days
- confirm the points of complaint to be investigated and what you want to achieve
- investigate the complaint and give you our decision as soon as possible.

This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it. We will tell you how to do this when we send you our final decision.

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