

## What to do if you have a complaint about a council Social Work Department

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint.

We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

**This leaflet tells you what you can do if you have a complaint about a council's social work department. It also explains what we can and cannot do.**

### Information about social work complaints

By law, councils must operate a social work complaints procedure, which is different to the council's general complaints procedure. If you use a social work service, or you are acting for someone who uses this service, it's likely that you can use the social work complaints procedure. The council can tell you more about this.

#### What should I do if I experience a problem?

If you are unhappy with the service you've received, you should report the problem to the council. They will consider your concerns and they should try to deal with them.

#### I reported the problem and am still unhappy. How do I complain?

The social work complaints procedure has three stages.

- In the first 'informal' problem solving stage (see above) the council will try to mediate and resolve the complaint.

- If this doesn't solve the problem, the second stage is to complain to the council in writing. They can tell you more about how to do this if you ask them. After you've complained, they should reply within 28 days with their findings. They should tell you in their letter that you have the right to request a Complaints Review Committee (CRC) if the complaint is still not resolved.
- If you want a CRC you must ask the council for this within 28 days of receiving their letter. A CRC must meet and report their findings within 56 days of your request. This is the last step in the social work complaints procedure.

#### What is a CRC and what do they do?

It's a committee of three people who can look at your complaint. The council will arrange for it to meet. The Chair must be independent of the council. Other members may or may not be independent. The CRC looks at the facts presented by you and the council, and can make a recommendation to the appropriate council committee to try to resolve your complaint. The committee is not, however, obliged to accept the recommendation.

# Advice Leaflet

## **Matters considered by CRCs include:**

- the provision or non provision of social work services
- the quality and extent of social work services
- the operation of social work services and related issues
- the way in which decisions were arrived at
- the decisions themselves (including financial assessments)

If after completing the social work complaints procedure you remain unhappy, or if it is taking too long, you can complain to us. It's only in exceptional circumstances that we'll consider a complaint that has not been all the way through the social work complaints procedure. We are only likely to do this if there are unreasonable delays by the council in processing a complaint.

**You should normally make your complaint to us within 12 months of realising that you think the council have done something wrong.**

## **What can you look into and what can't you look into?**

The SPSO can look at how the council have dealt with your complaint. We will consider whether they acted properly in the way they handled your request or dealt with the complaint and if not, whether this has caused you problems.

For example, we can look at a complaint that:

- they didn't tell you how they would deal with your complaint, or explain their timescales
- they didn't consider the issues you complained about
- they delayed in dealing with your complaint

- the CRC was not conducted in accordance with national guidance on handling social work complaints
- the CRC did not receive all relevant information; or you were not given the opportunity to address the CRC
- the council didn't adequately consider a CRC decision
- the council didn't act on a CRC recommendation or didn't have adequate information about a recommendation

## **But we can't:**

- look at the subject of the complaint such as decisions or professional judgements about a person's needs or the services they get. A CRC would normally look at this and it's up to them to decide.
- look at complaints about financial assessments. Again this is because the CRC can look at this. However, we may be able to consider complaints from people financing their own care arrangements through Direct Payments.
- look at complaints about anything that's been to court or is subject to other legal procedures, such as a children's panel. We can't consider complaints about custody and children taken into care as these will be handled by the Courts.
- make the council accept a CRC recommendation.

## **And you should note that:**

We can't be used to 'appeal' a CRC decision. We can normally only consider an outstanding administrative or procedural matter that the CRC didn't look at. And we can't have a member of staff sacked or disciplined.

# Advice Leaflet

## How do you put things right?

If we find a fault, as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures. We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully at each complaint to see what happened and how you have been affected. Our complaints reviewer will check that the organisation carry out our recommendations.

We make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland.

## How do I make a complaint to you?

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at [www.spsso.org.uk](http://www.spsso.org.uk), where you can fill it in online or print it off to complete. Or phone our Freephone Helpline number on **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained.

## Can someone else make a complaint for me?

Yes, if you give them written permission. Phone us on **0800 377 7330** and ask for a consent form. You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

## More help and advice

You could talk to an adviser at your local **Citizens' Advice Bureau**. You can find a list of local offices on their website: [www.cas.org.uk](http://www.cas.org.uk) or in the phone book.

**Carers Scotland** provide information, advice and support for carers. You can call them on **0141 445 3070**. They also have helpful information on their website at [www.carersscotland.org/Information/Helpwithcaring](http://www.carersscotland.org/Information/Helpwithcaring)

You may also wish to seek advice about whether there is a legal route for your concerns. The **Law Society of Scotland** may be able to help you find a solicitor. Visit their website [www.lawscot.org.uk](http://www.lawscot.org.uk) or call **0131 226 7411**

## Call us for advice

If you're not sure whether we can consider your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. A complaints reviewer is always available and can discuss whether we can consider your complaint.

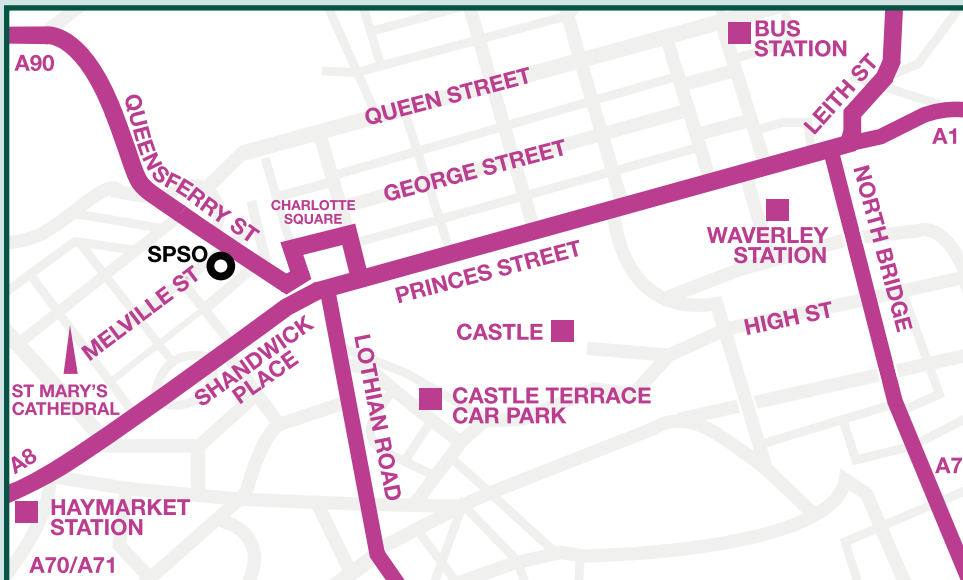
You can contact us by phone, in writing or by visiting our office. You don't need to make an appointment.

**SPSO**  
**4 Melville Street**  
**Edinburgh**  
**EH3 7NS**

Our Freepost address is:  
**SPSO**  
**Freepost EH641**  
**Edinburgh**  
**EH3 0BR**

Freephone: **0800 377 7330**

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



## Opening hours

We are open Monday, Wednesday, Thursday and Friday from 9am to 5pm, and Tuesday from 10am to 5pm.

We can give you this leaflet in other languages and formats (such as in large print or in Braille) if you ask.

The information in this leaflet is for general guidance, and was accurate when written. However, you should not rely on it as an authoritative statement of Scots law or of any process/guidance mentioned. SPSO will not accept liability for any consequences resulting from the use of this information. If you want to know more about an organisation mentioned or their processes please contact them direct.