

The Mental Welfare Commission for Scotland

The Commission values complaints. We seek to resolve situations where dissatisfaction is expressed. We will try to do this quickly to ensure that our investigation of the complaint is carried out when recall of events is fresh and will provide reassurance that your complaint has been taken seriously.

We value complaints and use information from them to help us improve our services.

If something goes wrong or you are dissatisfied with our services, please tell us. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about our service standards 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.

What can I complain about?

You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

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
- requests for compensation
- things that are covered by a right of appeal
- a complaint that relates to another public authority (which must be pursued through the relevant public authority's complaints procedure).

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

Who can complain?

Anyone can make a complaint to us, including a representative of someone who is dissatisfied with our service. Please also read the section on '**Getting help to make your complaint**'.

How do I complain?

Complaints may be verbal or written, though the Commission would encourage people to submit a written complaint to ensure that we are aware of the nature and extent of the complaint. You can complain in writing, by email or by telephone.

It is easier for us to resolve complaints if you make them quickly and directly to us.

When complaining, tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

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, but no longer than 12 months after the event itself.

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.

Contact details

Complaints

The Mental Welfare Commission for Scotland

Thistle House, 91 Haymarket Terrace

Edinburgh EH12 5HE

e-mail: enquiries@mwscot.org.uk

0131 313 8777

What happens when I make a complaint?

- We will tell you who is dealing with your complaint.
- Wherever possible, we will seek a frontline resolution of your complaint (see below for more details on this)
- If frontline resolution is not successful or not appropriate, we will conduct an investigation into your complaint

Stage one – frontline resolution

We aim to resolve complaints quickly. This could mean an on-the-spot apology and an explanation if something has clearly gone wrong and immediate action to resolve the problem.

We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances that prevent us from doing so. Where this is the case, we may seek to agree an extension of a further 5 working days with you, but only if we feel that frontline resolution of your complaint is achievable.

In the event that frontline resolution has not been successful, or been felt to be inappropriate, we will proceed to stage 2 – investigation, unless you indicate that you do not wish the complaint pursued further. If you decide that you do not want an immediate investigation into your complaint, you have the right to change your mind for up to 6 months after you have taken the original decision.

Stage two – investigation

Stage 2 deals with three types of complaint: those that have not been resolved at Stage 1, those that are complex and require detailed investigation and those that relate to serious, high-risk or high-profile issues.

When using Stage 2 we will:

- acknowledge receipt of your complaint within three working days
- where appropriate, liaise with you to help us understand why you remain dissatisfied and what outcome you are looking for
- give you a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

What if I'm still dissatisfied?

If, after we have fully investigated your complaint, you remain dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at your complaint if:

- a complaint has not completed our complaints process (**so please make sure it has done so before contacting the SPSO**)
- it relates to events that happened, or that you became aware of, happened more than a year ago
- it is a matter that has been, or is being, considered in court.

You can contact the SPSO:

In Person:

SPSO

4 Melville Street

Edinburgh

EH3 7NS

By Post

SPSO

Freepost EH641

Edinburgh

EH3 0BR

Freephone: 0800 377 7330

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

Website: www.spsso.org.uk

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

Getting help to make your complaint

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from a representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, carer or advocate, for instance, if you have given them your consent to complain for you. In most circumstances, we will require someone acting for you to provide proof that they have your permission to pursue a complaint for on your behalf.

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

Scottish Independent Advocacy Alliance

Tel: 0131 260 5380 Fax: 0131 260 5381 Website:
<http://www.siaa.org.uk/>

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 seek to ensure that reasonable adjustments are made to help individuals access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, tell us in person by contacting us on 0131 313 8777, or email us at enquiries@mwscot.org.uk. You can also write to us at:

Complaints

The Mental Welfare Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE

We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).

Quick guide to our complaints procedure

Complaints procedure

You can make your complaint by phone, by e-mail 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 a detailed investigation, we will tell you and keep you updated on our progress.

Stage 1: frontline resolution

We will always try to resolve 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 are complex or need detailed investigation.

We will acknowledge your complaint within **three working days**. We will 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.

The 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.