



mental welfare
commission for scotland

Making a complaint

Mental Welfare Commission for Scotland

We are committed to providing high-quality services. We value complaints and use what we learn to improve. If something goes wrong or you are unhappy with our service, please tell us.

What this leaflet covers

- What a complaint is
- What you can complain to us about
- How to make a complaint
- What happens after you complain
- How to get help and what to do if you are still unhappy
- Quick guide to our complaints procedure

What is a complaint?

A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service we provide (or that is provided on our behalf).

What can I complain about?

You can complain about things like:

- Failure or refusal to provide a service
- Poor quality service or an unreasonable delay
- A policy, or the impact of a policy on you
- Not properly applying the law, procedure or guidance when delivering services
- Not following the correct administrative process
- The conduct, treatment or attitude of a member of staff or contractor (unless the contractor has their own complaint process)
- Disagreement with a decision, except where there is a different statutory procedure for challenging that decision or established appeals process

Your complaint may involve more than one service or be about someone working on our behalf.

What can't I complain about?

There are some things we can't handle through our complaints 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 tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process)
- A decision where there is a statutory challenge process (for example, freedom of information or subject access requests) or an established appeals process
- A request for information under the Data Protection or Freedom of Information (Scotland) Acts
- A grievance by a staff member, or anything related to employment or recruitment
- A concern raised internally by a member of staff that is not about a service they received (for example, whistleblowing)
- A concern about a child's or an adult's safety
- An attempt to reopen a complaint or to have a complaint reconsidered where we have already given our final decision
- Abuse or unsubstantiated allegations covered by our Positive engagement policy
- A complaint about another organisation where we are not involved (unless they are delivering services on our behalf)

If another procedure or right of appeal could help, we will give you information and advice to help you.

Who can complain?

Anyone who receives, requests or is directly affected by our services can complain. Someone who represents you, such as a relative, friend, advocate or adviser can complain on your behalf. If someone else is complaining for you, we will usually need your written consent.

How do I complain?

You can complain in person, by phone, by email or in writing. Written complaints can help make sure we understand the full details.

When you complain, please tell us:

- Your full name and contact details
- What happened and when it happened
- What has gone wrong
- What you would like to happen as a result of your complaint

How long do I have to make a complaint?

You should normally complain within six months of:

- The event you want to complain about
- Finding out that you have a reason to complain

In exceptional circumstances we may accept a complaint after this time limit. If you think the time limit should not apply, please tell us why.

What happens after I complain?

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

Stage 1: Frontline response

- We aim to respond quickly. If possible, we will deal with the issue when you first contact us.
- We will give you our decision within 5 working days, unless there are exceptional circumstances.
- If you are not satisfied with our response, you can ask for stage 2 (investigation).

You should normally ask for stage 2 within:

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

In exceptional circumstances we may accept a stage 2 complaint after these time limits. If you think the time limit should not apply, please tell us why.

Stage 2: Investigation

Stage 2 is for complaints where you are still unhappy after stage 1, or where the complaint needs investigation from the start. You can ask for your complaint to be handled at stage 2.

At stage 2 we will:

- Acknowledge your complaint within three working days
- Confirm our understanding of the complaint we will investigate and what outcome you are looking for
- Try to resolve the complaint where we can. In some cases, we may suggest alternative approaches to resolve the complaint, for example mediation
- Where we cannot resolve your complaint, give you a full response as soon as possible, normally within 20 working days

If our investigation will take more than 20 working days, we will tell you why, give a revised timescale, and keep you updated.

If you are still unhappy

If you are still dissatisfied after our final decision, you can ask the Scottish Public Services Ombudsman (SPSO) to look at your complaint. The SPSO is independent and investigates complaints. They are not an advocacy or support service.

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

- You have completed our complaints procedure
- It is within 12 months of when you became aware of the issue
- 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.

Contact the SPSO

[SPSO complaint form](#)

[SPSO website](#)

SPSO Freephone: 0800 377 7330

SPSO address: Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS
(appointments only)

SPSO freepost: FREEPOST SPSO

Getting help to make your complaint

If you cannot, or do not want to, complain yourself, someone can complain for you. This could be a friend, relative or advocate. We will usually need your consent.

Advocacy

The Scottish Independent Advocacy Alliance has information about advocates in your area:

[Scottish Independent Advocacy Alliance website](#)

Email: enquiry@siaa.org.uk

Telephone: 0131 510 9410

18 York Place, Edinburgh, EH1 3EP

Advice

Citizens Advice Scotland has information about advisers in your area:

[Citizens Advice Scotland Website](#)

[Find your local Citizens Advice bureau](#)

1st Floor, Spectrum House, 2 Powderhall Road, Edinburgh, EH7 4GB

Telephone: 0131 550 1000

Reasonable adjustments and alternative formats

We are committed to making our services easy to use for everyone. We will make reasonable adjustments to help you access our services. If you need this information in another format or language (for example, large print, audio or Braille), please contact us.

Quick guide to our complaints procedure

1. Make a complaint

You can make your complaint in person, by phone, by email 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.

2. 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.

3. 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. We will confirm the points of complaint to be investigated and what you want to achieve. We will 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.

4. 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.