

SPSO decision report

Case: 201306078, Dumfries and Galloway Council
Sector: local government
Subject: complaints handling (incl social work complaints procedures)
Outcome: upheld, recommendations

Summary

Mr C told us he had raised concerns about the behaviour, actions and attitudes of a number of council staff towards him. The council said they did not consider the complaints handling procedure to be the appropriate process to investigate his concerns and that they had been looked at under internal management policies instead. Mr C was unhappy with this decision and complained to us.

We looked at the model complaints handling procedure on which all councils should base their internal procedure, as introduced by our Complaints Standards Authority. This says that it should cover complaints about staff attitude, and also requires councils to advise complainants about their right to come to us if they remain dissatisfied after their consideration of a complaint.

We said that the council's interpretation was incorrect. Mr C's complaints about staff attitudes should have been considered under the complaints handling procedure. If investigation of such a complaint about staff attitude indicated that disciplinary action was indicated, then any disciplinary proceedings should be considered in private rather than as part of the complaints handling procedure.

Recommendations

We recommended that the council:

- apologise for failing to consider Mr C's complaints under the complaints handling procedure and for failing to inform him of his right to complain to the SPSO; and
- ensure internal guidance to staff on the complaints handling procedure accurately reflects the distinction between complaints about staff attitudes and the disciplinary procedures that may flow from such complaints, and provide us with a copy of the guidance.