

THE MENTAL HEALTH TRIBUNAL FOR SCOTLAND (MHTS)

COMPLAINTS PROCEDURE

Introduction

1. The Tribunal comes into contact with a range of people from patients to the Scottish Government. Any person can make a comment on an aspect of our work. Comments and suggestions may be positive as well as negative. In some cases a person may simply want to voice their concern.
2. A complaint is an expression of dissatisfaction which requires response. Complaints may arise from aspects of the MHTS activity. For example complaints may arise from :-
 - The actions or behaviour of those who work for the Tribunal
 - The handling of applications
 - The property or facilities provided by MHTS

Principles for Handling Complaints

3. The Tribunal welcomes feedback on its performance. When a complaint is received it will be handled in accordance with the following principles:
 - All complaints will be investigated fairly and openly
 - Complainants will receive a full response to their complaints
 - The Tribunal will normally deal with complaints or incidents that have occurred within the last two years
 - The Tribunal will comply with the Freedom of Information and Data Protection Legislation in responding to complaints
 - The Tribunal will use lessons learnt from complaints to improve services

Investigation of Complaints

4. The procedure for investigating complaints is as follows:
 - Complaints may be verbal or in writing however, if given verbally it would be normal procedure for the complainer to be asked to put their concerns in writing
 - A complaint will be acknowledged in writing within five days by the Tribunal administration
 - All complaints will be registered by the Tribunal's communications team who will assess the complaint and allocate for response
 - Complaints relating to the Tribunal administration will be investigated by the Deputy Head of Administration.

- Complaints relating to the function of Tribunal Members or tribunal decisions will be investigated by a representative within the President's office. The representative may invite others to assist in the investigation of such complaints.

Response to Complaints

5. The complaints relating to the Tribunal administration will be progressed as follows:-
 - The Deputy Head of Administration will review the complaint and allocate, where necessary, to a relevant line manager for investigation and draft response
 - The draft response will be passed back to the Deputy Head of Administration for approval and dispatch
 - A full response to the complaint or a Progress Report will be given to the complainant within 20 days of the complaint
 - If on receipt of a full response to the complaint, the complainer remains unsatisfied, then the complainant can write to the Head of Administration expressing the nature of the dissatisfaction and requesting that the complaint be reviewed. The review will be completed within a further 14 working days
6. The Tribunal administration's response should be clear and if there is further dissatisfaction by the complainant they may request the Scottish Public Service Ombudsman to investigate further.
7. Timescales for the progress of complaints dealt with by the President's office will be determined by the nature and content of the complaint and, where necessary, members of the administration will be asked to contribute to the response.
8. The Tribunal's communication team will be responsible for maintaining a record of all complaints and Tribunal responses.
9. The Tribunal will produce a monthly summary of complaints and responses that will be circulated to the President and Members of his office and Senior Managers with the Tribunal's administration.
10. The Tribunal will include in its Annual Report a summary of complaints received.

INTERNAL MHTS COMPLAINTS PROCEDURE



