

# **People and Communities - Adult Social Services**

## **Complaints, compliments and suggestions procedure 2020**

### **1. Introduction**

We are committed to providing good quality services to adults receiving support through social care services. We value your feedback either personally, through a family member, friend, carer or advocate and will use this to monitor effectiveness and improve our services delivered to you.

Feedback can be given in the form of a suggestion, compliment or complaint.

### **2. Aims and objectives**

The aim of this procedure is to provide an effective means of dealing with feedback from service users to support the continual development of our service delivery. We treat information received confidentially.

### **3. Equality and diversity**

We recognise North Somerset is a diverse area and aim to treat each person with dignity and respect. Any person using this procedure will not be discriminated against due to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

In addition, no person making a complaint or representation shall be discriminated against for doing so. This means there will be no negative repercussion as a result of your complaint.

### **4. Statutory context**

We have a duty to handle complaints under the Local Authority Social Services and NHS complaints (England) Regulations 2009.

<http://www.legislation.gov.uk/uksi/2009/309/contents/made?vi9ew=plain>

Also, the Local Authority Social Services and NHS Complaints (England) Amendment regulations 2009

<http://www.legislation.gov.uk/uksi/2009/309/contents/made?view=plain>

in relation to social services functions or any function carried out by the council under arrangements made between it and an NHS body under section 75 of the NHS Act 2006

<http://www.legislation.gov.uk/ukpga/2006/41/section/75>

This is supported by “listening, responding, improving: a guide to better customer care”

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/publicationsandstatistics/publications/publicationspolicyandguidance/dh\\_095408](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/publicationsandstatistics/publications/publicationspolicyandguidance/dh_095408)

## **5. Suggestions and compliments**

We welcome your suggestions, comments and compliments about the services we offer. Suggestions and comments can be made by you or your representative.

Compliments can be made if you feel something has gone well that you want to tell us about it. Your compliments will be shared with the person or team involved so they know when their contributions have been recognised. They will also be shared with the Service Manager and may be published in internal newsletters.

All suggestions and compliments will be used to review service delivery and aid future developments based on customer feedback. You can make a suggestion or compliment online at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk) or directly to the team or person's manager verbally or in writing.

## **6. Complaints**

We will be able to investigate your complaint more effectively if the complaint is made within 12 months of the event you want to complain about or finding out that you have a reason to complain. We may consider complaints beyond this timescale if it is not reasonable to expect the complainant to make the complaint within the timescale or if we feel it is still possible to consider the complaint effectively and fairly.

### **6.1 Who can complain:**

- Any person who receives or has received services provided or commissioned by the council, which includes any person likely to be affected by the action, omission or decision of the council.
- A complaint can be made by the person or by a person's representative acting on their behalf if that person is not capable of making a complaint themselves, including if they have died or are deemed to lack capacity within the Mental Capacity Act 2005.
- It is our responsibility to decide if the person's representative has sufficient interest in the service user's welfare to act on their behalf. Wherever possible we will seek consent from the service user that a complaint is being made on their behalf. Should a decision be made where it is not felt the representative is acting with the consent or in the best interests of the service user they shall be notified of this in writing.

## **6.2 What is not covered within this procedure:**

The complaints procedure does not apply when:

- the person wishing to complain does not meet the requirements of 'who may complain' and is not acting on behalf of such an individual
- the complaint is made by an employee or former employee relating to their employment or to the superannuation scheme
- a complaint is made verbally, which has been resolved to the complainant's satisfaction within one working day. We will record such complaints as a 'concern'.
- a complaint relating to the same subject matter which has previously been fully investigated by us
- the same complaint has been fully investigated by the Health Service Ombudsman or the Local Government and Social Care Ombudsman
- a complaint made by a person who is self funding their own care, the person will be directed to the care provider's complaints procedure.
- a complaint made by a person about the quality of care they are receiving which they purchase using the direct payments scheme.
- a complaint is made about a legal action or decision
- complaints about fee levels relate to a matter of council policy and are therefore not covered by this complaints procedure.

## **7. Safeguarding adults**

The Complaints Manager is trained in safeguarding adults. They consider each individual complaint and if there are any safeguarding concerns detailed in a complaint this will be referred to the appropriate team and safeguarding procedures followed accordingly. This may mean that the complaints procedure is superseded by Safeguarding Protocol or put on hold whilst a safeguarding investigation takes place.

## **8. Freezing decisions**

If your complaint is challenging a decision made about service provision through an assessment, the Service Manager will consider if the decision complained about should be suspended whilst the complaint is considered. This will be communicated to you within the initial acknowledgment of your complaint.

## **9. Disciplinary matters**

If a complaint indicates that it may mean that we may need to consider disciplinary action against a staff member, the matter will immediately be referred to the Assistant Director and the complaints procedure will be postponed until that investigation has been completed.

## **10. Multi-agency complaints**

Multi-disciplinary teams exist where health and social care staff work together in adult care, mental health and services for people with learning difficulties. A protocol has been agreed with the NHS for complaints that relate to both health and social care issues.

The Complaints Manager will identify if your complaint relates to both health and social care and will liaise with you to seek consent to share information with its health partners and co-ordinate a joint response. The Complaints Manager will be responsible for coordinating the response and will remain your single point of contact on your complaint. There may be circumstances when it is decided the complaint is best co-ordinated by the health agency and you will be informed if this decision is made and given a named officer to contact.

Agencies we work closely with are National Health Service (NHS), North Somerset Community Partnership (NSCP), Clinical Commissioning Group (CCG) and Avon and Wiltshire Mental Health Partnership (AWP).

## **11. Complaints procedure**

The complaints procedure is a one stage process with the potential for a further review. We encourage you to discuss any issues you may have as soon as they arise with the person you are working with or their team manager. We will listen to you and try to help find solutions to your concerns. If you don't think your concerns have been resolved, then the complaints process is detailed below. Stage one of this process is open to any person who receives or has received services provided or commissioned by us which includes any person likely to be affected by the action, omission or decision of the council.

Escalation to a further review is open to service users and their appointed representative. Wherever possible we will seek consent from the service user that a complaint is being made on their behalf.

## **11.1 Stage one – local resolution**

- Complaints should ideally be made online so that you can clearly explain your case and your complaint will be stored safely electronically. You can also complain orally, in writing or via email.
- If you make your complaint online, it will be sent to the Complaints Manager who will ensure that you receive a response from the correct person.
- Stage one complaints are dealt with by Team Managers or Service Managers of the team your complaint relates to, dependent on the details on your complaint.
- You will receive a response to your complaint within ten working days. There may be occasions where this timescale cannot be met due to the complexities of your complaint. In these circumstances we will consult with you and aim to offer a response within a further ten working days.
- Your response should include what the person investigating the complaint has found, an apology if appropriate and details on how improvements to service delivery can be made.
- Your response will also include details on how to take your complaint further if you are not satisfied with the response. It will also include details of the Local Government and Social Care Ombudsman should you remain dissatisfied with the response.

## **11.2 Further review**

If you feel your complaint has not been resolved at stage one you can contact the Complaints Manager and request a further review. You will be asked by the Complaints Manager to advise which part of the response you remain dissatisfied with. The service manager/senior manager may conduct a review of the complaint and its response and write to you with the findings.

The reviewing officer will write an adjudication letter to you which will include conclusions reached. It will also include details of the Local Government and Social Care Ombudsman should you remain dissatisfied with the response.

## **12. Advocacy**

Throughout the complaints process you have the right to access an advocate to support you with your complaint. An advocate can be a person known to you such as a friend, relative, carer or professional. We can also access an

advocate on your behalf through local independent agencies. An advocate can support you throughout your complaint and will attend any meetings or interviews should they be required.

Where we appoint an advocate on your behalf, we ensure the advocate has the skills to support you in your complaint and recognise where specialist advocates are required. We use the Independent Mental Capacity Advocacy Service (IMCAS) for complaints regarding Mental Health Service's and Your Say Advocacy Service for people with a Learning Disability.

### **13. Local Government and Social Care Ombudsman**

If you are not satisfied with the response to your complaint you can contact The Local Government and Social Care Ombudsman. You will find more information on their website [www.lgo.org.uk](http://www.lgo.org.uk). Their contact details are as follows:

Tel: 0300 061 0614

Address: The Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

### **14. MP enquiries**

Any correspondence received from an MP regarding an issue they have been contacted about from their constituents is dealt with as an MP enquiry and is recorded as such. This means we will respond directly to the MP regarding the concern unless requested otherwise. The MP may advise their constituent of this complaints procedure which they can follow.

### **15. Complaints about commissioned services**

If you receive a service from an agency that we purchase on your behalf, this is called a commissioned service. All commissioned services have their own complaints procedure. If your complaint relates directly to the care you are receiving from the service, you are advised to complain directly to them.

Our role is to monitor the quality of care being provided by the services we commission. This means we carry out regular compliance visits and seek feedback from you on the care you receive.

If you self-fund your care or are in receipt of direct payments that you use to pay for services, you will always be advised to contact the service direct regarding your complaint.

## **15.1 Residential care homes and domiciliary care**

If your complaint is about a residential care home or domiciliary care, you are advised to access the provider's complaints procedure as they are the 'responsible body' and have a duty to investigate complaints.

You may contact us if you wish to complain about a provider and feel you need support to do this. In these circumstances we will support you to access the complaints procedure of the provider and liaise with the manager of the provision about the complaint. The response from the provider will be sent directly to you as the service user.

If you have raised your complaint within the residential home or the domiciliary care provider and remain unsatisfied with their response, you can report your dissatisfaction with us. Your complaint will be dealt with via this complaints procedure.

## **15.2 Care Quality Commission**

If you remain unsatisfied with the outcome of your complaint from the provider, you can contact the Care Quality Commission. You will find more information on their website [www.cqc.org.uk](http://www.cqc.org.uk). Their contact details are as follows:

Tel: 03000 616161

Address: CQC National Customer Service Centre, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

## **16. Mental Health Act complaints**

Mental Health Services are provided in partnership with Avon and Wiltshire Mental Health Partnership (AWP) NHS Trust. AWP has its own complaints procedure. If you wish to complain about a mental health service you are advised to discuss this with a social worker, team manager or the Complaints Manager.

AWP and North Somerset Council work in partnership regarding complaints. The Complaints Manager will consider each complaint and liaise with AWP as to the best course of action. You will be advised which agency is the lead on your complaint and whose complaints procedure your complaint is being dealt with under with details of their timescales.

When necessary a joint response will be completed to ensure your complaint is responded to thoroughly.

## **17. Annual Report**

A complaints, compliments and suggestions report will be completed annually by the Complaints Manager. This will be published for all service users, staff, senior management and executive members to view and comment on. The report will include information and statistics from the previous year as well as recommendations and impact on service delivery. It is envisaged the annual report will show trends in the use of the complaints, compliments and suggestions process and advise on areas to improve ensuring accessibility for all.

## **18. Service delivery and monitoring**

Complaints, compliments and suggestions are a key focus when reviewing the effectiveness of service delivery. Information received and recorded by the Complaints Manager is communicated regularly to the management team who have responsibility for service review. This ensures customer feedback is incorporated and has an influence when decisions about changes to services are made.

## **19. Making a complaint online**

You will find the complaint form on our website [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk).