

# Adult Social Services

## Feedback Policy

This policy may be revised from time to time to reflect changes in legislation, good customer practice and operational requirements.

The current version of the policy is on the council website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk) - search for “adult social services feedback policy”.

For any enquiries about this policy, please contact:

Complaints Manager  
North Somerset Council  
Town Hall  
Walliscote Grove Road  
Weston-super-Mare  
BS23 1UJ

Email: [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)



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## 1. Introduction

We are committed to providing good quality services to adults receiving support through Adult Social Services. We value your feedback either personally, through a family member, friend, carer or advocate and will use this to monitor effectiveness and improve the services we deliver to you.

Within Adult Social Services, we foster a positive and active culture of engagement around seeking feedback. This is essential for continuous improvement and ensuring high-quality care and support. By establishing open communication channels, encouraging and supporting feedback from people drawing on care and support, carers, families, staff, and partners, we have created an environment where all voices are heard and valued. Regular analysis of feedback informs our decision-making and strategic planning, leading to the development of clear action plans with measurable goals. By embedding this culture of feedback, Adult Social Services can continuously develop and improve, ultimately enhancing the well-being and satisfaction of our community.

## 2. Compliments and comments about our services

If you have opinions about your experience of Adult Social Services, or ideas you would like to share about how we can improve, we would love to hear from you. There are many ways in which you can give us your feedback on our website.

<https://n-somerset.gov.uk/my-services/adult-social-care-support/contact-us-adult-social-care/share-your-views-adult-social-care>

## 3. Complaints about our services

Adult Social Services is accountable for all the services it provides. A complaint can be made about any matter connected with Adult Social Services' statutory functions.

The Complaints Manager may use discretion to decide that a complaint or certain parts of a complaint cannot be investigated through the Adult Social Services Feedback Policy if the same matters are being looked into through another process.

Examples are:

### **Adult Safeguarding**

Complaints can still be made at the same time as an ongoing adult safeguarding enquiry, but some parts of the complaint may not be taken forward if those same issues will be determined through the safeguarding process.

Also, the Complaints Manager may not accept a complaint from a representative who is being investigated as part of an adult safeguarding enquiry, if it is felt that the complaint is not being made in the best interests of the person receiving services.

### **Legal/insurance claims**

As above, if some issues are being investigated through a legal process, the Complaints Manager may decide that a complaint, or certain parts of the complaint, cannot be taken forward through the Adult Social Services Feedback policy.

Any other complaints will fall under our [corporate policy](#) which can be found on our website.

Our Adults Social Services Feedback Policy is regulated by [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#), [The Local Authority Social Services and National Health Service Complaints \(England\) \(Amendment\) Regulations 2009](#) and [The Care and Support Statutory Guidance](#).

These regulations allow us to be flexible in dealing with your complaint. They do not prescribe specific timescales or methods of resolution, as long as we agree a complaint resolution plan with you at the outset.

Most complaints can be resolved locally by talking to your Adult Social Services contact at North Somerset Council or their manager.

If you have tried this, or don't feel it is an option in your circumstances, you can make a complaint through our official complaints policy.

## 4. Making a complaint about Adult Social Services – our policy

### 4.1. What is a complaint

The Local Government and Social Care Ombudsman can investigate individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other public service organisations.

The Local Government and Social Care Ombudsman's (LGCSO) definition of complaint is *'an expression of dissatisfaction, however made, about decisions, the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.'*

A complaint may relate to one or more of the following, but this list is not exhaustive:

- Quality of support or service
- Attitude and behaviour of staff
- Knowledge and skills of staff
- Quality of information and advice
- Application of legal or policy frameworks
- Availability of resources
- Appropriateness of service
- Response time or delays
- Cost of care or charges
- Communication concerns
- Unwanted or disputed decision

### 4.2. What is a service request and not a complaint

The Local Government and Social Care Ombudsman's definition of a service request and therefore not a complaint is *'a request that the organisation provides or improves a service or fixes a problem'.*

### **4.3. Who can complain**

You can make a formal complaint to us as long as you:

- receive or have received services that are provided by or commissioned by North Somerset Council Adult Social Services
- are someone affected, or likely to be affected, by an action or decision of North Somerset Council

### **4.4. Complaining on behalf of someone else**

You can complain on behalf of someone else if they have grounds to complain and they:

- can't make the complaint themselves because they do not have the capacity to do so
- have asked you to act on their behalf - we will only share information if we receive consent from the individual concerned
- have died

If you make a complaint on behalf of someone who doesn't have mental capacity, you must either (1) have the correct authority to do so, such as holding a Lasting Power of Attorney or have a clearly involved close connection, or (2) you must be acting in that person's best interests under the [Mental Capacity Act 2005](#). In this case, we will make all reasonable attempts to gather the views of the person themselves.

### **4.5. When you can't make a complaint**

You can't use the complaints policy if:

- you made a complaint verbally and it was resolved by the end of the next working day
- you're employed by the council or are a previous employee, and you want to complain about an employment issue
- your complaint has already been considered under the complaints policy

- your complaint has been or is being investigated by the Local Government and Social Care Ombudsman or the Parliamentary and Health Services Ombudsman
- you have sourced your own care without involvement of North Somerset Council and you wish to complain about the care provider. In this situation you will be directed to the care provider's complaints process
- your complaint is about the quality of care that you are receiving which has been purchased using the direct payments scheme
- you intend to take legal proceedings in relation to the substance of the complaint
- there is a statutory appeals process in place
- there are allegations relating to safeguarding
- it is about alleged failures to comply with the Freedom of Information Act 2000.

If it is decided that a complaint will not be considered, you will be informed of the reasons for this decision by the Complaints Manager.

#### **4.6. Anonymous complaints**

We will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. However, if an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it.

#### **4.7. Time limits**

You must make your complaint within 12 months of the incident that caused the problem, or of you realising there is a problem. We can extend this if circumstances show that there was good reason for the complaint not being made in time, as long as it is still possible to investigate the facts of the case.

## **5. Learning from complaints**

This complaints policy is in place to ensure that all complaints are investigated and responded to within set timescales and that we capture learnings from them.

Feedback from complaints and compliments gives another crucial insight into the experiences of people who draw on support, carers, and families, and learning from complaints adds a level of richness to our understanding of service provision.

We will publish an annual report on our website after the end of the financial year.

## **6. Complaints which are not related to social services**

If your complaint does not relate to the social services we provide, but is about other services we've provided, for example financial services, homelessness services, or other aspects of the support and advice we've given, we follow the Corporate Customer Feedback Policy which is on our website at <https://n-somerset.gov.uk/council-democracy/complaints-feedback/proce-complaining-about-council-services>

If your complaint concerns more than one service area, the Customer Services team will work with all relevant officers to ensure a response is provided.

## **7. Complaints about an independent provider**

If your care is provided by an independent provider, for example a care agency or private residential home, but it is commissioned by us, you should follow this policy. We expect the provider to take your concerns seriously and respond, detailing any action they intend to take to ensure improvements are made.

If you arrange your own care privately you should complain to the service directly or to the Local Government and Social Care Ombudsman.



## **8. Complaints about care purchased with direct payments**

You cannot raise issues under this procedure about services that you arrange and pay for yourself through a Direct Payment or a Personal Budget. However, issues can be dealt with under this process that relate to our role in Direct Payments or Personalised Budgets, for example in assessing for the level of service or in the advice and assistance given in setting up such payments.

If you have a complaint about the service you have purchased, you will need to speak directly with the service provider or employee. You can also complain to the Local Government and Social Care Ombudsman.

## **9. Multi agency complaints**

Where a complaint involves more than one organisation, such as the council and an NHS Trust, there should be full cooperation and coordination to resolve the complaint. We have a duty to cooperate with other responsible bodies to ensure that the complainant receives a coordinated response.

We will:

- Ask for your consent to pass the complaint to the relevant organisation
- Identify and agree who has lead responsibility and who will act as the single point of contact
- Communicate this to you and coordinate the response if we are the lead organisation. There may be times when we decide that a joint response is not the most effective way to respond to your complaint or that the complaint is not for Adult Social Services.

In these circumstances, we will make sure you are fully aware of who to contact at the relevant organisation and ask for confirmation that they are investigating your complaint.

## **10. MP and Local Councillor enquiries**

If you have contacted your MP or Local Councillor we will deal with your complaint as we would all other MP/Local Councillor enquiries. We will ask for your content to respond to it if we do not clearly have it. This means we will respond directly to the MP/Local Councillor regarding the concern unless requested otherwise. The MP/Local Councillor may advise you of this complaints procedure which you can follow.

## **11. Adult Social Services complaints process - how to make a complaint**

If you have a complaint, you can tell someone you know from the service and they will try to resolve the problem promptly. If they cannot resolve the problem, they will suggest that it is dealt with under the complaints policy.

The best way to make your complaint is online so that you can clearly explain your case and your complaint will be stored safely electronically. Using our online form will ensure that your complaint will go to the right team immediately.

<https://app.casetracker.uk/capture/nsc-adult-social-care-complaint>

You can also raise complaints with any member of staff, including those providing your care.

If you have difficulty making your complaint online, you can contact our Complaints Manager who can take your details over the phone. You can contact them on 01275 882171 or email at [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)

### **11.1. Acknowledgement**

When we receive your complaint, either directly from you or via another organisation, we will acknowledge it within three working days.

When we acknowledge your complaint, we will offer to discuss your complaint with you and explain how your complaint will be handled and how long it is likely to take to respond.

## 11.2. Stage 1 – Resolution

Stage one complaints are dealt with by the team manager or service manager of the team your complaint relates to.

We will aim to respond within 20 working days where possible. If the case is complex, this may take longer.

We are obliged by the Local Government and Social Care Ombudsman to complete our investigation and provide you with a response within six months.

We will gather and review all the evidence (what you have said, what staff and others said, what is recorded in our systems - both electronic and paper, along with relevant legislation or guidance) to get a clear picture of what has happened.

Once the complaint has been investigated, we will write to explain the outcome and what we intend to do to resolve the problem.

If we consider that the concerns raised meet the criteria for investigation under our [Safeguarding procedures](#), this may delay our response. If this is the case, we will provide an explanation of the Safeguarding process, how you may be involved in this process and the likely timescale for completion.

If you have experienced or seen poor care from an adult social care provider, you have a right to complain to the organisation that organised the care. By law, all health and social care services must have a complaints policy that you can ask to see. This will tell you how to make a complaint. You can [find out more](#) information about this from the Care Quality Commission.

In the first instance, you should contact the service provider, or if the care is funded or arranged by North Somerset Council, you can complain to us.

You should also tell the [Care Quality Commission \(CQC\)](#) about poor care that you have seen or experienced. They are not able to take forward complaints on your behalf, but sharing information about poor care helps them to protect others from going through the same experience. More information about this service can be found on the [CQC website](#).

If the response is likely to take longer than 20 working days, we will let you know and keep you updated.

### **11.3. Stage 2 - Investigation**

If you are not satisfied with our response to your complaint, you can contact us again. We will review the response and your comments and decide if there is more that we can do to put things right. If this is the case, we will contact you to tell you what else we intend to do to resolve your complaint. If we believe the service has done all they reasonably can, we will write to advise you of this. We will signpost you to the Local Government and Social Care Ombudsman (LGO).

[www.lgo.org.uk](http://www.lgo.org.uk)

### **11.4. Stage 3 – LGO**

The Local Government and Social Care Ombudsman can investigate complaints about all adult care services, whether they are paid for by the council or by someone with their own money.

Phone: 0300 061 0614

Web: [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)

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

## **12. Getting support with your complaint**

Mediation may be offered at any stage within the complaints process as an alternative way to resolve your complaint, and before the complaint is escalated to a higher stage. We will discuss this option with you if mediation is appropriate. You can also access advocacy services online.

<https://n-somerset.gov.uk/my-services/adult-social-care-health/get-help-support/advocacy-your-rights>

You can also contact your local Citizens Advice service for support.

<https://nscab.org.uk/>

### **13. Accessible information**

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Please email [adultspolicy@n-somerset.gov.uk](mailto:adultspolicy@n-somerset.gov.uk) or call 01934 888 888.