Northamptonshire County Council

Adults’ Social Care

Complaints and Compliments Procedure
Complaints and Compliments Team
Northamptonshire County Council

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Adults’ Social Care Complaints Policy

Version: 2.0 b

Date: February 2019

Complaints and Compliments Team
Northamptonshire County Council
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Feedback

If you have any comments about this document please email: complaints@northamptonshire.gov.uk

For public access on the Internet YES ☑ NO ☐

For staff access on the Intranet Y ☑ ☐

Complaints and Compliments Team
Northamptonshire County Council
Introduction

This document explains the way in which complaints and compliments made about Northamptonshire Adult Social Care services will be addressed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and The Care Act 2014.

The services to which this policy applies are social care services to:

- People aged 65 and over
- adults with a physical disability
- adults with a learning disability
- adults with mental health problems
- Other vulnerable adults eligible for support under the Care Act 2014.

This procedure gives details of the arrangements for the receiving, processing, resolving and recording of complaints, comments and compliments.

Our Aim

To bring swift and satisfactory resolution for people who have complaints about our services and to directly use complaints improve the performance of our services.

Our procedure is intended to...

- Be accessible and uncomplicated
- Bring swift resolution to complaints
- Help us learn from good practice (compliments)
- Help us learn from mistakes and address them

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• Identify area where practice and services can be improved
• Implement improvements in policy and procedures
• Promote customer satisfaction

Our Core Principles

Listening, Learning and Responding

Our policy is about putting the customer, and/or their representative, at the centre of efforts to resolve the issues they have raised. We recognise the importance of listening to our customers’ experiences— particularly if they are unhappy – and we want to make it as easy as possible for them to let us know their views.

We will ensure that feedback is dealt with in a way that is:

1. **Open and Transparent** – information gathered about the issues raised and the way in which they have been handled will be shared in full
2. **Clear** – the way in which the matter will be handled will be agreed at the start with the complainant
3. **Responsive** – the needs of the customer will be taken into account in determining the method of addressing their concerns
4. **Flexible** – the complaint handling will be determined by the nature of the complaint and views of the complainant
5. **Proportionate** – the efforts to resolve and the time taken to address the issues raised will reflect the significance of those issues
6. **Accessible** – the procedure will be easy to access and use
7. **Timely** – complaint handling will be conducted in a timely way – rather than subject to preset timescales
8. **Resolution-focused** – at all points through the process we will look to resolve the customer’s concerns at a local level

Complaints will be dealt with in a way that is most suitable to the issues raised. The way in which the complaint will be addressed will take into account the:

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• Complainant’s views
• Nature of the complaint
• Potential implications for the complainant
• Potential implications for the organisation

Our Policy

Northamptonshire County Council promotes the right of its customers to raise a concern or make a complaint if they think something has been done incorrectly or if they feel it has been addressed in a non-satisfactory manner. Similarly customers may complain if they feel something that ought to have been done has not been done.

We also promote the rights of customers to comment on a Policy or Council decision which may affect them and express a compliment if things have gone well for them.

Information about how to make a complaint or express a compliment is easily accessible via the Council’s [website](#).

In addition, on request and whenever possible, we will provide information on how to give feedback in other community languages, on audiotape and in Braille.

Complaints will be investigated objectively, fairly and thoroughly in a positive problem-solving manner.

If the complaint is about a proposed change to a care plan, a placement or a service, the decision may need to be deferred (frozen) until the complaint has been heard. Consideration by a Senior Manager from Adult Services in consultation with the Complaints Manager will always be given to deferring a decision that will have a significant effect upon the individuals’ care. Your right to make a complaint should not impact on the care being provided.

We have mechanisms in place to ensure that any required lessons and service improvements have been acted upon following customer feedback.
Complaints

What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered or the failure to deliver a service.

A complaint can be made in person, in writing, by telephone or email or through the Council’s website. Every effort should be made to assist people in making their complaint and any member of staff can take a complaint.

Staff should focus on trying to achieve an early resolution to a complaint and where they can deal with the issues there and then. Where it is not possible to address a complaint and reach an agreeable resolution within 48hrs, then a formal complaint may be recorded.

A complaint can be made by:

- A person who receives or has received services from Adult Social Services
- A person who is affected, or likely to be effected by the action, omission or decision of Adult Social Services
- A representative of a person who has died or a person who is unable to make the complaint themselves due to physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2005
- A representative of a person who has requested that the representative act on their behalf
- A complaint can only be made by/on behalf of someone to whom the Local Authority may have the duty or power to provide a service.

Best Interests and Consent:

Where a representative makes a complaint on behalf of a customer, the Local Authority must be satisfied that there are reasonable grounds for the complaint to be made by the representative and that the appropriate consent is given by the customer, whenever this is possible. It may be necessary for us to ask for the ‘service user’ to provide written consent to allow us to access their records or share the details of a complaints with one of our partners / contracted care providers in order to ensure the matter is fully addressed.

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Where a person is unable to consent to a complaint being raised on their behalf, then a decision will be made as to whether that complaint is being made in their ‘best interests’ and the impact that any findings or outcomes to the complaint may have on that individual.

Any decision that a complainant is not a qualifying complainant will be made by the Complaints Manager, in consultation with the appropriate Senior Manager and the complainant will be informed of the reasons in writing.

**A complaint can be made about:**

A complaint can be made about anything that is connected with the Local Authority exercising its social service function. For example:

- an unwelcome or disputed decision;
- concern about the quality or appropriateness of a service;
- delay in decision making or provision of services;
- delivery or non-delivery of services including complaints procedures;
- quantity, frequency, change or cost of a service;
- attitude or behavior of staff;
- application of eligibility and assessment criteria;
- the impact on a person of the application of a local authority policy;
- An assessment, care management and review

Where the complainant is unhappy about the application of a Council policy, they will be informed at the point of raising the concerns if these will be dealt with as a complaint or as an appeal. The Council operates a separate procedure for appeals against eligibility and levels of service.

**Time limits for raising a complaint**

Complaints will only be considered if they are made within 12 months of the date on which the subject matter of the complaint occurred or within 12 months of the matter coming to the notice of the complainant unless the Complaints Manager, in consultation with the appropriate Senior Manager, is satisfied that the complainant has good reason for failing to make the complaint within Complaints and Compliments Team
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the time limit and, notwithstanding the delay, it is still possible to investigate the complaint.

The following factors may be relevant in deciding if a complaint should be accepted outside the one year time limit:-

- Is it a genuine issue of vulnerability?
- If an investigation were to be conducted, how much benefit could be gained from it?
- Is there likely to be sufficient access to information or individuals involved, at the time, to enable an effective and fair investigation to be carried out?

Complaints which will not be considered under this procedure

- A complaint by a Local Authority, NHS body, Primary Care Provider or Independent Provider
- A complaint by an employee of a Local Authority or NHS body about any matter relating to that employment
- A complaint which is made orally and is resolved to the complainant’s satisfaction by the end of the next working day after the complaint was made
- A complaint, the subject matter of which has previously been investigated and a formal response from the Local Authority has been issued.
- A complaint the subject of which is being or has been investigated by the Local Government and Social Care Ombudsman (LGSCO)
- A complaint arising from an alleged failure to comply with a request under the Freedom of Information Act 2000.

Complaints may raise issues which need to be dealt with under other procedures, for example:

- Conduct that should be investigated under disciplinary or grievance procedures and tribunals;
- Allegations of criminal offences which should be investigated by the Police;
- Where legal proceedings are pending in relation to the substance of the complaint.
- If at any point it becomes apparent that there are elements of the complaint that should be addressed through other procedures, that part of the complaint will be suspended and moved to another procedure as appropriate. However, wherever possible, complaints will be
progressed alongside other procedures as long as that does not compromise any other process.

- Complainants will be kept informed of any decisions by the Complaints Manager or Senior Manager in this regard.

Safeguarding of Vulnerable Adults

Concerns about the safety and welfare of a vulnerable adult should be reported via the Council’s separate safeguarding procedure. The safeguarding procedure takes precedence over a complaint. If a complaint also raises safeguarding concerns, then a decision will be made as to whether or not the two processes can run concurrently. Ordinarily, we will ‘suspend’ a complaint pending the outcome of a safeguarding investigation, as this is likely to address any practice concerns and take action to ensure that the persons affected is protected from risk and receives a better standard of care / support. You may reserve the right to revisit your complaint if you remain dissatisfied following a Safeguarding investigation.

Further information about the Safeguarding Adults Services is available on the Council’s website here

If an adult is in immediate danger, or missing, you should contact the police directly and/or an ambulance using 999

Complaints where the subject matter is an issue that is part of a Court Proceeding

The Local Authority has discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:

- Court proceedings;
- Tribunals;
- Disciplinary proceedings; or
- Criminal proceedings.

If the Local Authority decides not to consider or further consider complaints subject to these concurrent investigations, they must write to the complainant explaining the reason for their decision and specifying the relevant concurrent investigation.

Once the concurrent investigation has been concluded, the complainant may resubmit their complaint.

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complaint to the Local Authority as long as it is within one year of the conclusion of the concurrent investigation.

**Complaints about Commissioned Services**

The Local Authority commissions a number of partners to provide a range of services for members of the public.

Where a customer has a complaint about the quality or the service provided by that commissioned partner, in the first instance, the customer should always register the complaint with that provider. If a customer needs support in doing so then they can contact one of the Complaints Practitioners within Northamptonshire County Council’s Complaints and Compliments Service.

If the customer remains dissatisfied following the provider having had opportunity to respond to the complaint under their Complaints Procedure, then the customer may register their complaint with Northamptonshire County Council where a manager or an independent person will investigate the complaint under the Local Authority’s Complaints Procedure.

If the complaint is directly about the provider rather than the quality of the service that is being provided then the customer should register their complaint with Northamptonshire County Council.

All feedback received about a commissioned service will be shared with the relevant Contract Manager in order to inform their monitoring of that service.

**Informal Complaints & Comments:**

If a person does not wish to make a formal complaint, but wishes to share a problem they are experiencing, the Council wants to hear from them.

The Council would record this feedback as a comment. All staff receiving ‘comments’ about the Council’s services are asked to record them so that they can monitor feedback which assists the Council in its future planning and development of services. All staff are encouraged to deal with routine difficulties as they arise. These procedures are not intended to detract from staff’s ability to use their initiative to solve problems informally, efficiently and effectively for the benefit of both service users and the service.

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Complaints:

Receiving positive feedback about our services and staff, as well as being nice to hear, is equally important in helping us learn and improve.

If you have received a good service from a member of staff or would like to tell us that something is ‘working well’ you can do so by telling a member of staff, logging your feedback via the Council’s website or e-mailing compliments@northamptonshire.gov.uk

Complaints Procedure and Process

Our aim is to put things right if they go wrong, as quickly as possible. In addition to the option of resolving complaints on the spot. The Complaints Process consists of the following steps:

Recording your complaint:

The person receiving your complaint will record it. This will usually be a Complaints Practitioner who is a member of the Complaints and Compliments Team, or a designated person in Northamptonshire Adult Social Services; they will be your point of contact and will help monitor your complaint through to getting it resolved.

Acknowledging your complaint:

We will acknowledge your complaint within 3 working days with a unique reference number and you will be given the details of the Manager who has been appointed to resolve the matter

STEP ONE - Responding to your complaint / Local Resolution:

The person responsible for responding to your complaint will contact you to agree the best way to deal with your particular complaint. The Local Authority will negotiate with you a ‘reasonable’ timescale that will allow us to thoroughly investigate your complaint and provide a full response. This will be provided to you in writing, and if needed, a meeting with the responding officer or a representative of the service and a Complaints Practitioner may also be offered.

The responding officer will advise you of the outcome of any complaints in writing.

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STEP TWO – Independent Review

Whilst every effort will be made to satisfy a complaint at the first step, if you remain dissatisfied then you must contact us within x20 working days to explain the reasons why you remain unhappy. An independent manager within Adult Social Care will then be asked to review the matter. This manager will have had no involvement with the case or care planning to date and will be able to offer an objective professional review of your concerns. They will not reinvestigate the complaint, but will take into account of all the available evidence, alongside your views and desired outcome and will respond to you to explain whether they feel the response and outcome offered to you is fair and proportionate. They will also be able to make any additional recommendations they feel may be helpful to remedy the matter. This response is ‘final’ and will conclude the Councils’ complaints procedure. The response will be reviewed and signed off by the responsible Assistant Director.

Serious Complaint Investigations:

Some complaints may involve several services or agencies or the complaint may implicate the whole service complained about. In such instances, we will identify an Independent Investigating Officer to investigate your complaint. This will be an officer of the Council who is not employed by the service you are complaining about. In exceptional circumstances, this could also be a person from outside of the authority.

The Investigating Officer will meet with you and confirm the nature and details of your complaint and the outcome you are seeking.

In line with Local Government and Social Care Ombudsman Guidelines, the investigating officer will negotiate a timescale with you in which they will complete their investigation, and they will keep in regular contact with you throughout their investigation.

The Investigating Officer will investigate the issues and will submit a report to you as the complainant, the Complaints Manager and the Senior Manager of the Service concerned.

Following the investigator’s report being shared, the Senior Manager will formulate their response to you along with a time-bound action plan to implement any recommendations made.

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If mistakes have been found to have been made, the Senior Manager will offer an apology and any other form of redress as appropriate and will explain what actions the Council will take as a result of the findings and recommendations of the investigation.

If considered beneficial to resolving the complaint, a meeting will also be offered in which you can discuss the findings of the report with a Senior Manager and a representative of the Complaints and Compliments Team.

Once we have responded, you have 20 working days in which to decide whether to accept or reject the proposed actions to resolve your complaint. The Complaints Manager will advise you on the next steps. If the matter cannot be resolved by the Manager, the Complaints Manager will discuss with you the best way forward.

**Still Unhappy - Local Government Ombudsman**

If at the end of the Council’s Complaints Process you are not satisfied you can refer your complaint to the Local Government and Social Care Ombudsman.

The Local Government Ombudsman is independent of all government departments, councils and politicians. It gives a service which is confidential and free of charge. The Ombudsman has the same powers as the High Court to obtain information and documents.

The Ombudsman will normally only accept a complaint if the Councils Complaints Procedure has been correctly and fully followed.

**Contact details**

**Local Government Ombudsman**

The Oaks No. 2
Westwood Way
Westwood Business Park Coventry
CV4 8JB
Web: [www.lgo.org.uk](http://www.lgo.org.uk)
Tel: 0300 061 0614

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Appeals

When an assessment decision is made by an officer of the Local Authority to provide services to care for a customer and that customer does not agree with the decision made, that customer is entitled to appeal against that decision this can be progressed through Northamptonshire County Council’s separate appeals procedure.

Record Management and Data Protection

All aspects of this Complaints Policy and Procedure meet the requirements of the legislation regarding Data Protection and Freedom of Information.

Any personal information obtained in relation to a complaint is only to be used for that purpose.

Learning from Complaints

It is a vital part of the process that services learn from the representations that are made about their provision. The process that addresses complaints will identify any areas for improvement or learning and will make suggestions for the actions that will be taken.

This will be addressed in the response. Where necessary, action plans will be drawn up and responsibilities assigned. Staff guidance will ensure that this learning is central in the process.

Unreasonably Persistent Complainants

From time to time we will come across complainants who seek to raise a number of complaints or who become unreasonable in their conduct or expectations around contact with officers of the Local Authority.

Whilst every effort should be made to address objectively any concerns that are raised, we must also seek to be proportionate and not to expose our staff to unreasonable behavior.

When the relationship has become unworkable, the Complaints Manager together with the Director of Adults Social Care Services will consider the matter under the appropriate policy.
Complaints Manager – An officer of the Council with the designated responsibility for ensuring that the Council has a clear and easily accessible Complaints Procedure. The Complaints Manager is independent of operational line management and of direct service providers.

Complaints Practitioner – An officer working with the Complaints & Compliments service to ensure the correct administration of complaints and the timeliness of response and resolutions.

Service User – Refers to the person in receipt of services from Adult Social Care Services

Assistant Director – Person with overall operational responsibility for the management of services in that area of the business