

Adult Social Care Complaints Policy

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Adult Social Care Complaints Policy

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1. Introduction

1.1. Gloucestershire County Council (we / the Council) welcomes feedback about its Adult Social Care services. Complaints, compliments, comments and suggestions help us to improve the quality of our services.

1.2. The Local Government and Social Care Ombudsman defines a complaint as:

‘an expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response. There is no difference between a ‘formal’ and an ‘informal’ complaint. Both are expressions of dissatisfaction that require a response.’

1.3. We want to know when people are not satisfied with our services. As a first step, we encourage people to:

- talk to the staff member concerned, or
- ask to speak to their manager instead.

We can resolve most concerns quickly and informally in this way or explain the reason why this is not possible.

1.4. Anyone who wishes to use our complaints procedure may do so even if they have not tried to resolve the problem informally. We will treat anyone who wishes to make a complaint with courtesy and respect. We expect [complainants](#) to treat our staff in the same manner.

1.5. We will treat complaints:

- confidentially, unless we have to share information for professional or statutory reasons. For example we may need to share information if we believe that someone is at risk of abuse or neglect and needs support to stay safe.
- seriously. We will investigate complaints thoroughly and fairly, and use what we learn to improve our services. We encourage anyone not satisfied with our response to a complaint to discuss their concerns with our Complaints Manager.

1.6. There are two key stages in the complaints process:

1. First, make a complaint to the Council
2. Then, anyone who is not satisfied with the outcome of their complaint has the right to ask the Local Government and Social Care Ombudsman to review their complaint.

2. Purpose of this policy

- 2.1. This policy provides information about the Council's Adult Social Care complaints processes, including how people can make a complaint.

3. Scope

Who can make a complaint:

- 3.1 Complaints to the Council can be made by anyone who:

- has used the Council's Adult Social Care services
- is affected by, or likely to be affected by, an Adult Social Care action, decision or omission.

- 3.2. Complaints about services arranged by or provided on behalf of Adult Social Care should be directed in the first instance to the organisation concerned. If the complainant is not satisfied with the outcome of the complaint, a complaint can then be made to the Council.

- 3.3. In exceptional circumstances, the Council may accept a complaint which has not first been raised with and investigated by the organisation concerned.

- 3.4. Complaints may also be made by a representative of someone who:

- has consented to the representative making the complaint on their behalf
- is unable to make the complaint themselves because:
 - of physical incapacity or
 - they lack mental capacity to do so and we are satisfied that the representative will act in the person's best interests.
- has died
- is a child (for example a young carer or a child transitioning from Children's Services to Adult Social Care) and we are satisfied that:
 - there are reasonable grounds for the complaint to be made by the representative rather than the child, and
 - the representative will act in the child's best interests.

- 3.5 We will provide our written reason(s) if we decide not to act on a complaint made by a representative.

Anonymous complaints:

- 3.6. As far as is possible, anonymous complaints will be considered and managed in the same way as other complaints. Raising complaints anonymously may limit any investigation and we will be unable to report the outcome of our investigation.

Time limits for making a complaint

- 3.7. The sooner we receive a complaint, the sooner we can look into it. Complaints must be made within 12 months of an event occurring or coming to the complainant's notice. We may consider complaints made outside of this timeframe provided that we are satisfied that:

- the complainant had good reason for not making the complaint sooner, and
- despite the delay, it is still possible for us to investigate the complaint effectively and fairly.

Exclusions – what will not be dealt with through Adult Social Care complaint processes

- 3.8. There are some matters that we are not required to deal with through Adult Social Care complaint processes. This is usually because the concern has already been dealt with or there are more appropriate ways of managing the problem. Examples are when:

- the same complaint is already being (or has been) investigated through Adult Social Care complaints processes.
- the same complaint is already being (or has been) investigated by the Local Government and Social Care Ombudsman
- concerns raised verbally with our staff are resolved to the satisfaction of the person who raised them by the end of the next working day.
- it would be more appropriate to investigate concerns under other Council complaints policies, such as our [Corporate Complaints](#) policy, [Children's Social Care Complaints](#) policy or the [Information Compliance Internal Review and Complaints](#) procedure.
- concerns would be more appropriately managed through, or are subject to, other processes such as:
 - employment, disciplinary or grievance procedures – including for staff employed through [direct payments](#).
 - criminal investigation and court proceedings.

3.9. We will explain our reasons in writing if we are not required to act on a complaint except where we have resolved a verbal concern to the complainant's satisfaction by the end of the next working day. Where possible, we will suggest what other steps may be taken instead.

4. Definitions

4.1 Definitions of specific terms used within this policy are provided at Appendix 1.

5. Legal Context

5.1 Legislation which governs complaints about Adult Social Care:

- The Local Authority Social Services and National Health Complaints (England) Regulations 2009
- The Local Authority Social Services and National Health Complaints (England) (Amendment) Regulations 2009
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 in particular Regulations 16 (receiving and acting on complaints) and 20 (duty of candour).

6. Providing accessible information and support where needed.

6.1 We will publish information about how to make a complaint on the Council's website.

6.2 We will make people using Adult Social Care services aware of their right to make a complaint and will provide information about how to do so on request.

6.3 We will provide information in an [accessible](#) format. In particular we will make sure that people who have specific information or communication needs because of a disability, impairment or sensory loss receive:

- information in a form that they can understand
- support to communicate with Adult Social Care if this is needed.

6.4 We will provide any necessary support that a complainant may need to understand and engage in the complaints process or communicate their views. This may include an advocate if it appears likely that the complainant would experience substantial difficulty in being involved in the complaints process and has no appropriate person to help them.

7. How to raise a concern about Adult Social Care

7.1. We encourage anyone who wishes to raise a concern about Adult Social Care to:

- talk to the staff member involved, or
- ask to speak to their manager instead.

- 7.2 We can resolve most concerns quickly and informally in this way or we will explain the reason why this is not possible. If it is not possible, a complaint may be made using the Council's complaints procedure.

Complaints process

8. How to make a complaint to the Council about Adult Social Care

- 8.1. Regardless of whether or not a concern has been raised informally, anyone who wishes to do so can make a complaint:
- electronically by using our online complaints form or by email
 - in writing
 - by telephone
 - in person
- 8.2. We will make a written record when we receive a verbal complaint and will provide a copy to the complainant.

9. How the Council will respond to a complaint

- 9.1. The Adult Social Care Complaints Manager has overall responsibility for complaints about the service and will ensure that:
- complaints are managed in accordance with legal requirements
 - staff who assess and investigate complaints have sufficient authority and experience to resolve matters.
- 9.2. Unless a complaint has been made anonymously, we will:
- acknowledge the receipt of the complaint within two (2) working days
 - provide the name and contact details of the person who will investigate the complaint
 - give an indication of when we are likely to be able to provide a response.
- 9.3. We will investigate complaints without delay. Except in exceptional circumstances, we will provide a response within twenty (20) working days of receiving the complaint. If there are good reasons why the complaint cannot be dealt with within twenty (20) working days, we will:
- explain why and agree a reasonable deadline for the response with the complainant

- provide a written explanation if a complaint has not been resolved within six (6) months of the date of receipt.

9.4. Unless a complaint was made anonymously, we will:

- keep complainants informed about progress, including about any unexpected delays
- write to the complainant with our findings when our investigation is complete.

9.5. When a complaint is upheld, we will:

- explain what we have done or will do to put things right and prevent something similar from happening in the future, and
- offer an apology.

9.6 We will be open and honest and act in accordance with our [duty of candour](#) when a complaint investigation confirms that a notifiable incident has occurred.

10. What to do if dissatisfied with how a complaint is progressing or the Council's response

10.1. We encourage anyone who is concerned about how their complaint is progressing to contact the Complaints Manager to discuss their concerns.

10.2. Anyone who is not satisfied with the final outcome of their complaint:

- is encouraged to discuss this further with the Complaints Manager who will consider whether there is any other way to help resolve concerns.
- has the right to ask the Local Government and Social Care Ombudsman to review their complaint.

10.3. We will without question provide complainants with information about how to [contact the Local Government and Social Care Ombudsman](#).

10.4. We will co-operate with review processes and requests for information from the Local Government and Social Care Ombudsman.

11. How the Council manages demands on its services and staff

Managing enquiries / new concerns during an existing complaint investigation

11.1. While a complaint investigation is in progress, all enquiries related to the complaint and new concerns raised by the same complainant will be directed to and managed by the Complaints Manager.

Managing unreasonable demands on services and staff

- 11.2. We will treat anyone who wishes to make a complaint with courtesy and respect. We expect [complainants](#) to treat our staff in the same manner.
- 11.3 We recognise that in times of trouble or distress people may act out of character when they approach us. Occasionally people behave in an unacceptable manner towards our staff and / or place unreasonable demands on our services, for example:
- by persistently contacting the Council during the investigation of the complaint
 - by making multiple complaints about the same or similar issues
 - when a complainant will not accept that thorough investigation has found that a complaint is unjustified.
- 11.4. When demands on our services and staff are unreasonable, we may have to restrict the ways in which a complainant may deal with us. If restrictions are required, we will inform the complainant of the reasons for our decision, what restrictions will apply and for how long. Please see also [Unacceptable Customer Behaviour policy](#).

12. When all or part of a complaint involves another organisation

- 12.1 When we receive a complaint that should be investigated by another organisation (for example by another local authority, the NHS, a care home, a domiciliary care provider or other service provider), we will contact the complainant and seek their consent to forward the complaint to the correct body.
- 12.2 If consent is given, we will transfer the information without delay to the correct authority or organisation which is then responsible for acknowledging and investigating the complaint.
- 12.3 Where a complaint involves both the Council and another organisation(s), we will:
- explain which part of the complaint can be responded to by the Council, and
 - co-operate with the other organisation(s) so that wherever possible the complainant receives a co-ordinated response.

13. Complaints records and the annual report

- 13.1 We will keep a record of:
- every complaint and the subject of the complaint
 - the outcome of each complaint, what action was taken, or the reason why no action was taken.
 - whether we provided a response within the agreed response time.

13.2 We will prepare a report for each year ending 31 March and publish it on the Council's website by 31 July of the same year. The report will:

- specify the number of complaints received; upheld (either fully or in part); referred to the Local Government and Social Care Ombudsman
- summarise the nature of the complaints received; any trends / issues identified; any actions taken / planned as a result of complaints.

14. Care Quality Commission (CQC) and complaints about registered providers

14.1 The [Care Quality Commission](#) (CQC) is the independent regulator of health and social care services in England. CQC monitors the quality of certain services, for example care homes and home care agencies. CQC also monitors some Council services, for example Wheatridge Court, Great Western Court and Learning Disability Respite units.

14.2 Where services are registered with and regulated by CQC, complainants can provide information about their complaint to CQC if they wish to do so. CQC does not get involved in complaints but uses the information when assessing the quality of service provision.

14.3 We will on request provide complainants with information about how to contact CQC.

14.4 We will provide information requested by CQC within 28 days of receiving the request.

15. Implementation

15.1. This policy will be:

- communicated to staff via line managers through approved processes.
- published on the County Council's intranet and external website
- made known where relevant to commissioned providers through mutually agreed processes.

16. Monitoring and review

16.1 Complaints and the outcome of investigation will be monitored by the Complaints Manager and by other senior managers.

16.2. Organisational learning from complaints will be disseminated to staff.

16.3 This policy will be reviewed three years from the date of approval or sooner if appropriate.

Appendix 1 – Definitions

<p>Accessible</p>	<p>What we mean by ‘accessible’ is that we will provide information in a format that the person who needs it can understand.</p>
<p>Care Quality Commission (CQC)</p>	<p>The Care Quality Commission (CQC) is the independent regulator of health and social care services in England.</p> <p>CQC is responsible for ensuring that health and social care services provide people with safe, effective, compassionate and high-quality care.</p> <p>CQC inspects and monitors the care that services provide. They use information about people’s experiences of health and social care services to help them do this. CQC cannot help with a complaint but they are interested in people’s experience of making a complaint.</p> <p>CQC contact details:</p> <ul style="list-style-type: none"> • Website: http://www.cqc.org.uk/share-your-experience-finder • Email: enquiries@cqc.org.uk • Care Quality Commission Citygate Gallowgate Newcastle upon Tyne NE1 4PA • Phone: 03000 616161
<p>Complainant</p>	<p>In this policy, complainant means the person making the complaint or someone who is authorised to represent them.</p>
<p>Direct payments</p>	<p>Direct payments are payments made by the Council to someone who needs care and support or to a carer so that they can arrange their own support, instead of receiving social care services arranged by the Council. Direct payments are available to people who have been assessed as being eligible for council-funded social care. They are not yet available for residential care.</p>
<p>Local Government and Social Care Ombudsman</p>	<p>The Local Government and Social Care Ombudsman is a free and independent service which investigates complaints about adult social care.</p> <p>If someone has already complained to the Council or to a service provider and is not satisfied with the response, they have the right to contact the Ombudsman to ask them to review the complaint.</p> <p>The Ombudsman reviews complaints about care and support which is:</p> <ul style="list-style-type: none"> • provided or arranged by a council, or • arranged directly with a service provider by someone: <ul style="list-style-type: none"> ○ paying their own or family money, or ○ using money provided by the council, e.g. through direct payments

	<p>Local Government and Social Care Ombudsman contact details:</p> <ul style="list-style-type: none"> • Phone: 0300 061 0614 • Callback text: 0762 481 1595 • Website: www.lgo.org.uk/make-a-complaint/how-to-complain • Local Government Ombudsman P.O. Box 4771 Coventry CV4 0EH
<p>Notifiable incidents and the duty of candour</p>	<p>Notifiable incidents in social care are serious and unintended or unexpected incidents that in the opinion of a health care professional appear to have resulted in (or require treatment from a health care professional to prevent):</p> <ul style="list-style-type: none"> • the service user's death • Impairment of the service user's sensory, motor or intellectual functions that has lasted or is likely to last for a continuous period of at least 28 days • changes to the structure of the service user's body • the service user experiencing prolonged pain or psychological harm • shortening of the service user's life expectancy. <p>Registered social care providers have a <i>duty of candour</i> to be open and honest when a notifiable incident occurs. This means:</p> <ul style="list-style-type: none"> • telling the person without delay and in person what has happened and providing support • providing all the known facts and explaining what further enquiries are appropriate • offering an apology • following up by giving the same information in writing, and providing an update on the enquiries. • keeping a written record of all communication with the person.