

Adult Social Care

Complaints Policy

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Adult Social Care complaints policy

Version	Date	Author	Principal Changes
5	April 2026	Policy Review Officer	Review in-line with LGO best practice

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1. Introduction

In adult social care, our vision is to

“Make the difference that matters”

by enabling people to help themselves and each other,
doing the best we can to help build resilience, thrive and live a good life.

- 1.1 This policy explains how to make a complaint about Adult Social Care and how the council will respond. **Key terms are identified in bold** and defined in Appendix 1. If you need more information or support, please contact the complaints team – details are on page 10 of this document.
- 1.2 Gloucestershire County Council (we / the council) is committed to creating a **continuous learning environment**, as such we welcome **compliments** and **complaints** about its **Adult Social Care** service as these are valuable opportunities for growth, learning and continuous improvement.
- 1.3 The council strives to ensure the **people who draw on care and support** are enabled to live independently and with dignity, with choice and control over their care, however sometimes people may be dissatisfied with decisions or services. We encourage anyone dissatisfied with Adult Social Care to:
- raise their concerns with the staff member they have been dealing with, or
 - ask to speak to their manager instead
- 1.4 We will treat anyone who wishes to make a complaint with courtesy and respect. We will try to resolve concerns quickly and informally if we can or explain why this is not possible. If it is not possible, or if preferred, people may make a complaint.

2. Legal context

- 2.1 Councils must follow the **Local Authority Social Services and NHS Complaints (England) Regulations 2009** and **The Local Government and Social Care Ombudsman Adult Social Care Complaints Reviews and Appeals – A Good Practice Guide for Local Authorities** when dealing with complaints about adult social care or health services they provide or arrange.
- 2.2 These rules do not apply to **private or independent care providers** if the person arranged and paid for the care themselves, without council involvement. In those cases, the care provider should have their own complaints procedure.
- 2.3 This policy is underpinned by the **Equality Act 2010**, the **Care Act 2014**, and the **UK General Data Protection Regulation (GDPR)**. We are committed to ensuring that our complaints process is fair, accessible, and compliant with legal duties. We will make **reasonable adjustments** to support individuals with protected characteristics, ensure complaints are handled in a person-centred and proportionate way, and protect the privacy and rights of individuals whose data is involved in complaints.

See also:

- Adult Social Care Accessible Information policy
- Independent Advocacy in Adult Social Care policy

- 2.4 The councils complaints handling reflects the NHS (National Health Service) Complaints standard to support joint working when responding to complaints, and follows the **Local Government & Social Care Ombudsman (LGSCO)** best practice:
<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/adult-social-care-complaints-reviews-and-appeals-a-good-practice-guide-for-local-authorities>
- 2.5 Please see appendix 2 for further legal context.

3. Scope

3.1 This policy applies to:

- Gloucestershire Adult Social Care Operations (e.g. Care Act assessments, support planning and hospital discharge)
- Gloucestershire Adult Social Care Support Services (e.g. the council's help desk but excluding financial complaints)
- Gloucestershire Equipment Loan Services
- Joint complaints with the NHS
- People in Shared Lives Placements
- People dissatisfied with how independent providers have managed their complaints

This list is not exhaustive, if you're not sure, please contact the complaints team and we can redirect you to the most appropriate organisation.

4. Who can make a complaint

4.1 Anyone who is unhappy with the service they've received from Adult Social Care, or with a decision, action, or lack of action, can make a complaint.

This includes:

- adults who need care and support
- **carers** of those adults
- young people under 18, their carers, and young carers under 18 who are moving into Adult Social Care services

Everyone has the right to raise concerns, and we are committed to listening, learning, and improving based on the feedback we receive.

4.2 A person may be experiencing dissatisfaction without saying the word "complaint". The council will work with individuals, or their **representatives**, to understand if any concerns should follow the complaints process.

4.3 Complaints may also be made by a representative of someone who has used our Adult Social Care Service (including someone who has died) provided that the council is satisfied that:

- the person consents to the representative making a complaint on their behalf (unless the person has died or **lacks mental capacity** to agree to representation)
- the representative will act in the **best interests** of an adult who lacks mental capacity
- for complaints on behalf of young people aged under 18:
 - there are reasonable grounds for a complaint to be made by the representative rather than the young person and
 - the representative will act in the young person's best interests

4.4 We will give our written reasons if we decide not to act on a representative's complaint.

5. Help to make a complaint

5.1 The council will ensure that people are assisted to understand how to make a complaint and what happens next.

5.2 When complaints are made, the council will ensure there is an opportunity to request any changes (**reasonable adjustments**) to remove any barriers to the person's involvement and we will make changes to help people access our services in line with our duties outlined in the Equality Act 2010 and the Care Act 2014.

5.3 If someone is finding it hard to make a complaint—because of a disability, communication difficulty, or other substantial barrier—the council may offer help from an **independent advocate**, where appropriate.

An advocate is someone who can support the person to understand the process, express their views, and make sure their voice is heard. This is especially important when the person might struggle to do this on their own.

The council will consider each situation individually and offer advocacy support where it's needed to make the complaints process fair and accessible (see appendix 4).

- 5.4 Sometimes, a person making a complaint may choose to have someone else, like a family member, friend, or advocate, act on their behalf.
- 5.5 When a person doesn't have the requisite mental capacity to make a complaint, anyone with interest in their welfare—a family member, friend, unpaid carer, or professional (e.g., advocate, solicitor) can complain. The councils must consider whether they're appropriate representatives.
- 5.6 Sometimes, the council may limit or stop the representative's involvement if:
- There are concerns that the representative is not acting in the person's best interests.
 - There are safeguarding concerns, such as risks to the person's safety or wellbeing.
 - The representative's behaviour is unreasonable, for example, if they are aggressive or disruptive.
 - The person has capacity and withdraws their consent as they no longer want the representative to speak for them.

In these cases, the council will take steps to protect the person and make sure the complaints process remains fair and respectful.

6. What are complaints?

- 6.1 Not every comment, concern or problem is a complaint:

The Local Government & Social Care Ombudsman defines complaints as:

“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 individuals¹".

- 6.2 This means that anyone who feels disappointed by the service they've received, or by something the council has done or failed to do, has the right to raise a complaint.
- 6.3 Sometimes, someone might contact the council to ask for a service, suggest an improvement, or report a problem. These are usually considered **service requests**, not complaints.

Examples include:

- asking for a service to be provided
- suggesting how a service could be improved
- reporting something that needs fixing

These are not treated as complaints unless the person is unhappy with how the council has responded to their request or concern. If they feel the issue hasn't been resolved properly, it may then become a complaint.

7. Providing information

- 7.1 The council will publish information about how to make a complaint and this policy on its website. which can be found here: <https://www.gloucestershire.gov.uk/council-and-democracy/complaints-and-feedback/complaints-about-adult-social-care/>
- 7.2 We will let people using Adult Social Care services know they have the right to complain. We'll provide this information in a way that suits their needs, following the **Accessible Information Standard**, and make it available on request.
- 7.3 We will assume that people are able to make their own decisions about their complaint. Where this is not the case, we will follow the Gloucestershire Multi Agency Mental Capacity Act policy and guidance (<https://www.gloucestershire.gov.uk/health-and->

¹ <https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/adult-social-care-complaints-reviews-and-appeals-a-good-practice-guide-for-local-authorities?chapter=4#Accepting+complaints>

[social-care/adult-social-care/types-of-care-and-support-available/support-for-adults-with-mental-health-conditions/mental-capacity-act-mca-policy/](#)).

8. How to make a complaint

8.1 Complaints should normally be made within 12 months of the issue happening or from when the person first became aware of it. However, if someone makes a complaint after this time, it can still be accepted if there's a good reason for the delay. Examples of good reasons might include:

- the person was unwell or dealing with a crisis, and couldn't raise the issue sooner
- the person was trying to resolve the issue with the care provider
- the council didn't explain a person's right to complain in a way that they understood

8.2 We encourage those who are dissatisfied with adult social care to contact us, to help us improve our services and learn. At GCC, Adult Social Care fosters a learning organisation culture, and people who wish to complain can be assured this will not impact any services they receive, now or in future.

8.3 You can make a complaint in several ways:

Online or by email

Use the [Council's online complaints form](#) or email the relevant team. For Adult Social Care, this may include: corporatecomplaintsteam@gloucestershire.gov.uk.

In writing

You can send a letter to the Council's Complaints Team at Shire Hall or hand in a written complaint at any council office.

Verbally

You can speak directly to the staff member involved or ask to speak to their manager.

If an email address is provided the person is agreeing to receive communication electronically. The person complaining can contact the complaints team (see details above) to opt out of electronic contact.

- 8.4 We will write down any verbal complaints we receive, and, unless the complaint was made **anonymously**, we will give a copy of the written record to the person who made the complaint.
- 8.5 To find out how the council uses personal information, please see the ASC Privacy Notice: <https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/service-specific-privacy-notice/adult-social-care-privacy-notice/>

9. What the council does when it receives a complaint

Complaint made within 12 months

Receiving the complaint

- 9.1 Unless the complaint was made anonymously, we will acknowledge receipt within three (3) working days (not including the day the complaint was received) and provide:
- the name and contact details of the person responsible for investigating
 - an indication of when we are likely to be able to provide a response
 - an offer help to or support to the person to use the service
- 9.2 If something was first treated as a service request but later recognised as a complaint, the time limits in section 9.1 start from the date we confirmed it was a complaint
- 9.3 When we get a complaint, the council will check it to make sure we're the right organisation to deal with it.
- 9.4 When we receive a complaint that should be investigated by another organisation (such as another local authority, the NHS, a care home or a domiciliary care provider), we will:

- contact the person making the complaint for consent to redirect the complaint and explain why the complaint is for another organisation
- promptly transfer the information to the correct organisation when consent is given. The other organisation is then responsible for acknowledging receipt and investigating the complaint, in accordance with their complaints policy
- or provide contact details of where the person making the complaint needs to redirect their complaint

9.5 When a complaint involves both the council and another organisation(s), we will:

- explain which part of the complaint the council can respond to
- co-operate with the other organisation(s) so that, wherever possible, the person making the complaint receives a co-ordinated response in line with 9.4

9.6 When a coordinated approach cannot be managed, the council will write to the individual or their representative explaining why.

Investigating and reporting the outcome

9.7 We will investigate complaints thoroughly, fairly and without delay.

9.8 In most cases we will provide the outcome of our investigation in writing within twenty (20) working days of receiving the complaint. If we are unable to complete our investigation within this timeframe, we will agree a reasonable deadline for a response with the person making the complaint.

9.9 Unless a complaint was made anonymously, we will keep person making the complaints informed about progress and about any unexpected delays.

9.10 The council can refuse anonymous complaints. However, to foster a continuous learning environment, adult social care will use this feedback to support with service improvement

9.11 We will provide a written explanation for any complaint that is not responded to within six (6) months of receipt.

When a complaint is upheld

9.12 When a complaint is upheld, we will offer an apology and explain what we have done / will do to put things right and prevent something similar from happening in the future.

9.13 If we investigate a complaint and find that something serious has happened (a **notifiable incident**), we will be open and honest about it, as required by law (**Duty of Candour**).

Outside of 12 months if the event occurring, or the person's knowledge of the issue

9.14 In line with the regulations, complaints should normally be made within 12 months of the issue happening or from when the person first became aware of it.

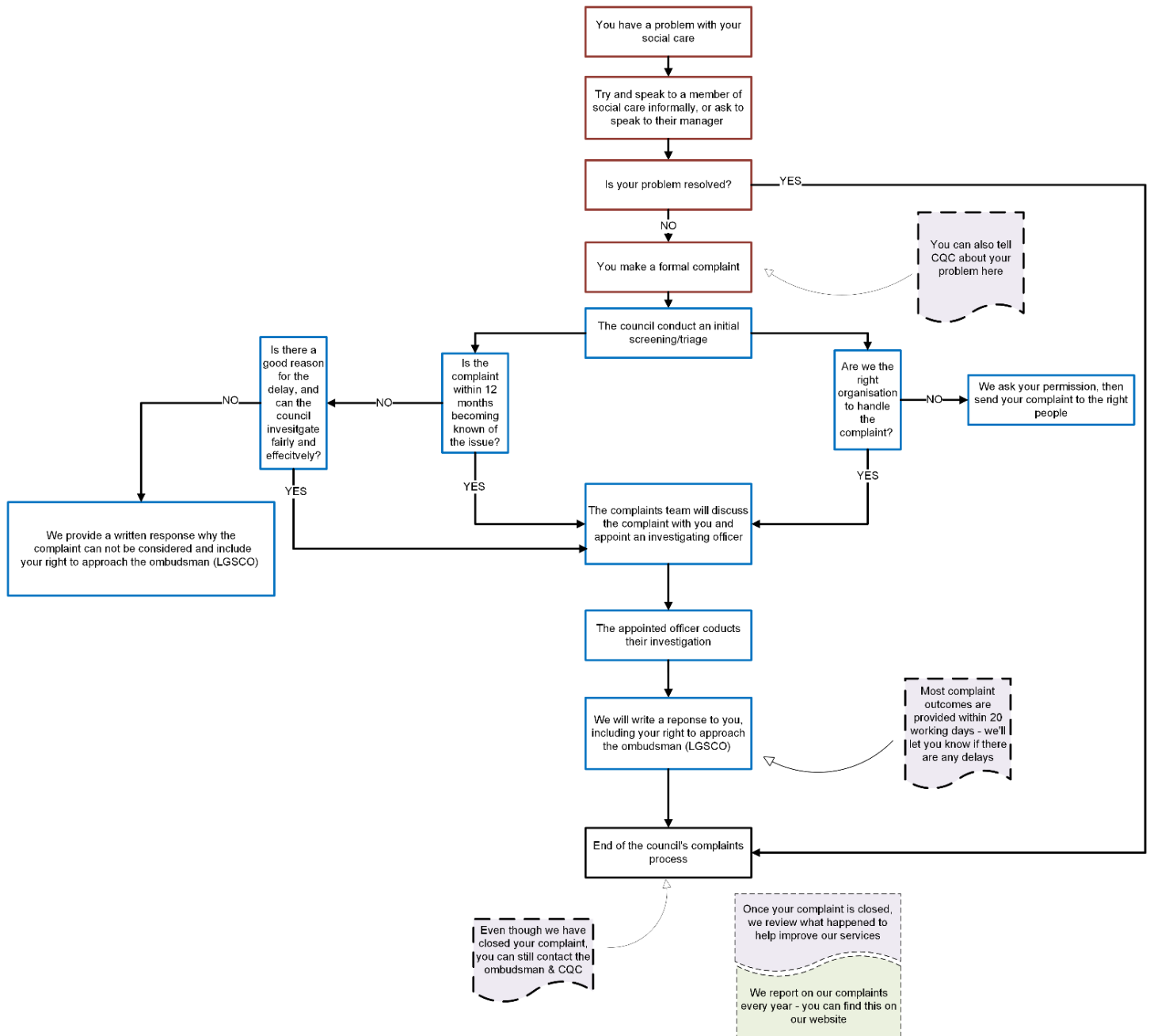
9.15 However, if someone makes a complaint after this time, it can still be accepted if there's a good reason for the delay. Examples of good reasons might include:

- the person was unwell or dealing with a crisis, and couldn't raise the issue sooner
- the person was trying to resolve the issue with the care provider

9.16 When the council accept the complaint, we will follow the steps outline in 9.1 – 9.13 of this policy.

9.17 When the council does not accept the complaint, the council will inform the person in writing to explain. The next steps for the person raising the complain if they remain unhappy is to approach to Local Government and Social Care Ombudsman, the council's letter will advise how to do this.

Overview process map



Managing demands on services and staff

9.18 While an investigation is in progress, enquiries about the complaint and new concerns from the same person making the complaint will be directed to and managed by the Customer Feedback and Complaints Manager or their delegate.

9.19 Occasionally people may behave in an unacceptable manner towards our staff and / or place unreasonable demands on our services, for example:

- persistently contacting the council during the complaint investigation
- making multiple complaints about the same or similar issues
- refusing to accept an investigation outcome that a complaint is unjustified
- behaviour or language (verbal or written) that may cause staff to feel offended, afraid, threatened or abused

9.20 In these circumstances, we may have to restrict the ways in which a person making the complaint may deal with us. If restrictions are required, we will inform the person making the complaint of the reasons for our decision, what restrictions will apply and for how long. Please see the council's Unacceptable Customer Behaviour policy - <https://www.gloucestershire.gov.uk/media/3kjfwpg2/unacceptable-behaviour-policy.pdf>

10. What to do if concerned about the progress or final outcome of a complaint

- 10.1 We encourage anyone who is concerned about the progress or final outcome of their complaint to discuss their concerns with the Customer Feedback and Complaints Manager initially.
- 10.2 Anyone who has exhausted our complaints process and is not satisfied with the final outcome has the right to ask the Local Government and Social Care Ombudsman to review their complaint.

You can find out more about how to complain to the Local Government and Social Care Ombudsman at <https://www.lgo.org.uk/how-to-complain>

- 10.3 We will provide information about how to contact the Local Government and Social Care Ombudsman and will co-operate with any requests from the Ombudsman.

11. When the council will not/may not act on a complaint

- 11.1 The time limit is one example when the council may not act on a complaint. There are other reasons within the regulations, and LGSCO best practice where a complaint may not be investigated. The council will consider the individual circumstance of each complaint when deciding whether to investigate or act.

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

- is already being / has been investigated through our complaints process or by the Local Government and Social Care Ombudsman
- would be more appropriately investigated through other complaints processes, such the council 's Corporate Complaints policy, Children's Social Care Complaints policy or Information Security Incident Processes
- would be more appropriately managed through/is subject to processes such as employment, disciplinary or grievance procedures, criminal investigation and court proceedings
- is a complaint from a provider around contractual issues
- is a complaint from an individual who has entered a private arrangement with a provider
- concerns **financial assessment** and has already been reviewed by the **ASC financial panel** – these cases will be sign posted to the Ombudsman. More information on the financial assessment review process can be found here: <https://www.gloucestershire.gov.uk/media/clidjxmy/review-and-appeal-process-for-adult-social-care-financial-services.pdf>

Further examples are provided in Appendix 3

11.3 Where the council is not required to act on a complaint, we will explain why in writing and, where possible, suggest other steps that may be taken instead.

11.4 Verbal concerns raised with our staff and resolved to the person making the complaint's satisfaction by the end of the next working day are not managed as complaints.

Complaints about care and support arranged or provided on behalf of the council

11.5 Where a complaint relates to a **commissioned provider** (e.g. supported living, care homes or domiciliary care), the council will follow the Formal Adult Social Care Provider Complaint Process. This process ensures that providers respond promptly and fairly, and that when required, complaints are monitored by the council's Quality Assurance

and Commissioning Teams. The process aligns with the Local Government and Social Care Ombudsman's best practice on handling adult social care complaints and ensures person making the complaints are supported throughout. The ombudsman treats third party actions in this scenario, as if the actions were conducted by the council itself.

11.6 The council encourages any concerns are raised directly with the provider of care in the first instance and exhausts the provider's complaints policy.

11.7 If following para 11.6 the person making the complaint is dissatisfied; they may request the council reviews the complaint, where the provider and Quality Officer assess whether escalation is appropriate.

11.8 Anyone who is **self-funding** their care and support arrangements and has entered into an agreement independently of the council with a social care provider (such as a care home or a home-care agency) should:

- first make a complaint directly to the organisation concerned and follow their own complaints process
- then if dissatisfied with the final outcome of the complaint, ask the [Local Government and Social Care Ombudsman](#) to review their complaint

11.9 The Adult Social Care Quality team may keep complaints information from providers, either reported by people accessing services, family, friends or carers, or the providers themselves for quality assurance purposes. This information is kept following UK GDPR and data protection principals – more information see the adult social care data privacy notice here: <https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/service-specific-privacy-notice/adult-social-care-privacy-notice/>

12. The Care Quality Commission (CQC) and complaints about regulated providers

12.1 The [Care Quality Commission \(CQC\)](#) is the independent regulator of health and social care services in England. CQC monitors the quality of and encourages feedback about regulated providers, for example about services such as care homes and home care agencies. CQC does not get involved in complaints but considers feedback from service users when assessing the quality of service provision.

12.2 Gloucestershire Shared Lives, Wheatridge Court, Great Western Court and Learning Disability Respite units are regulated services run by the council. Anyone making a complaint about these services may also provide feedback to CQC.

13. Complaints records and the annual report

- 13.1 The council maintains records of complaints, compliments and outcomes. We will:
- keep complaints information secure and use it in accordance with the GDPR, Data Protection Act 2018 and the council's privacy notice
 - prepare an annual report about complaints received for each year ending 31 March and publish it on the council's website by end of October of the same year

14. Implementing, monitoring and reviewing policy

- 14.1 The council will publish this policy on its website.
- 14.2 The council will ensure that commissioned providers are aware of and follow the Formal Provider Complaint Process. This process is reviewed regularly to ensure compliance with the LGSCO Complaint best practice and to promote a culture of continuous learning and improvement.
- 14.3 The Customer Feedback and Complaints Manager and other senior managers will monitor complaints and the outcome of investigations. We will use what we learn from complaints and service requests to improve our services and will share our organisational learning with staff (see appendix 6).
- 14.4 This policy will be reviewed by April 2029.

Appendix 1 – Definitions

Term	Definition
Accessible Information Standard	<p>The Accessible Information Standard (AIS) is a legal requirement in England—established by NHS England in 2016 (updated June 2025) mandating that all providers of NHS or publicly funded adult social care follow a consistent approach to ensure people with disabilities, impairments, or sensory loss can access, understand, and communicate about their health and care</p> <p>This means information must be made available in versions such as large print, braille, easy read or via audio, and people have communication support where needed such as British Sign Language interpreters.</p>
Anonymously	Purposely not providing a name, a telephone number or an email address so the complaint cannot be traced back to the person.
ASC Financial Panel	A group within adult social care that reviews financial assessment decisions to make sure they are fair, consistent, and follow the rules.
Best interest	When a person lacks capacity to make a decision, any action or decision taken on their behalf must be in their best interests. This means considering all relevant circumstances, involving the person as much as possible, taking account of their past and present wishes, beliefs and values, consulting others involved in their care, and choosing the least restrictive option that benefits the individual.
Care Act 2014	A law that sets out how adult social care should be provided in England. It focuses on promoting people’s wellbeing, giving them more control over their care, and making sure carers are supported too.

Carers A carer provides support or looks after a family member, partner or friend who needs help because of frailty, physical or mental illness, addiction or disability.

This includes those who receive a Carer's Allowance and/or care for someone who receives an Attendance Allowance. However, it does not include someone who is paid to provide care or who is a volunteer.

Care Quality Commission (CQC) The Care Quality Commission (CQC) is the independent regulator of health and social care services in England.

CQC is responsible for ensuring that health and social care services provide people with safe, effective, compassionate and high-quality care.

CQC inspects and monitors the care that regulated 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 care and of making a complaint.

CQC contact details:

- Website: www.cqc.org.uk ([give feedback on care form](#))
- Email: enquiries@cqc.org.uk
- Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
- Phone: 03000 616161

Commissioned provider A care company providing care to people who have entered an agreement with the council to do so, rather than the person arranging the care themselves.

Complaint	<p>The Local Government Ombudsman defines complaints as:</p> <p>“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”</p>
Compliments	<p>Positive feedback or expressions of satisfaction about a service, care, or support received. Compliments highlight what has been done well and help recognise good practice.</p>
Continuous Learning Environment	<p>A continuous learning environment means that we use complaints as a valuable way to learn, improve, and prevent future issues.</p> <p>"It's a place where complaints aren't just dealt with—they're used to help everyone learn and do better next time."</p> <p>What this looks like in practice:</p> <ul style="list-style-type: none">• Staff are encouraged to reflect on complaints and what can be learned from them• We track patterns in complaints to spot areas for improvement.• Learning from complaints is shared across teams, not just kept with one person• Training or policy changes might happen as a result of what's been learned <p>People feel safe to raise concerns, knowing they'll be taken seriously and used to make things better.</p>
Data Protection Act 2018	<p>The UK law that works alongside GDPR. It sets out how organisations must handle personal data safely and legally.</p>
Duty of Candour	<p>The duty of candour in health and social care is a legal obligation that requires health and social care providers to be open and transparent with</p>

individuals receiving care or treatment. It applies to all health and social care providers regulated by the Care Quality Commission (CQC).

Registered social care providers have a **duty of candour** to be open and honest when a notifiable incident occurs. This means:

- 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

Equality Act 2010	A law that protects people from unfair treatment and discrimination. It makes sure everyone is treated fairly, and that people with protected characteristics (like age, disability, race, or gender) are not disadvantaged.
Financial Assessment	A check to see how much a person can afford to pay towards their care. It looks at income, savings, and property to work out if the council should help with costs.
Independent advocate	A person who helps someone understand their rights and speak up for themselves. They are not part of the council or care provider and are there to support the individual's voice.
Local Government and Social Care	If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Local Government and Social Care Ombudsman to review your complaint.

Ombudsman (LGSCO) The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us chance to deal with your complaint before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process.

About the Ombudsman

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care.

Contact

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Opening hours

Monday to Friday: 10am to 4pm (except public holidays)

Lack Mental Capacity The ability to understand information, make decisions, and communicate choices. If someone lacks mental capacity, decisions must be made in their best interests.

Learning organisation culture In the public sector, a learning organisation culture is characterized by a willingness to learn and improve. This culture is dynamic and influenced by various factors, including the feedback received from people accessing services.

Local Authority Social Services and NHS Complaints (England) regulation 2009	<p>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 establish a statutory process for handling complaints about adult social care and NHS services in England.</p> <p>The regulations set out how complaints about adult social care and NHS services must be handled. They ensure that anyone can raise a concern that complaints are dealt with fairly and promptly, and that services learn from them. The process is flexible, encourages joint working between health and social care where needed, and focuses on resolving issues and improving care. Organisations must also monitor complaints, report on them annually, and use the findings to make positive changes.</p>
Make the difference that matters	<p>This is GCC’s adult social care vision: “We make a difference by enabling people to help themselves and each other - doing our best to help people build resilience, thrive, and live a good life”</p>
Notifiable incidents	<p>Notifiable incidents in social care are serious and unintended or unexpected incidents that a health care professional believes have resulted in (or require treatment from a health care professional to prevent):</p> <ul style="list-style-type: none">• death• impairment of sensory, motor or intellectual functions that has lasted or is likely to last for a continuous period of at least 28 consecutive days• changes to the structure of the body• experiencing prolonged pain or psychological harm• shortening life expectancy
People who draw on care and support	<p>Anybody accessing adult social care or have an adult social care arranged service.</p>
Private or independent care providers	<p>Companies and organisations providing care that has been arranged by the person with care and support needs, without any involvement from the council.</p>

Reasonable Adjustments	Changes that must be made to help disabled people access services fairly. This could include providing information in easy-read format or offering extra support during meetings.
Representatives	People, or organisations, that support a person who wants to complain and may act as the contact for the council. A person can request this themselves, or one may be appointed if a person is unable to bring the complaint themselves.
Self-funding	Someone who pays for all of their care and support package, usually as they have over £23,250 meaning they aren't able to have financial support from the council.
Service Request	Sometimes, someone may request a service, or service improvement. This is when a request is made for a services or improve a service or fixes a problem. These are not usually treated as complaints, unless the person is unhappy with council's attempt to resolve any matters raised
Triage	The process of quickly looking at a concern or request to decide what action should be taken next.
UK GDPR	A set of rules that protect people's personal information. It gives individuals rights over how their data is collected, used, and shared.

Appendix 2 – Legal context

This policy is based on the following legislation:

The Local Authority Social Services and National Health Complaints (England) Regulations 2009 as amended.

A complaint must be handled under the regulation. The regulations:

- Establish a unified, statutory framework across health and social care, ensuring complaints are handled consistently by all “responsible bodies” such as councils, NHS providers, and funded care providers.
- Define clear responsibilities by mandating each body appoint a complaints manager, set up transparent procedures, and resolve issues swiftly, typically within six months.
- Protect people’s rights, outlining exactly what can be complained about, who can complain, acceptable timeframes, and the format of communications.
- Ensure accessibility and transparency, requiring acknowledgement within three working days, explanation of the process, and a formal response at conclusion.
- Enable escalation by specifying that individuals may take unresolved complaints to the Local Government and Social Care Ombudsman, ensuring independence and fairness.
- Facilitate learning and improvement, as data on complaints must be monitored, reported, and used to identify systemic issues and improve service quality

GDPR as enacted in The [Data Protection Act 2018](#)

Complaints often involve sensitive personal data, including health and care records. Alongside this policy, the council must ensure:

- Secure handling and storage of complaint records.
- Clear retention schedules (e.g. how long complaints data is kept before deletion).
- Individuals’ rights to access, correct, or request deletion of their data.
- Procedures for responding to Subject Access Requests (SARs) within one month.
- Staff are trained in data protection and privacy impact assessments are completed where necessary.

Breaches of GDPR must be reported to the Information Commissioner’s Office (ICO) and affected individuals.

The Equality Act 2010

The Equality Act protects individuals from discrimination based on protected characteristics (e.g. age, disability, race, gender, religion).

The policy must ensure that:

- Complaints processes are accessible to all, with reasonable adjustments offered.
- Equalities monitoring is embedded to identify who is using the complaints process and whether any groups are underrepresented or disadvantaged.
- Staff are trained to recognise and respond to discrimination-related complaints.
- The Public Sector Equality Duty requires the council to consider how complaints handling affects people with protected characteristics and to take steps to eliminate discrimination and promote equality

The Care Act 2014

The Care Act sets out the rights of individuals to receive care that meets their assessed needs.

The complaints policy must:

- Allow individuals to challenge decisions about their care and support.
- Be proportionate, person-centred, and outcome-focused
- Include access to independent advocacy for those who need support to make a complaint.
- Complaints about assessments, eligibility decisions, care planning, and service delivery must be handled in line with Care Act principles.

Other legislation relevant to this policy includes but is not limited to:

- The [Human Rights Act 1998](#)
- The [Mental Capacity Act 2005](#) (MCA)
- The [Mental Capacity \(Amendment\) Act 2019](#)

Regulations which apply to health and social care services in England regulated by the [Care Quality Commission](#) (CQC). Please see [section 8](#).

- 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).

Appendix 3 – Additional examples of exclusions

- Complaints made by a responsible body (e.g., a local authority, NHS body, primary-care provider, or independent provider) about services they themselves provide.
- Complaints by employees of a local authority or NHS body regarding their own employment.
- Complaints with the same subject matter as one previously made and resolved under the same regulation (Reg 8(1)(c)).
- Complaints whose subject matter was already investigated under:
 - These 2009 Regulations, or
 - The 2004 NHS Complaints Regulations (for complaints made before 1 April 2009), or
 - The 2006 Social Services Complaints Regulations (for those pre-April 2009), or
 - A “relevant complaints procedure” (also pre-April 2009).
- Complaints that are being—or have been—considered by:
 - A Local Government Commissioner under the Local Government Act 1974, or
 - The Health Service Commissioner (Parliamentary & Health Service Ombudsman) under the Health Service Commissioners Act 1993.
- Complaints arising from an alleged failure to comply with a Freedom of Information Act 2000 request.
- Complaints relating to superannuation schemes or compensation for loss of office, under the Superannuation Act 1972 (sections 10 or 24), or arising from their administration.
- **The person complaining (or their representative) can appeal or ask for a review of the organisation’s actions through an internal appeal or review process.**
Organisations may operate internal review and appeal mechanisms across a wide range of services where there is no subsequent statutory right of appeal to another body such as a court of tribunal.
- **Complaints solely about Data Protection (Data Protection Act 2018 and General Data Protection Regulations (EU) 2016/679)**

Organisations may decide to deal with complaints which are purely about how it has handled a person's personal data through a separate process. If a person making the complaint is unhappy with the organisation's response, they may complain to the Information Commissioner's Office (ICO).

However, some complaints may contain elements which relate to how a person's data has been processed by the organisation alongside other related matters. Where this is the case complaints should be dealt with under the Code. At the end of the process person making the complaints should be signposted to the ICO and LGSCO.

- **The person complaining (or their representative) has previously had a complaint about the same matter considered under the organisation's complaints policy or by the Ombudsman.**

Once a complaint has been considered through the complaints process or by the Ombudsman it would not be a good use of the organisation's finite resources to revisit the matter.

Organisations should be conscious of changes in a person's circumstances or further contact with services which may give rise to a legitimate new complaint.

Organisations should not exclude complaints where a person is complaining the organisation has failed to fulfil its promises made as part of local complaints processes. We would expect an organisation to issue a further final complaint response, explaining why it failed to fulfil any promises, the action it will take to put things right and signpost to the Ombudsman. This means person making the complaints are not forced to go back through the complaints process for a second time.

- **The complaint relates to personnel matters, including recruitment, pay, grievances, removals, discipline and pensions.**

The purpose of the complaints process is to deal with relationships between service providers and service users, and not an organisation's actions as an employer or potential employer. Complaints from staff about matters relating to their employment should be dealt with through personnel policies. Although the actions of an organisation when recruiting staff may not be challenged through personnel processes, they relate to the organisation's actions as an employer and it would not normally be appropriate to deal with concerns raised about recruitment through the complaints process.

Members of the public will sometimes ask for disciplinary action to be taken as part of the resolution of the complaint. That is not a reason for excluding a complaint on the grounds that it relates to personnel matters. The complaint isn't a "personnel matter" just because of a desired outcome. It is for an organisation to decide whether individual action against

an employee is required following investigation of a complaint, however the details of any action taken is the personal data of the employee and so should not be shared with the person making the complaint.

Appendix 4 – Care Act Advocacy for Adult Social Care processes including complaints (taken from GCC’s Independent Advocacy Policy)

9. Care Act Advocacy for Adult Social Care processes including complaints

9.1 The council will arrange an Independent Care Act Advocate to support involvement in Adult Social Care processes where both conditions 1 and 2 below are met:

Condition 1

Without an independent advocate, the person would have substantial difficulty (see section 8) in being involved in any of the following:

- assessment of:
 - needs for care and support
 - a carer’s needs for support
 - a young person’s likely needs for care and support when they turn 18 (transition assessment)
 - the likely support needs of an adult caring for a young person when the young person turns 18 (transition assessment)
 - the likely support needs of a young carer (i.e. aged under 18) caring for an adult when the young carer turns 18 (transition assessment)
- Please see also:
- paragraphs 9.5 and 9.6 (combined assessments) paragraphs 9.7 to 9.10 (joint assessments)
- planning their care and / or support
 - revising their support plan
 - certain safeguarding activities (see section 10)
 - using the council ’s Adult Social Care complaints procedure

Condition 2

The person has no informal representative who is appropriate (see section 11) to support their involvement and represent them.

9.2 The council may arrange an Independent Care Act Advocate in such other circumstances as it deems appropriate, for example at care home closure (see section 18).

9.3 Someone who lacks relevant capacity will also be entitled to an IMCA where certain decisions (see section 19) must be made. In these circumstances the council will wherever possible arrange a single advocate who is able to fulfil both roles.

- 9.4 Independent advocacy arrangements will be made as soon as it is identified that advocacy is required so that there are no unnecessary delays.

Appendix 5 - Reasonable adjustments examples and accessible information standard

Reasonable Adjustments can be defined as changes that must be made to help disabled people access services fairly. This could include providing information in easy-read format or offering extra support during meetings.

Examples:

- Providing information in alternative formats such as:
 - Easy Read
 - Large Print
 - Audio
 - Translated versions
 - Different coloured paper
- Adjusting meeting arrangements such as:
 - Holding meetings in accessible locations
 - Offering remote attendance
 - Scheduling at times that suits the person's needs
- Training staff;
 - Making sure complaint handlers understand how to communicate with people who have learning disabilities, autism, or mental health needs

Accessible information standard

The Accessible Information Standard aims to ensure that people, and their **carers** or parents, with a disability, impairment or any degree of sensory loss, who use health or adult social care services:

- have access to information that they can understand
- receive any communication support they might need

It applies to all providers of health and adult social care services, including our commissioned providers, such as care homes and domiciliary care providers.

To meet your communication needs we will:

- Ask you if you have any information or communication needs, and find out how to meet these needs
- Record details of your needs and how to meet them on your personal records
- Highlight (flag) your care records, so whoever looks at them will know about your needs and how these should be met
- With your agreement, we will share information about your communication needs with other health and adult social care providers, to ensure they know what your needs are and how to meet them

- Do what we can to meet your communication needs
- Review your communication needs with you

Appendix 6 - Lessons learned log

COMPLAINTS LOG: TO BE USED WHERE THERE IS LEARNING TO BE IMPLEMENTED:

Complaint Reference Number & Service Area:		
Date of Complaint:		
Date of Complaint Conclusion:		
Outcome of Complaint:	Upheld	Not upheld
	Partially upheld	(circle as appropriate)
Investigating Officer:		
Brief Complaint Outline:		
Do we need something saying who is responsible for implementing actions – who is probably not investigating officer?		

Action				
Action Number:	Action Detail:	Responsible Agency/Professional:	By Which Date:	Complete? (Y/N)

Outstanding and Unresolved Action(s):

Action Number:	Action Detail:	Why Outstanding/Unresolved:	Action to be Reviewed? (Y/N)

Responsible Agency:	What We Did Well:	What Could We Have Done Better:

Follow Up:

Is a Follow-Up required:	Yes / No
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Required Follow Up	Person Undertaking the Follow-Up	Date
	Name: Title: Organisation: Contact details:	
	Name: Title: Organisation: Contact details:	
	Name: Title: Organisation: Contact details:	
<p>Final Outcome Identified to Ensure Learning:</p> <p><input type="checkbox"/> policy change</p> <p><input type="checkbox"/> procedure review</p> <p><input type="checkbox"/> staff training</p> <p><input type="checkbox"/> team meetings/agenda items</p> <p><input type="checkbox"/> other</p> <p>Brief overview:</p>		

Decision maker:	
Sign Off / Complaint Closes	
Have All the Actions Identified Been Actioned:	Yes / No
If no, please provide a summary of why not and any intended future action	
Date Closed (following discussion at Practice Board)	
Signed off by (name and role)	