

Complaints about adult social care practice

Guidance for practitioners and managers
Adults' Services

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Feedback

We welcome feedback about our policies, procedures and practice guidance. If you have any comments about this document please E-mail:

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1 What the law says and what this means for Adults' Services

- 1.1 The need for a complaints procedure for Adults' Services is laid down in statute. The Regulations can be found in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. These Regulations cover both local government and the NHS and came into force in February 2009.
- 1.2 This Adults' Services complaints guidance has twin aims, in line with the overarching approach to personalisation adopted by Adults' Services and the corporate, customer-focused, approach of the West Sussex County Council as a whole. These aims are:
- ✓ *'To resolve complaints more effectively - by responding more personally, and positively, to individuals who are unhappy.'*
 - ✓ *'To ensure that opportunities for services to learn, and improve, are not lost.'*
- 1.3 To achieve the first of these aims, Adults' Services will make every effort to ensure that:
- All complaints are dealt with promptly and efficiently and as close to the 'front-line' as possible;
 - Customers are always asked what they think needs to happen to resolve a complaint (the 'desired outcome');
 - Complaints are dealt with flexibly, with the aim of achieving the desired outcome if that is possible within our policies, procedures and eligibility criteria - and in line with our corporate principles of fairness and treating people as individuals;
 - Staff who discover that a customer has a problem will try to solve that problem personally and immediately - and if they cannot, will take all the details and pass those details on to someone - such as a team manager - who can deal with it;
 - If a complaint cannot be resolved immediately an Individual Complaints Action Plan will be drawn up: this will be shared with the complainant, who will be invited to comment on it;
 - Timescales for dealing with complaints will be kept as short as realistically possible and complainants will be kept informed of progress if the timescales cannot be met;
 - If the person responsible for dealing with the complaint cannot agree the desired outcome, he/she will check with senior managers first before making a decision - as well as consider alternatives for resolution; and
 - All complainants will be offered an opportunity to discuss the outcome of their complaint.

1.4 To achieve the second aim, Adults' Services will ensure that:

- Every complaint is scrutinised so that we really understand what went wrong and how we can do better next time;
- The lessons from complaints will be discussed at senior management level through, for example, local management groups and quality assurance briefings;
- All complaints that cannot be resolved immediately will be recorded;
- Complaint records will periodically be analysed and common themes will be discussed at senior management level;
- Senior managers will make decisions about how service improvements can and should be made; and
- Service improvement decisions relating to complaints will be followed through and monitored to make sure they are properly implemented.

2. The complaints procedure

When can/should people make complaints about Adults' Services?

Whenever a customer or a carer has a problem with Adults' Services, we want to hear about it. Sometimes Adults' Services will treat that problem as a complaint and use this procedure. On other occasions a different way to resolve things may be needed, such as using the adult safeguarding procedures, or the complaints procedure may be ruled out, for instance if the matter has been, or will be, dealt with in court.

Whatever way a problem is to be dealt with, complainants will be given a full explanation of what's happening and why.

- 2.1 We welcome complaints as a way to improve services for individuals and for all customers. To support this, our complaints procedure is made up of three simple steps:
- ✓ Talking about the complaint;
 - ✓ Looking into the complaint; and
 - ✓ Answering the complaint'.

Step 1: Talking about it

- 2.2 The best way for customers and carers to get something sorted out is to talk or write to the person they dealt with originally in Adults' Services.
- 2.3 If the matter cannot be sorted out immediately, or they would prefer not to contact that member of staff or their line manager, customers and carers should be invited to contact the Customer Relations Team.
- 2.4 The Customer Relations Team will check exactly what the problem is and what the complainant would like done to put it right. This is called the 'desired outcome'. If either of these is not clear, the Customer Relations Team will attempt to clarify before passing the complaint to the relevant manager(s).

- 2.5 By the end of the next working day, the relevant manager(s) will attempt early resolution by considering whether they can immediately offer the desired outcome, if it is possible within the context of policies, procedures and eligibility criteria, and where such an outcome is both fair and legal. If they are able to offer early resolution, the relevant manager will inform the complainant and the complaint will be closed. If the problem can't be sorted out straightaway, Step 2 will be instituted.

Step 2: Looking into your/the complaint

- 2.6 If early resolution has not been possible, the complainant will be sent a letter explaining what will happen next and how long this will be expected to take. This is the Individual Complaints Action Plan referred to above and this will be prepared by the manager in Adults' Services who is responsible for the service that is the subject of the complaint.

Step 3: Answering your/the complaint

- 2.7 After the complainant has received the Individual Complaints Action Plan the steps listed in the plan to look into the complaint will need to be carried out. The evidence gathered by Adults' Services will be reported back to the complainant in a formal response letter, together with an explanation of what it is possible to do about the things asked of the county council to resolve the problem.
- 2.8 If a complainant is happy with this, then Adults' Services will formally agree that the specific problem has been resolved.
- 2.9 If a complainant remains dissatisfied, the complaint and the formal response to it, will be reviewed by a senior manager. The findings of that review will be reported back to the complainant in a formal final response letter.
- 2.10 If it is not possible to settle things to the complainant's satisfaction, the complainant has recourse to the Local Government and Social Care Ombudsman to review the way Adults' Services has dealt with the complaint. The Ombudsman is responsible for making sure that councils deliver their services properly, fairly and within the law. There is further information on the work of the Ombudsman in Appendix 1 of this guidance.
- 2.11 Sometimes people may decide to have someone else deal with the complaint on their behalf, or that that they would like to deal with it themselves but with some help and assistance to do so. If this person is not already known to the council as a representative of a customer, we will check with the customer that they are aware of the complaint and that they agree with it.
- 2.12 People who do not have anyone to support them may be able to get someone from an external organisation to help. These people are called advocates and there are a number of organisations who might help.
- 2.13 Information and advice about advocacy services available in West Sussex is available on the County Council's website (visit: www.westsussex.gov.uk and type 'Advocacy for adults' in the search engine).

3. Guidance for staff in Adults' Services

- 3.1 The emphasis in the complaints procedure is on Adults' Services needing to resolve complaints as quickly and satisfactorily as possible. We need to be aware of our adult safeguarding responsibility as well. So, if someone brings a problem to your attention, ask yourself if there are safeguarding issues. If there are, you must implement the safeguarding procedures before you do anything else and you should refer the complaint on to your line manager. If there are no safeguarding issues, then deal with the complaint as below.
- 3.2 Because most of our work in Adults' Services is involved with supporting people to resolve issues for themselves as far as practicable, staff will often hear about a lot of things that are not going as well as our customers or carers would like. Most of these are not recorded as complaints. HM Government Regulations on complaints say that 'if a complaint is made orally and a way forward can be agreed with the client by the end of the next working day' this is 'day-to-day business.' The only recording necessary is on the person's case record on Mosaic. A letter or email to confirm that particular case record entry is a useful way of ensuring that the person who raised the issue also has a record of their interaction with Adults' Services in the matter.

The timescales for responding to complaints are regularly monitored and scrutinised.

West Sussex County Council has set a target of responding to all complaints about Adults' Services within 20 working days (one calendar month).

Individual Complaints Action Plans should only give a timescale of over 20 days in extremely unusual circumstances – and provide an explanation of why this is necessary in the Plan itself.

- 3.3 If the complaint has been received in writing (letter or email), or something needs to be done which will take a little longer, then this will be defined as a complaint, and will need to be dealt with and recorded as follows:
 - ❖ Your first reaction should be to try to solve the problem. If you cannot, do not tell the person that they need to contact someone else. Instead, you should take as many details as you can, and ask the person what they think needs to be done to put it right (their 'desired outcome'). Explain that you will have to put this in the hands of the person who needs to deal with it. If you can identify that person there and then (possibly your line manager), give their name to the complainant, making it clear that you will contact that person and give them all the details. If you need to go away and find out who should deal with it, explain this and give the person a time by which you will have found out and called them to let them know who it is. If in doubt, contact the Customer Relations Team, who will give you advice about who can deal with the problem.

- ❖ Pass the details of the complaint to the person who needs to deal with it (usually your line manager, but possibly a manager in another area/team) and inform the complainant that you have done so.
- ❖ The 'Responding Manager' should then follow these steps:
 - ✓ As a minimum, the Mosaic record should include the fact that there has been a complaint and (when the process has been completed) how it has been resolved;
 - ✓ Copy the details of the complaint and contact details of the complainant (and customer if different) to the Customer Relations Team. The Customer Relations Team will record and monitor the progress of the complaint;
 - ✓ The complaint must be **acknowledged within three working days** of being received by West Sussex County Council – irrespective of where in the Council it was received. This is a legal requirement. The council's database will automatically issue an acknowledgement by email, or if there is no email address, the Customer Relations Team will arrange for a letter to be issued;
 - ✓ Work out what you need to do to decide whether you can offer the complainant their desired outcome. Are there any West Sussex County Council procedures that need to be considered (for example: self-directed support appeals, disciplinary procedures, grievance)? Remember to consider a face-to-face meeting;
 - ✓ If you can offer the desired outcome straight away, contact the customer and confirm this with them;
 - ✓ If it is not possible to resolve the matter straight away, you must record your proposed plan for considering the complaint in a letter to the complainant along with your understanding of the complaint and of the desired outcome. This letter is called the Individual Complaints Action Plan (ICAP). Include the shortest possible, but realistic, timescale by which you will be able to give your decision.
 - ✓ The letter about the 'Individual Complaints Action Plan' **must** be sent within five working days of the acknowledgment;
 - ✓ Carry out the steps listed in the ICAP. If you are likely to miss the timescale set out in the ICAP, you must inform the complainant and the Customer Relations Team of the reasons for the delay and the new timescale for completion;
 - ✓ Decide whether you can meet the complainant's desired outcome. Remember the aim is to give the person their desired outcome if that can be managed within our policies, procedures and eligibility criteria. If you cannot meet the desired outcome, inform your line manager in case they wish to review the decision - and consider what alternative outcome you can offer;
 - ✓ Inform the complainant about whether you are able to meet their desired outcome or not and, if not, whether you have an alternative to offer. If you do this verbally, follow up with a letter or email confirming your response.
 - ✓ If you reach the point where the complainant remains dissatisfied but you have nothing further to offer, and having consulted with your manager, a senior manager should review the position and issue a 'final response letter';
 - ✓ Record the resolution decisions in the person's case record on Mosaic.

- ✓ If the complainant refuses to accept this decision and continues to make contact, discuss with the Customer Relations Team who will consider taking action under the County Council's ['Procedure and Guidance on Handling Unacceptable Behaviour and Unreasonably Persistent Complainants'](#);
- ✓ If a complaint is upheld, or upheld in part, the Customer Relations Team will lead on what can be learned from the complaint and any agreed actions.

4. The role of the Customer Relations Team

- 4.1 The Customer Relations Team is the County Council's central team dealing with customer feedback (compliments, comments or complaints).
- 4.2 The Customer Relations Team records all customer feedback centrally, reports regularly to senior managers on types and quantity of feedback, and takes learning points to senior management meetings and relevant quality assurance meetings for discussion. It also reports to elected Members on an annual basis.
- 4.3 Just as important, the Customer Relations Team has a support role for staff dealing with complaints. The Customer Relations Team designs templates for use by staff, writes and reviews the complaints procedure, and offers advice on both procedure and possible ways forward.
- 4.4 The Customer Relations Team will not give operational advice or write the Individual Complaints Action Plan or other letters – although it can be consulted for support in the drafting of letters and the understanding of this guidance.
- 4.5 'Infremation' is the council's system that digitalises and automates the logging, processing, responding, collecting data, and reporting of compliments and complaints – as well as a number of other public-facing activities across the County Council. Guidance documents for staff are available on Sharepoint sites and support in using the system is available for the Customer Relations Team.

Appendix 1: Contact details

Customer Relations Team, West Sussex County Council

County Hall West Street
Chichester PO19 1RQ
Telephone: 033 022 28222 or 01243 777100 and ask for the Customer Relations Team
Textphone for people with hearing impairments: 18001 01243 777100 and ask for the Customer Relations Team
Email: feedback@westsussex.gov.uk

Someone to speak for you

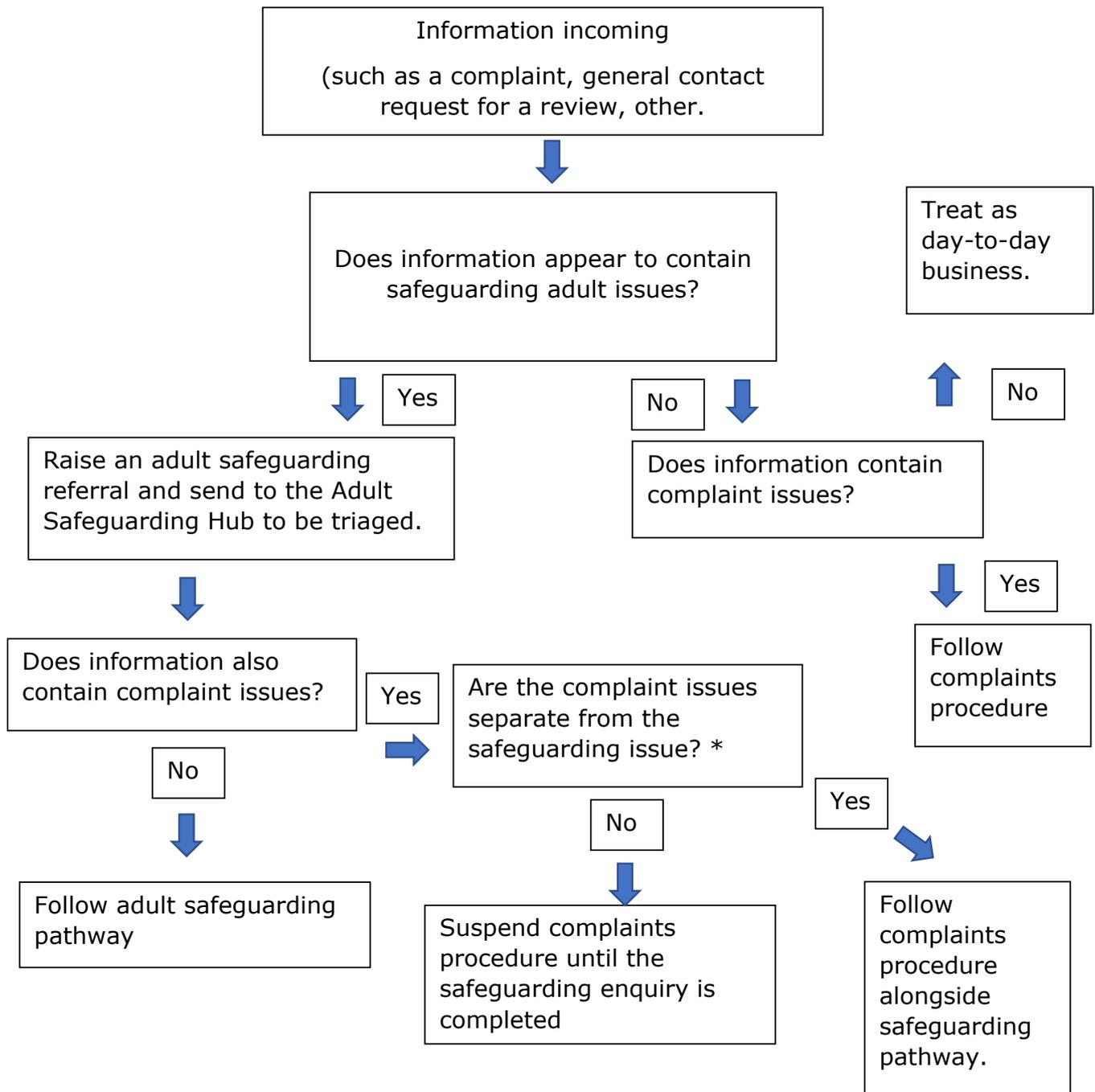
Information about statutory and non-statutory advocacy services in West Sussex is available on the County Council's website (visit: www.westsussex.gov.uk and type 'Advocacy for adults' in the search engine). You can also use this same website to search for information about social care publications. If you need a printed copy of one of our publications, please contact Adults' CarePoint by calling 01243 642121

Local Government and Social Care Ombudsman

Website: www.lgo.org.uk
Email: via website form - www.lgo.org.uk/making-a-complaint
Text: 'call back' to 0762 481 1595
Telephone: 0300 061 0614*

*Lines are open Monday to Friday from 10am to 4pm (except public holidays)

Appendix 2: Safeguarding referrals and complaints



*The existence of a safeguarding enquiry (S.42 Care Act) does not necessarily mean the complaints procedure should be suspended. This should only happen where there is an indication that the investigation of the complaint may compromise the safeguarding enquiry. If in doubt, please seek advice from the Customer Relations Team or from the Safeguarding Adult Service Manager.

- If the incoming contact contains safeguarding issues only then it should be dealt with via local safeguarding arrangements.
- If the contact contains complaints issues only, it should be dealt with via the complaints procedure.
- If the contact contains both safeguarding issues and complaints issues then the issues should be divided and the appropriate procedure should be followed for each part. However, if the complaints issues are inextricably entwined with the safeguarding issues, then the complaints procedures must be suspended until the safeguarding procedures are completed.
- If the contact contains no issues that reach the threshold for safeguarding procedures or complaints procedures, then it should be treated as day to day business.