



Customer feedback procedure

Social Care, Health and Housing

Compliment, Comments, Complaints



Security classification:
Not Protected

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1 LEGAL REQUIREMENTS

- 1.1 The Local Authority Social Services Act 1970 (as amended by the NHS & Community Care Act 1990) requires social services to have a complaints procedure for considering 'any representation, including a complaint' to the local authority in relation to the discharge of, or any failure to discharge, any of their Social Services functions' in respect of a 'qualifying individual'.

This procedure applies to complaints about Social Care, Health and Housing services.

Where a complaint is received that relates to a 'shared service' with Bedford Borough the complaint will be dealt with under the hosting authority's statutory procedure for Adults Social Care.

- 1.2 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 is the legal framework for social care complaints procedures.

Where there is any inconsistency in these procedures and the Regulations the Regulations shall prevail.

2 TERMS USED AND THEIR MEANING:

Where there is reference sending responses 'in writing' the local authority will also give the information in a format to meet the needs of the customer.

'Service user' is a person to whom social services have a duty to discharge a function and/or a customer of the services provided by Social Care, Health and Housing services.

'Complainant' is used to describe the service user or their representative.

Days refers to working days, this excludes Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under Section 1 of the Banking and Financial Dealings Act 1971 (b)

3 POLICY

- 3.1 Legislation promotes a fair and responsive representations procedure. It is central to ensuring that the authority can evidence that it draws on the experience of its customers, positive or negative, to bring about change in services. Procedures need to be open, easy to access and responsive to enable service users and/or their representatives to make representations and complaints.
- 3.2 This Procedure is the method by which customers can express their concerns and be sure that they will be listened to and taken seriously. The Authority welcomes feedback and is concerned with improving services and promoting good practice.
- 3.3 Compliments about services from service users and/or their representatives

should be recorded and the information shared to promote learning and improvements.

- 3.4 Comments about services which are not a complaint or compliment may be statements about how services could be improved requiring a response. They should be recorded so the service can use suggestions to review the way it provides services. People may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment.
- 3.5 This Procedure is part of the Council's policy for responding to customer feedback under the **Customer Feedback Policy and Procedure** which details how representations about policies may be made. If someone raises a concern about a policy this should be recorded as a Representation and those who have made the policy, very often Councillors, informed. Customers will receive feedback on their representations.
- 3.6 The Council is committed to promoting equality of opportunity for all people. It recognises that some people have concerns about making complaints for fear of losing a service if they 'rock the boat' or fear being treated unfavourably. Service users will not be harassed or victimised as a result of making a complaint.

Complainants will not be subject to withdrawal of a service or delay or suspension of a service as a result of complaining unless this is at the request of the complainant. See *Section 10* Freezing a Decision.

4 OBJECTIVES OF THE COMPLAINTS PROCEDURE

- 4.1 To provide an effective means for service users or their representatives to complain about the quality or nature of services and to satisfy those who complain or comment that they have been dealt with promptly, fairly, openly and honestly.
- 4.2 To ensure complaints are acted on with the focus on complainants needs and desired outcomes where these are realistic and achievable.
- 4.3 To resolve complaints quickly and as close to the point of service delivery as acceptable and appropriate.
- 4.4 To provide managers and Councillors with information to assist in monitoring performance and quality of service delivery.
- 4.5 To maintain public accountability on the effectiveness of the procedure. This will include production of an Annual Report on the statutory social care complaints.
- 4.6 To ensure all staff understand the objectives and requirements of the Complaints Procedure
- 4.7 To promote problem solving and focus on improvements in complaints handling and to avoid apportioning blame. The emphasis should be on correcting failings or problems. The procedure includes a range of options to resolve complaints. See Section 12.

5 DEFINITION OF COMPLAINTS

- 5.1 A complaint is....
“...an expression of dissatisfaction about the standard of service, actions or lack of action by the adults social care service or their staff affecting an individual customer or group of customers”.
- 5.2 A complaint should be handled under these procedures where it relates to the discharge of, or the failure to discharge, an adult social care function or Social Care, Health and Housing services.
For complaints about Children’s Services or other Council Services there are separate procedures
- 5.3 If a complaint relates to services provided by an establishment or provider where a person is required to be registered under Section 11 of the Care Standards Act 2000 it cannot be dealt with under these procedures unless the local authority is responsible for arranging for that service to be provided. In these cases we usually ask the provider to respond to the complaint in the first instance.

For those complaints described above that do fall under these procedures Section 17 provides more detail on how complaints should be handled.

- 5.4 The complaints procedure is not an appeals procedure. Appeals will be dealt with under any relevant appeals process. Appeals against court orders will be to the court.

6 WHO CAN MAKE A COMPLAINT?

- 6.1 A complaint may be made by a person who receives or has received a service from Social Care, Health and Housing services or a person who is affected, or likely to be affected, by the action, omission or decision of the service which is the subject of the complaint.

A complaint may be made by a person acting on behalf of a person described above who;

- a. Has died
- b. Is a child
- c. Is unable to make the complaints themselves because of physical incapacity or lack of capacity within the meaning of the Mental Capacity Act 2004(a); or
- d. Has requested the representative to make the complaint on their behalf

If a complaint is made on behalf of a child the Local Authority will only consider the complaint if it is satisfied that there are reasonable grounds for the representative to make the complaint instead of the child.

If the Local Authority has cause to believe that a representative is not acting in the best interests of a service user or they are not a suitable person to represent the service user the complaint will not be considered.

Any decision that a person is not a suitable person to represent the service user will be sent in writing to the proposed ‘representative’ with, as far as possible, reasons for the decision.

7 EXCLUSIONS FROM THE PROCEDURE

- 7.1 A complaint will not be considered, or further considered in cases where it:

- a. has been withdrawn by the complainant
- b. is a complaint made by another 'responsible' body
- c. is a complaint made by an employee about any matter relating to that employment
- d. is a complaint made orally that has been resolved to the complainant's satisfaction no later than the next working day after the complaint was made
- e. is a complaint which has the same subject matter that has previously been resolved as described in (d)
- f. repeats a complaint that has previously been considered through these procedures
- g. it has been investigated by a Local Commissioner under section 26(1) of the Local Government Act 1974
- h. a complaint arising out of the alleged failure by the council to comply with a request for information under the Freedom of Information Act 2000 (b)
- i. it is a care standards complaint – See Section 17
- j. the complainant has stated in writing he intends to take legal proceedings in relation to the substance of the complaint where it will prejudice the proceedings
- k. the local authority is taking disciplinary proceedings in relation to the substance of the complaint against a person who is the subject of the complaint where it will prejudice the proceedings
- l. the local authority has been notified that criminal proceedings have been commenced in relation to the substance of the complaint where it will prejudice the proceedings
- m. the local authority has been notified that proceedings have been commenced under section 59 of the Care Standards Act 2000 in relation to the substance of the complaint (i.e. the removal or suspension of a registered person);or
- n. the subject of complaint relates to events more than one year before the date the local authority receives the complaint unless:
 - ...the local authority is satisfied that it would not have been reasonable to expect the complaint to have been made earlier than it was; and
 - ...although there had been delay in making the complaint it is still possible to consider the complaint effectively and fairly
- o. can be considered through an appeal process

The local authority will advise a complainant in writing why a complaint has been excluded from these procedures.

8 MAKING A COMPLAINT

- 8.1 A complaint can be made to any member of staff orally, in writing or electronically.

Where a complaint is made orally the council will make a written record of the complaint and provide a copy to the complainant unless the complaint is resolved on the spot. Complaints resolved on the spot (within one working day of being made) as in Section 7.1(d) above do not fall under these procedures.

Where a complainant has given consent in writing or electronically to receive communications electronically the council may send communications relating to the complaint electronically.

- 8.2 Complainants may require the support of an independent advocate and consideration should be given to supporting complainants to access an independent advocate. Customer Relations can give assistance to complainants to follow the complaint procedure and inform complainants of their rights.
- 8.3 When a person makes a complaint they will be given details of the complaints procedure.

9 WITHDRAWING A COMPLAINT

- 9.1 A complaint can be withdrawn orally or in writing at any time by the complainant or their representative or advocate. The withdrawal of a complaint will be acknowledged in writing.

10 FREEZING DECISIONS

- 10.1 If a complaint is about a proposed change to a care plan, a placement or service, the decision may need to be deferred (frozen) until the complaint is resolved. Consideration will be given to deferring a decision that will have a significant effect upon the life of an individual until the complaint has been resolved, having regard to the best interests of the service user. Please note Section 5.4, where there is an appeals process or statutory right of review of a decision these cases will not be considered as complaints.

11 THE COMPLAINTS PROCEDURE

- 11.1 The complaints procedure includes a range of options for resolving complaints. The complaint will be assessed and a decision made on the most appropriate option for resolution. Wherever practicable and reasonable the officer responsible for the complaint will make contact with the complainant at the earliest opportunity; will ensure that they fully understand the complaint; seek the complainant's views and discuss how the complaint will be handled before making a decision on the method of handling the complaint.
- 11.2 Complaints will be acknowledged either orally or in writing within 3 working days of receipt.

The acknowledgement will include the plan of how the complaint will be handled in line with these procedures. If a discussion with the complainant has not taken place the acknowledgement letter will include an offer to discuss with the complainant the proposed handling of the complaint.

12 OPTIONS FOR RESOLVING COMPLAINTS

- 12.1 It may be that more than one approach from the range of options is applied before a complaint is resolved but the complainant will be involved in agreeing additional plans. The approach should aim to achieve a timely, proportionate and appropriate response to the complaint. The resolution should be proportionate to the issues complained about. Appendix A provides guidance on the process and minimum standard timescales to be followed for managing complaints:

Mediation or Conciliation – face to face meetings with the complainant facilitated by customer relations to remedy complaints

Local Resolution– this may be investigation by a local manager; case review, provision of information

Formal Investigation - the Council recognises that there are some complaints that are, or become, complex or serious in nature that may require a more detailed investigation of the matters than a local manager can carry out.

13 CONCILIATION and MEDIATION

13.1 Conciliation is a meeting, chaired by a member of customer relations, between a manager and the complainant (and/or their representative) to try to resolve the issues of complaint through discussion. Where practicable the meeting will take place within 10 working days of receipt of the complaint.

13.2 Mediation is a more detailed process and is likely to be suitable in cases where relationships between the complainant and the service are strained. The mediation process involves a number of stages including interviews of both parties with the aim of bringing them together in a face to face meeting for them to reach agreement on resolution. Only trained mediators will undertake mediation on complaints issues.
Where practicable the mediation meeting will take place within 25 working days of receipt of the complaint.

14 LOCAL RESOLUTION

14.1 The local authority will take all reasonable steps to resolve the complaint by local resolution. Local resolution is completed by a local manager of the service complained about.

14.2 We will aim to resolve complaints in;

10 working days from receipt of the complaint, OR
20 working days for detailed and/or lengthy complaints,

....or where this is not possible, as soon as reasonably practicable.

The complainant will be kept informed as far as reasonably practicable as to the progress of the complaint.

14.3 Complainants will be notified in writing of the outcome of the authority's consideration of the complaint; whether the complaint has been upheld or not and the reasons why.

15 FORMAL INVESTIGATION

15.1 Used when the complaint is of a serious and complex nature and the customer relations manager, in consultation with the complainant and relevant service manager decides an independent investigation is required.

- 15.2 Where a complainant has received a local resolution response and they feel that an independent investigation should be considered as a means of resolving the complaint a request must be made within 20 working days of receipt of the local resolution response.
- 15.3 When a request has been received the local authority will, as soon as reasonably practicable; record the complaint in writing and invite the complainant to comment on it. The local authority may amend the written complaint in light of the complainant's comments.
This process may be omitted where the complaint has been made clearly in writing.
- 15.4 The complaint will be investigated by a person outside of line management of the service complained about. The complainant will be kept informed, as far as is reasonably practicable, of progress of the investigation.
- 15.5 The local authority will send a report of the outcome of the investigation to the complainant within 65 working days from receipt of a clear written request for formal investigation or, if later, from the date on which the record of the complaint was amended by the local authority as provided in 15.3. Where it is not possible to send the report within this period, it will be sent as soon as reasonably practicable.
- 15.6 If a report has not be sent after 25 working days from the start of the above period the local authority will explain to the complainant why and notify the date when it expects to send the report.
- 15.7 Where the local authority considers the complaint to be to any extent well-founded it will explain to the complainant what action, if any it proposes to take. See Section 15.1 Adjudication.

15.1 Adjudication of Formal Investigation

- 15.1.1 Following the investigation and the report being presented to the service area and the complainant, Customer Relations may offer and facilitate an adjudication meeting between the department and the complainant as a further opportunity to resolve the complaint before the department responds formally to the complainant with a decision.
- 15.1.2 At the meeting:
- There will be the opportunity to clarify aspects of the report. The report may be discussed, with the focus being on the complaint and the desired outcomes
 - The department will be asked to respond to any recommendations in the report
 - A resolution and actions will be sought and any agreed will have timescales for completion.

The outcome of the meeting will be summarised and sent to the complainant with the authority's final response to the complaint.

- 15.1.3 A complainant not wishing to attend a meeting will be sent a written response to the complaint.
- 15.1.4 An Adjudication meeting is optional and any difficulties setting up a meeting will result in a written response being provided. The final decision to hold a meeting or not will be made by the Customer Relations Manager.
- 15.1.5 The adjudication process should be completed within the timescales permitted to resolve an independent investigation where possible.

16 UNRESOLVED COMPLAINT - SIGN OFF RESPONSE

- 16.1 Where a complaint is not resolved, as soon as reasonably practicable after the conclusion of the handling of the complaint, the council will send to the complainant a written response signed by the 'responsible person'. The response will include:
 - An explanation of how the complaint has been considered
 - The conclusions reached
 - Any action that has been or will be taken as a consequence of the complaint including remedial action
 - The complainants right to take the complaint to the Local Government Ombudsman

The sign off response will be sent within 6 months of receipt of the complaint unless an extension has been agreed with the complainant prior to the 6 month period coming to an end.

- 16.2 **Tenant and Member Involvement in Complaints**
This procedure will be reviewed to consider how both Tenants and Members can become involved in the complaints procedure to provide for engagement on the process without compromising the roles and responsibilities of officers.

17 CARE STANDARDS COMPLAINTS

- 17.1 Providers registered for the purpose of Care are required to have a complaints procedure for complaints about their service which should have been clearly explained to residents when they moved in. It must set out how service users or those acting on their behalf can complain about the service.

Where a complaint is received by the authority which is in part or wholly about a care standards complaint where the care is a function of the local authority:

The local authority will seek consent from the complainant for the details of the care standards element of the complaint to be shared with the provider to which it relates. The local authority will ensure the complaint is handled under these procedures and the complainant receives a coordinated response to all of the issues .

The complainant should be made aware of the limits of an investigation if consent is not given for the information to be shared with the relevant provider.

- 17.2 Where a complaint is received by the authority which is wholly about care standards matters relating to care that is not a function of the local authority to deliver or arrange, the local authority will ask the complainant for consent for details of the complaint to be passed to the relevant agency and if so send the details to the agency as soon as reasonably practicable. The local authority will notify the complainant who the information has been passed to.

18 COMPLAINTS ABOUT AN NHS BODY

- 18.1 Where the council receives a complaint about its functions or functions discharged or to be discharged by it under arrangements made between it and an NHS body under Section 75 of the 2006 Act in relation to the functions of an NHS body and it appears that the NHS body could handle it under their complaints procedure, the council will send it on to the NHS body who will deal with the complaint.

Relevant consents relating to Data Protection will be sought from the complainant before sending on information.

19 DUTY TO COOPERATE

- 19.1 Where the council receives a complaint that contains matters about its adults social care service and the services of another 'responsible body' e.g. NHS body, it will cooperate with the other body in the coordinating and handling of the complaint.

Cooperation will include:

- ensuring the complainant receives a coordinated response to the complaint;
- seeking agreement on who will lead on handling the complaint;
- communicating with the complainant;
- providing relevant information for the consideration of the complaints; and
- attend any meeting reasonably required in connection with the consideration of the complaint.

20 MONITORING THE OPERATION OF THIS PROCEDURE

- 20.1 Records of social care complaints will be kept of each complaint received, the outcome of each complaint and whether there was compliance with the time limits notified to the complainant.
A report will be compiled annually on the Authority's Adult Social care functions under the Regulations.

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APPENDIX A		
Staff Guidance: ASSESSING, PLANNING AND RESPONDING TO COMPLAINTS		
<p>Oral Complaints received into the service complained about</p>	<p>Local staff member receiving the complaint takes steps to try and remedy on the spot (within 24 hours). May involve more senior staff from the service to achieve resolution.</p> <p>When faced with a complaint from a customer staff must not tell the customer to put it in writing or hand them a form to complete staff are required to attempt resolution on the spot</p>	<p>If resolved on the spot the complaint does not fall to be recorded or handled under the statutory complaints procedure. Serious complaints must be logged and put through the complaints procedure. SOVA issues should be addressed through the SOVA process and serious SOVA issues brought to the attention of the Head of Service and AD.</p> <p>If the complaint is not resolved it must be logged and customer relations and the local manager alerted within 1 working day. Customer relations will assess the complaint in line with the matrix below and decide upon the appropriate plan to action the complaint and will inform the local manager of the decision</p>
<p>Oral complaints received into Customer Relations</p>	<p><u>Oral Complaints</u></p>	<p>If the issue of complaint suggests conciliation/mediation or local investigation rating Customer Relations will offer to put the complainant in contact with the local manager who may be able to resolve on the spot (within 24 hours). If the complaint is not resolved it will be passed back to customer relations by the local manager.</p> <p>If the customer does not want to proceed with on the spot resolution the complaint will be assessed and actioned in line with the matrix below.</p>
<p>Written complaints received into Customer Relations</p>	<p><u>Written Complaints</u></p>	<p>Customer relations will assess the complaint in line with the matrix below and decide upon the appropriate plan to action the complaint. A letter will be sent to the complainant detailing the plan with an offer to discuss the manner and timeframe for handling the complaint. The complaint will be actioned in line with the matrix below. Case will be logged on the complaints database</p>
<p>Written complaints received into the service</p>	<p><u>Written Complaints</u></p>	<p>Local manager will assess the complaint in line with the matrix below and decide upon the appropriate plan to action the complaint. Write to the complainant detailing the plan with the offer to discuss the manner and timeframe for handling the complaint. Local managers will need to liaise with customer relations on conciliation/mediation or independent investigation cases. Case will be logged on the complaints database</p>
<p>Assessing the Complaint and Plans to Address the Complaint</p> <p>Following receipt of a complaint the responsible manager must ensure that the complaint is understood in its entirety and ensure all issues are addressed. Not addressing all issues may lead to escalation to the Local Government Ombudsman.</p>		

ASSESSING MATRIX – ADULTS SOCIAL CARE COMPLAINTS		APPENDIX A
<p align="center">A-Mediation or Conciliation</p> <p>Complaint suitable for mediation or conciliation.</p> <p>This may be where there has been a breakdown in relationship between the customer and the service, customer care concerns, communication problems. Issues complained about will be low level and have no immediate risk to the customer.</p> <p align="center">Plan:</p> <p>Customer Relations to facilitate conciliation meeting within 10 working days. Customer provided with written summary of outcomes and agreed actions, if any.</p> <p align="center">OR;</p> <p>Customer relations to facilitate mediation within 25 working days. Any written agreements reached between the parties to be copied to both parties.</p> <p align="center">Reviewing the Plan:</p> <p>If the complaint is not remedied in this way we will discuss with the customer if there is any further action we can take to resolve the complaint which may include a local or independent investigation approach.</p>	<p align="center">B-Local Resolution</p> <p>Complaints requiring investigation or action at local level by local manager.</p> <p align="center">Plan:</p> <p>Local Manager manger resolves within 10 working days (up to 20 working days if detailed or a number of complaints).</p> <p>The plan may include steps by the manager to clarify the complaint and desired outcome with the complainant; interviews with staff; checking records, reviewing the case.</p> <p align="center">Reviewing the Plan:</p> <p>Any requirement to extend the plan beyond 10 working days with reasons why must be discussed with the complainant and extensions recorded on the complaint record. Agreeing extensions will ensure the customer is kept informed of progress and performance targets are met.</p> <p>If information received during the investigation results in the need for the case to be formally investigated customer relations must be informed and the plan will be re-negotiated with the customer.</p>	<p align="center">C-Formal Investigation</p> <p>Complaints of a complex and/or serious nature requiring independent investigation.</p> <p>It may be that in the process of addressing a local resolution case information or circumstances indicate the case should move to formal investigation. The plan to resolve the complaint must be reviewed in consultation with the complainant.</p> <p align="center">Plan:</p> <p>Customer relations manage this process and appoint an investigator independent of the service complained about.</p> <p>The investigator will meet the complainant to agree a written list of outstanding complaints.</p> <p>The investigator will aim to complete the investigation report in 25 working days but it may take up to 65 working days. The Assistant Director will respond to the findings in the report and write to the complainant detailing the decision on the complaints.</p>
Signing off a Complaint		
<p>If the complaint is not resolved through this plan and there is no further action the council can take to remedy the complaint it must be signed off by the Assistant Director.</p>	<p>If the complaint is not resolved through this plan and there is no further action the council can take to remedy the complaint it must be signed off by the Assistant Director.</p>	<p>If the complaint is not resolved through this plan it will be passed to the Director for sign off and scrutiny of any unresolved issues.</p>
<p>Regulations specify that complaints should be responded to in less than 6 months. Any requirement to go beyond 6 months means we must notify the complainant in writing and explain why and a response must be sent as soon as practicable.</p>		
<p>When a complaint is signed off the complainant must be advised of their right to escalate to the Local Government Ombudsman</p>		

