



Northamptonshire County Council

Adult Social Care

Complaints and Representations

Policy and Procedure

Complaints and Representations Service

Review Date – July 2015

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Introduction and Context

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

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

- **older people**
- **people with a physical disability**
- **people with a learning disability**
- **other vulnerable people**
- **people with mental health problems**

The policy also applies to representations about social care functions which fall outside the Children Act 1989 Representation Procedure (England) Regulations 2006.

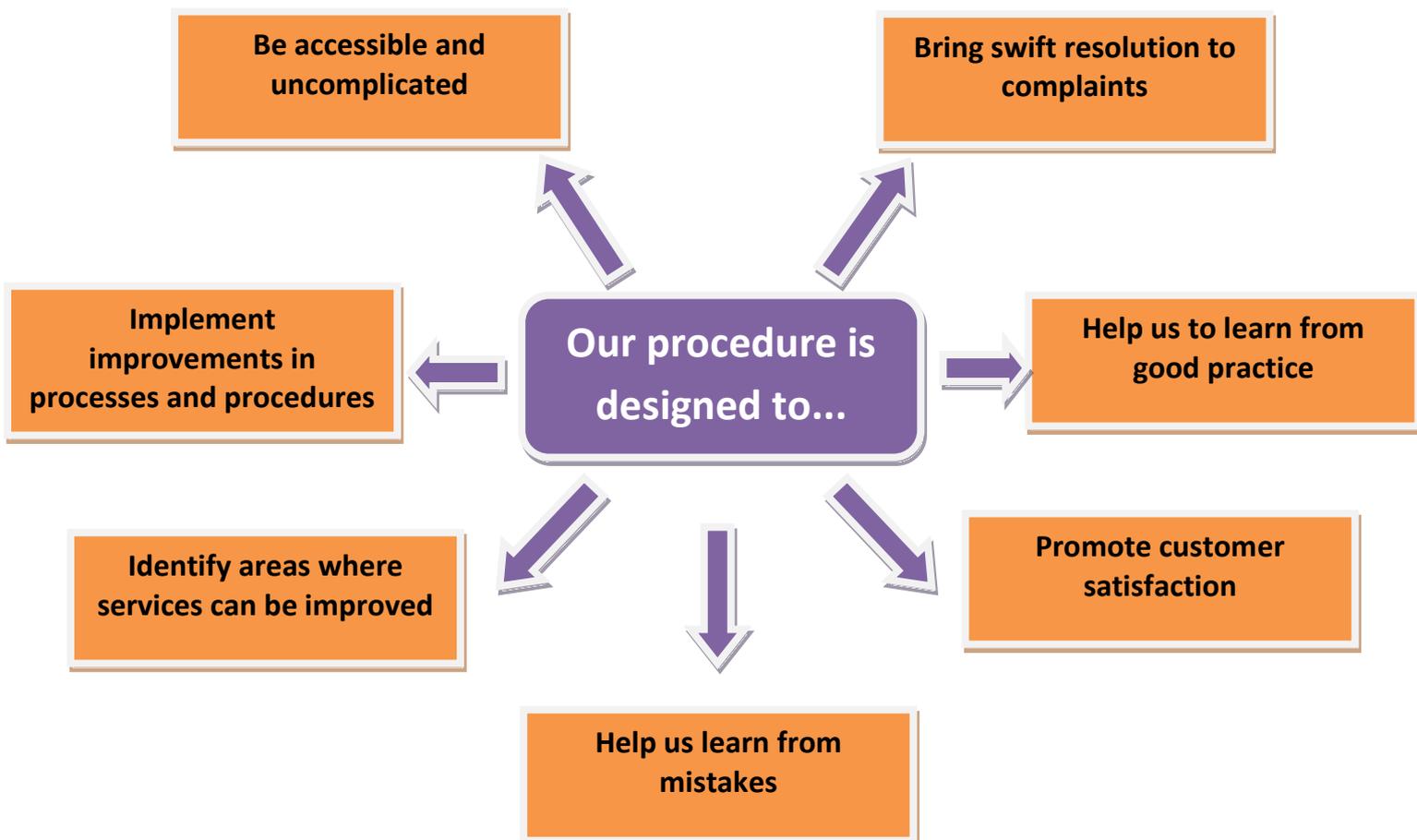
Our Vision

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

Our Key Values

We believe our customer's or others acting on their behalf has a right to:

- Make a complaint
- Appeal against a decision
- Be listened to
- Have their complaint investigated and resolved as quickly as possible
- Have their concerns taken seriously



Our Core Principles

Our policy is about putting the customer, and/or their representative, at the centre of efforts to resolve the issues they have raised.

We recognise the importance of listening to our customers' experiences and views about our services – particularly if they are unhappy – and we want to make it as easy as possible for them to let us know their views.

We will ensure that representations are dealt with in a way that is:

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

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

- **Complainant's views**
- **Nature of the complaint**
- **Potential implications for the complainant**
- **Potential implications for the organisation**

We want everyone who is involved to feel confident in the process and will achieve this through a procedure that ensures:

- 1. Concerns are taken seriously**
- 2. Complaints are dealt with promptly and effectively**
- 3. There is a full response and a clear outcome for complainants**
- 4. Complaints are dealt with fairly and impartially**
- 5. All those involved in the process are treated with dignity and respect**
- 6. There is equality of access and standard of service for all complainants, with particular consideration for those people who may find it more difficult to use the process, for example people with disabilities, those whose first language is not English**
- 7. That your complaints drive learning and improvements for Northamptonshire County Council**

Our Policy

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

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

Information about how to make a complaint or express a compliment is easily accessible. There is information on the Council's website and our 'Have Your Say' leaflets are available in all Service Areas (e.g. Libraries, Country Parks) and reception areas of Council buildings.

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

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

No service will be delayed, suspended or withdrawn because a complaint has been made.

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

Complaints

What is a complaint?

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

A complaint/representation can be made in person, in writing, by telephone or email or through the Council's website. Every effort should be made to assist people in making their complaint and any member of staff can take a complaint, if that is what the complainant wishes.

The word 'complaint' does not have to be used before it is dealt with as such. If it is evident that the person (complainant) is not happy and that the issues cannot be resolved immediately, it may well be appropriate to treat their concerns as a complaint.

A complaint can be made by:

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

Where a representative makes a complaint on behalf of a customer the Local Authority must be satisfied that there are reasonable grounds for the complaint to be made by the representative.

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

What can be complained about?

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

- **If you receive a poor service – Including services we have arranged but are delivered by an independent care provider.**
- **Our staff's attitude or behaviour.**
- **Your assessment, care plan, or review of your services.**

Time limits for raising a complaint

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

Complaints which will not be considered under this procedure

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

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

- allegations relating to safeguarding that should be investigated through a safeguarding investigation
- conduct that should be investigated under disciplinary procedures
- allegations of criminal offences which should be investigated by the police
- where legal proceedings are pending in relation to the substance of the complaint

If at any point it becomes apparent that there are elements of the complaint that should be addressed through other procedures, that part of the complaint will be suspended and moved to another procedure as appropriate. However, wherever possible, complaints will be progressed alongside other procedures as long as that does not compromise any other process.

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

Complaints about Commissioned Services

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

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

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

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

Complaints Procedure and Process

"Our aim is to put things right if they go wrong, as quickly as possible."

All our staff are trained to deal with routine difficulties as they arise and Managers responsible for delivery of our Services receive training in investigating complaints objectively and fairly.

The complaints process flowchart:



The Complaints Process can be explained using the following steps:

1. Recording your complaint:

The person receiving your complaint will record it. This will usually be a Complaints Practitioner who is a member of the Complaints and Representations service; they will be your point of contact and will help monitor your complaint through to getting it resolved.

2. Acknowledging your complaint:

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

3. Responding to your complaint:

The person responsible for responding to your complaint will contact you to agree the best way to deal with your particular complaint. The Local Authority will negotiate with you a reasonable timescale that will allow us to give full and proper attention and investigation to your complaint and provide you with a full response.

4. Complex Complaints:

- a) Some complaints may involve several services or agencies or the complaint may implicate the whole service complained about. In such instances we will identify an Independent Investigating Officer to investigate your complaint.
- b) The Investigating Officer will meet with you and confirm the nature and details of your complaint and the outcome you are seeking.
- c) In line with Local Government Ombudsman Guidelines, the investigating officer will negotiate a timescale with you in which they will complete their investigation, and they will keep in regular contact with you throughout their investigation.
- d) The Investigating Officer will investigate the issues and will submit a report to you as the complainant, the Complaints Manager and appropriate senior Manager of the Service to consider.
- e) Following the investigators report being published the Senior Manager will formulate their response to you along with a time-bound action plan to implement and recommendations made.
- f) If mistakes have been found to have been made, the senior Manager will offer an apology and any other form of redress as appropriate and will explain what actions the Council will take as a result of the findings and recommendations of the investigation.
- g) Once we have responded you then have 20 working days in which to decide whether to accept or reject the proposed actions to resolve your complaint. The Complaints Manager will advise you on the next steps.

- 5. If you are not satisfied you should contact the Complaints Manager.** We may offer you the opportunity to meet with a Manager of the Service you are unhappy with. If the matter cannot be resolved by the Manager, the Complaints Manager will discuss with you the best way forward.
- 6. If at the end of the Council's Complaints Process you are not satisfied you can refer your complaint to the Local Government Ombudsman.**

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

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

Contact details

Local Government Ombudsman
The Oaks No. 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

Web: www.lgo.org.uk
Tel: 0300 061 0614

Other Forms of Representation

Appeals

When an assessment decision is made by an officer of the Local Authority to provide services to care for a customer and that customer does not agree with the decision made, that customer is entitled to appeal against that decision this can be progressed through Northamptonshire County Council's Appeals Policy and Procedure. [add link]

Waivers

Where a customer is in receipt of services already provided by the Local Authority and the customer's financial circumstances change, or the customer prefers, to use a different service to care for themselves or the person who they have advocating for, then they can put forward a representation for Northamptonshire County Council to "waiver" an element of the finances in respect of that individual's care package.

When a customer makes a representation to the Local Authority to request that an element of the financial package offered is "waivered" this representation is considered by a Panel of officers

from Adult Social Care services. The Panel is comprised of 2 Service Managers, A Finance Officer and the Senior Complaints Practitioner.

The Panel meets on a monthly basis and once the waiver request is considered the customer is informed, in writing, of the Local Authority's final decision. If the customer is not happy with the decision then they are entitled to progress their representation to the Local Government Ombudsman.

Comments

If you wish to make a comment, either negative or positive in relation to a policy decision, practice or service, this will be recorded and your comment will be acknowledged within 3 working days. The relevant Director of the Service will be notified to enable them to take any action if necessary. When we review our Policies we take into consideration any comments made about a Policy.

We will take negative feedback seriously and where appropriate and in negotiation with the customer, we will log this as a complaint and as such, we a Complaint's Practitioner will encourage you to allow a service manager the right to reply and also to feedback to the customer what action the Local Authority has taken to put the situation right.

Compliments

If you wish to express a compliment this will be recorded and shared with the Service/or member of staff it relates to. We will acknowledge compliments within 3 working days.

All compliment statistics will be reported in Quarterly and Annual Reports and the information gathered from them will assist in improving our service to all our customers.

Contracted Services

Adult Social Services are increasingly working with the independent sector in commissioning services for our customers. When people have concerns about the services we have commissioned, we believe that they should have the same rights and standards in getting those concerns addressed as customers of in-house services.

Therefore, we will ensure that services that are commissioned to provide care packages for our customers have robust complaints procedures in place and, in the first instance will have their concerns addressed through that providers complaints procedure. If the customer remains unhappy following that provider's investigation and response, then the Local Authority will progress the complaint through its Complaints Procedure as described in this document.

Record Management and Data Protection

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

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

Learning from Complaints

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

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

Unreasonably Persistent complainants

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

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

When the relationship has become unworkable, the Complaints Manager together with the Director of Adults Social Care Services will consider the matter under the policy for unreasonable persistent complaints.

Mediation

For some representations the option of mediation may be appropriate. For example where there has been a breakdown in the relationship between the service and the service user or where emotions are running high. In these circumstances mediation is an option that will be considered.

The Complaints Manager will make the necessary arrangements, after gaining the agreement of both parties. Mediation is not possible without the agreement of those concerned. Mediation by an experienced mediator will allow both sides to:

- **express their own views, (and with the support of an advocate)**
- **think about how to put things right**
- **come together to reach a solution**