

Adult Social Care Complaints and Compliments Policy

V1.0

Document Control

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Introduction

Purpose

Local authorities have a statutory requirement for complaints, which are set out in [The Care Act Statutory Guidance](#) paragraph 3.55: Complaints and [the Local Authority Social Services and National Health Service Complaints Regulations 2009](#).

Policy summary

Havering Council provides a wide range of services to many people, and we aim to deliver these services to the highest possible standards. Your complaints and concerns are important to us.

We would like to hear any comments about our services and anything you would like to compliment us about. We are also aware that things go wrong, and that you may not always be satisfied with a service we have provided to you. We are committed to listening to our customers, so that we can make improvements to the services we provide.

Scope

This policy set out how the Council will deal with compliments and statutory complaints for Adult Social Care. Non-statutory complaints are deal with under the Council's Corporate Complaint Policy and Procedure; details can be found at:

https://www.havering.gov.uk/info/20047/consultations_complaints_and_feedback/208/complaints

Timescales

This Policy will apply from July 2020 onwards. It will be subject to review periodically to reflect any changes in legislation or Council practice.

Policy

Principles of good complaint handling

Havering Council works to the National Complaints Managers Group's [Good Practice Guidance for handling complaints concerning adults and children social care services \(England\) 2016](#) principles and the Local Government & Social Care Ombudsman's 'Good Administrative Practice':

- **Principle One:** ensure that the complaints process is accessible;
- **Principle Two:** ensure that the complaints process is straightforward for service users and their representatives;
- **Principle Three:** ensure that appropriate systems are in place to keep service users informed throughout the complaints process;
- **Principle Four:** ensure that the complaints process is resolution focused; and
- **Principle Five:** ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback.

Who can complain?

- A person who receives or has received a service from Havering Adult Social Care.
- Someone acting on behalf of a service user (with their consent)
- Someone who is acting on behalf of a service user who has died, or is unable to make a complaint due to:
 - Physical incapacity or lacks capacity within the meaning of the Mental Capacity Act 2005 and who is acting in their best interest
- Anonymous complaints will be recorded and investigated by the Complaints Manager and/or relevant service area manager.

Why complain?

If you are dissatisfied about a service, you have received from Adult Social Care we would welcome your feedback and will use this to improve both your experience of the service and how services can be improved in the future

Adult Social Care is committed to responding appropriately to complaints and will take appropriate steps to remedy service failures identified arising from complaints. Where complaints do not show service failure, an explanation will be provided.

Adult Social Care will regularly review the lessons learnt from complaints to improve the quality of the service provided.

Time limit for complaints

There is a 12-month limit in which a complaint can be made from the time that the matter occurred or from the time, it came to the attention of the complainant. If your complaint is older than 12 months we may still be able to consider it if there are extenuating circumstances that led to the delay of the complaint being made, and it is still possible to investigate the complaint effectively and fairly.

What can complaints be about?

Anything related to Adult Social Care, such as:

- An unwelcome or disputed decision;
- Concern about the quality of a service;
- Delay in decision making or providing a service
- Delivery or non-delivery of services
- Quantity, frequency, change or cost of a service
- Attitude or behavior of staff;
- Application of eligibility and assessment criteria;
- Assessment, care management and review;
- Change/closure of service;
- Financial issues; and
- Working practices which are contrary to Havering's policies on:
 - Health and Safety
 - Equal Opportunities
 - Racial, Harassment or Bullying

The Council will always treat complainants with courtesy and respect and Council staff have the right to be treated the same. Rude, violent or abusive behaviour towards Council staff will not be tolerated.

Complaints about other organisations

If a complaint concerns another organisation such as health, or independent provider services, the Council will forward the complaint to the relevant organisation with the consent of the person who complains or the person using the services as appropriate. Where possible co-operation between the organisations to provide a coordinated response will be sought.

Complaints involving the health service are managed within the same legal framework as Adult Social Care.

What these complaints arrangements cannot be used for

- Local authorities, NHS body, primary care providers or independent providers against local authorities,
- Staff working within these organisations about employment, contractual or pension issues.
- Complaints that have already been investigated under complaints regulations, by the local authority, NHS body, primary care provider or independent provider.
- Complaints that are being or have been investigated by the Local Government Ombudsman or the Parliamentary & Health Service Ombudsman.
- Alleged failure to comply with a data subject request under the Data Protection Act 1998.
- Alleged failure to comply with a request for information under the Freedom of Information Act 2000.
- Those who are self-funders and fund their own care directly. The Complaints Manager should be advised in these cases and will discuss with the complainant how their complaint will be handled.

Where the local authority, NHS body, primary care provider or independent provider decides that a complaint is not a complaint as specified above, then

- It is not required to consider the complaint, and
- As soon as is reasonably practicable, notify the complainant in writing of its decision and the reasons.

Confidentiality

The confidentiality of all personal information will be maintained and will not be disclosed outside Havering Council without permission unless legally obliged to do so. If it is, however, believed that an individual is unsafe or at risk of harm, information will be passed on to the appropriate authority or service to action.

What happens when a complaint is made?

When a formal complaint is made, the Adult Social Care Complaints Team will contact the person to ensure that the complaint is fully understood and where possible, discuss what they would like to happen to resolve the complaint.

The complaint will be:

- Acknowledged within 3 working days.
- Discussed and agreed with you and advised on how it will be handled
- Responded to within 10 – 20 working days from date complaint is agreed and/or required consent information is received. Where a meeting or telephone

conference would be appropriate, a response will be sent within 10 working days from the date of the meeting/telephone conference being held.

- Responded to within 25 working days where it involves another agency, e.g. health, home care services or residential/nursing home.
- Responded to within 25-65 working days where it is determined that an independent investigation, will be required.

The outcome of a complaint will be in writing explaining how the complaint has been considered, the conclusions reached and any remedial action which is necessary.

Mediation may be considered as a way to help resolve the complaint and this will be discussed if appropriate.

The person who raised the complaint with us will be kept informed about any changes and the progress of their complaint including any delays with an explanation.

Getting help to complain or feedback

Advocacy support to make a complaint can be accessed by contacting the Complaints and Information Team on 01708 432589.

How to complain or provide feedback

Write to:

Social Care Complaints & Information Team
London Borough of Havering
Town Hall,
Main Road,
Romford,
RM1 3BB

Telephone: 01708 432589 to make a verbal complaint

Complete the online form found at:

<https://www3.havering.gov.uk/Pages/ServiceChild/Make-a-complaint-about-social-care.aspx>

Fax: 01708 434114

Email your complaint to: SCCI@havering.gov.uk (when you click the above link, it will open a new email for you however if you prefer to type in the email address yourself than it is SCCI@havering.gov.uk)

What to do if I am still not satisfied?

Complaints, which are made against a local authority, are the responsibility of the Local Government & Social Care Ombudsman (LGSCO) who has the necessary remit to cover local government issues. The Parliamentary and Health Service Ombudsman has the authority to carry out joint investigations of health and social care complaints.

The LGSCO can be contacted if dissatisfied with the outcome of a complaint. The LGSCO is also able to investigate complaints from self-funders about regulated

services and will liaise closely with the Care Quality Commission and local authorities where it is found that a regulated service is causing concern.

The Ombudsmen can be contacted:

In writing:

**Local Government & Social Care Ombudsman (LGSCO),
PO Box 4771, Coventry CV4 0EH**

Telephone: 0300 061 0614 (Mon - Fri 8.30am - 5.00pm, except public holidays). Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls

Text: texting 'call back' to **0762 480 3014** you may be charged by your provider for sending the text message

Text phone via the **Text Relay service** (formerly Typetalk)

Online: If you have a complaint, please use the [complaint form](#)

Website: <http://www.lgo.org.uk/adult-social-care>

Monitoring and review

Feedback on complaints and the method in which feedback is obtained will be reviewed regularly. This information will be used to help inform and review complaints handling.

An annual report will be produced by the Complaints Manager and will be presented to the management board and the relevant committee(s), including an action plan which will be reviewed regularly throughout the year to identify learning and service improvements. The final report will be published on the Council's website. Quarterly and monthly reports will also be presented to management and performance teams to inform and review service areas within Adult Social Care.

Compliments

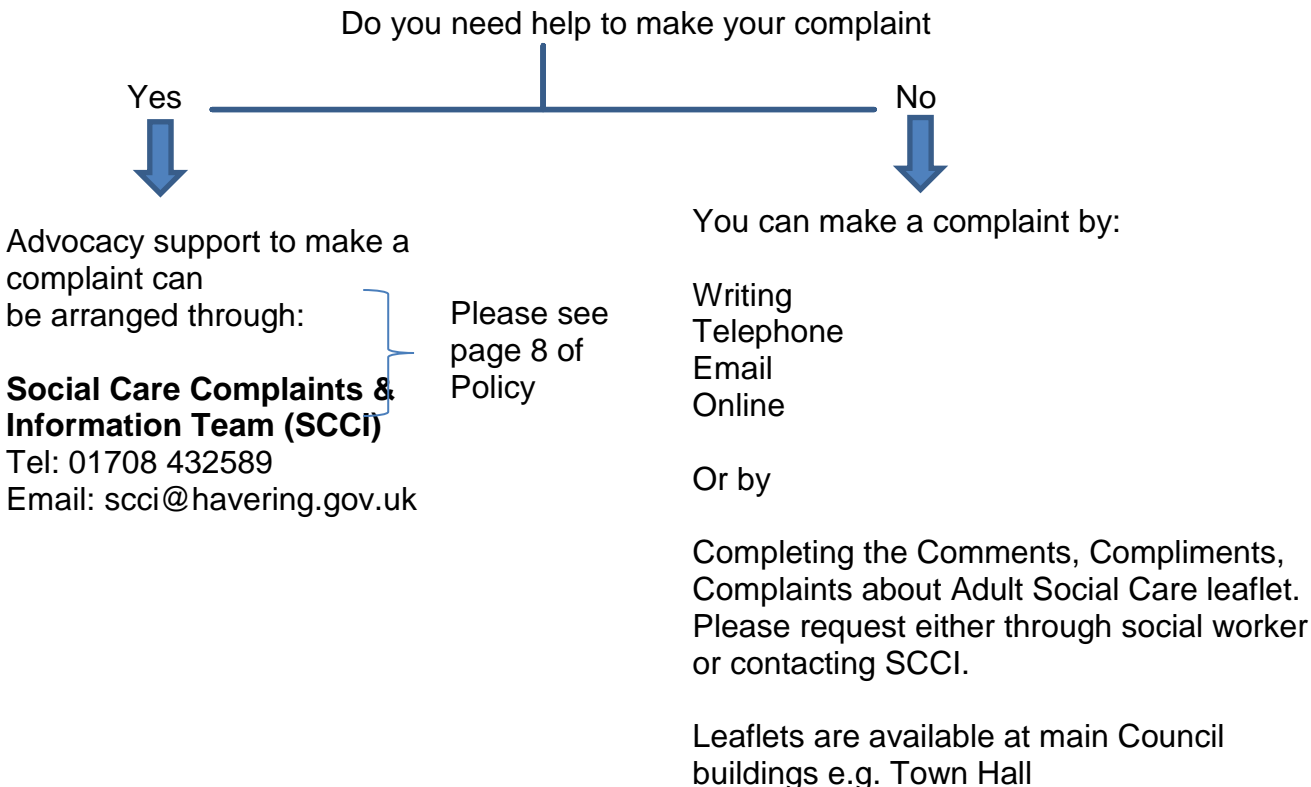
When compliments are received, teams and staff are asked to share these with the Complaints and Information Team, who will log these and keep a record of compliments received year on year. These are used as a tool to give feedback to staff and are to record positive comments received from our service users, their representatives and carers. Compliments are also used as a valuable tool to aid learning and development of staff.

Learning from complaints and compliments

Adult social care is committed using feedback we receive to support learning and development across the service, and to improve practice and standards.

Appendix 1: Complaints Process Flow Chart

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**Once we receive our complaint we will send you an acknowledgement
Within 3 working days**



**A member of the Social Care Complaints & Information Team will contact you
to discuss your complaint**



**We will respond to your complaints within 20 working days
We will response to complaints involving external agencies
within 25 working days
We will respond to complaints requiring an independent investigation within
25-65 working days**



We will keep you updated about the progress of your complaint

**If you remain unhappy with the outcome of your complaint you can contact the
Local Government & Social Care Ombudsman – please see Page 8 of the Policy
for contact details**