

Complaints Procedure for Adult Social Care Complaints

Providing Advocacy and Support

During the course of making a complaint, a service user may request assistance from an advocate. We will support this request by facilitating independent and confidential advocacy. We respect that some complainants may need advice and confidential support from an independent advocate to make their complaint, to pursue it, to understand the process and to cope with the outcome. We acknowledge that this is particularly important for people who are vulnerable, or who find it difficult to make their views heard and to complainants whose first language is not English and those with communication difficulties.

Stage 1 - Local Resolution

A complaint is made on the date on which it is first received by the local authority (unless the complaint is unclear or eligibility to complain needs confirming). The expectation is that the majority of complaints should be considered and resolved at Stage 1. However, if the local authority or the complainant believes that it would not be appropriate to consider the complaint at Stage 1, this will be discussed and where both parties agree, the complaint can move directly to Stage 2.

At Stage 1, staff at the point of service delivery and the complainant should wherever possible discuss and attempt to address the complaint as quickly as possible.

It is envisaged that most complaints will be concluded within 10 working days. The period of 10 working days may be extended where:

- The Local Authority cannot provide a complete response, in which case it can implement a further ten days' extension; or
- The Complainant has requested an advocate, the local authority may also suspend Stage 1 until an advocate has been appointed, provided that this suspension does not last more than 10 working days.

The total maximum amount of time that Stage 1 should take is 20 working days. On expiry of these 20 working days the Complaints Manager will inform the complainant of the right to move on to Stage 2 if the timescale has elapsed for Stage 1 and they have not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if resolution is delayed due to a key person being off sick or on leave), so this period can be extended with the complainant's agreement or request.

If the matter is resolved at Stage 1, we will write to the complainant confirming the agreed resolution.

Where the matter is not able to be resolved locally, or the Complainant is dissatisfied with our response, the Complainant has 20 working days from the expiry of the Stage 1 time limit or the date our response was sent in which to request consideration at Stage 2.

Stage 2 - Investigation

The Complaints Manager will arrange for a full and considered investigation of the complaint to take place without delay. The Complaints Manager may also request (in writing) any person or body to produce information or documents to facilitate the investigation. Consideration will be given to matters of disclosure and confidentiality.

An Investigating Officer (IO) will be appointed to undertake the investigation of the complaint and prepare a written report for adjudication by a Senior Manager. The Investigating Officer may be employed by the local authority or be someone wholly independent of the local authority, appointed specifically for this piece of work.

The Complaints Manager or the Investigating Officer will ensure that the details of the complaint and the complainant's desired outcome are recorded in writing and agreed with the complainant. This may be achieved either by correspondence or by a meeting, followed by a written record of what was agreed. The Complaints Manager will ensure that the complainant understands how the investigation will be conducted and is informed of progress throughout. A copy of the complaint will be sent to any person who is involved in the complaint, unless where doing so would prejudice consideration of the complaint.

The investigation should be completed and the Authority's response sent to the complainant within 25 working days from the date on which the Complaint and desired outcomes were agreed. However, this could be impractical in some cases, and the regulations allows for the 25 working day time limit to be extended to a maximum of 65 working days. All extensions should be agreed by the Complaints Manager and the complainant kept informed at all times.

Where there are significant concerns about the vulnerability of the complainant and the seriousness of the complaint, the Complaints Manager will consider appointing an Independent Person (IP) as well as an Investigating Officer. Where an Independent Person is used, this role must be filled by a separate person in addition to the person fulfilling the role of Investigating Officer

On completion of the consideration of the complaint, the Investigating Officer will write a report. The report will:

- include all relevant information;
- be clear about what the findings and outcomes are against each point of complaint (i.e. "upheld" and "not upheld,);
- distinguish between fact, feelings and opinion;
- contain details of findings, conclusions and recommended actions, and address all three areas;
- recommend how to remedy any injustice to the complainant as appropriate;
- be written in plain language, avoiding jargon, so that everyone can understand it.

The Adjudicating Officer will then consider the report and prepare a response to the complainant, with his decision on the complaint, and any resulting actions that will be taken with timescales for implementation. A copy of the report will be included with this response. This response will also contain details of the complainant's right to have the complaint submitted to Stage 3, a review panel, if there remains dissatisfaction and that this request should be submitted to the Complaints Manager within 20 working days of the date of the stage 2 adjudication letter.

Stage 3 Review Panel

Further consideration of the complaint can include, in a limited number of cases, Early Referral to the Local Government Ombudsman Otherwise, the complainant retains the right to proceed to a Review Panel.

The Complaints Manager will consider requests for a Review Panel as they are presented on a case by case basis.

Review Panels are designed to consider whether the local authority adequately dealt with the complaint in the Stage 2 investigation. The purpose of the Panel is to consider the complaint and wherever possible, work towards a resolution. The Review Panel should not reinvestigate the complaints, nor should it consider any substantively new complaints that have not been first considered at Stage 2.

The Review Panel consists of a Chair and two other people appointed by the local authority. The Chair should always be independent, as should at least one of the other two panellists. Depending on local arrangements the local authority may wish to use an elected member for the third panellist

The local authority will acknowledge the complainant's request for a review in writing within 2 days of receipt.

The Panel must be arranged and held within 30 working days of the receipt of a request for a review.

The complainant should be notified of the Panel's date and location in writing at least 10 working days before the Review Panel meets. Panel papers should be sent to all attendees no later than 10 working days before the date of the Panel

The complainant has a right to attend the Panel and will be informed of this right and assisted in attending as appropriate. Complainants will be advised of their entitlement to be accompanied by another person and for this person to speak on his behalf. This person should not be a barrister or solicitor acting in a professional capacity.

The Director will send his response to the Panel's recommendations to the complainant and other participants as necessary within 15 working days of receiving the Panel's report. This response will set out how the local authority will respond to the recommendations and what action will be taken. In addition the Complainant will be advised of their right to refer their complaint, if still dissatisfied, to the Local Government Ombudsman.