

**Devon County Council
Adult and Community Services
Statutory Complaints Procedure**

Why is your feedback important?

We want to make sure that you are satisfied with our services. We need to know what we are doing well, what we can do better and what we are doing wrong. This is why we welcome all feedback about our services. We take all comments and complaints seriously to help us put things right for you.

Please let us know if:

- We tell you we will do something but we do nothing
- We take too long to do something we have promised to do
- We tell you that we cannot help you, when you believe we should
- You think a member of our staff is rude or treats you badly
- You are dissatisfied with any other aspect of our service

What do I do if I am unhappy?

If you are unhappy with the service you have received from Adult and Community Services, you are entitled to make a complaint or raise your concerns, knowing that it will not affect your current or future care, that you will be treated confidentially and sensitively, and that you will receive a response from us in a timely manner. Your feedback is welcomed and is used to help us improve our services.

We hope that most concerns can be settled easily and quickly by discussing the problem with the member of staff involved with your care. If you tell them what is worrying you, they will try to find a solution or advise you who the best person is to speak to. If you prefer, you can ask to speak to the manager for the service you are concerned about.

Alternatively, you can contact the Customer Services Team with details of your concerns and we will ensure they are dealt with appropriately (please see the end of this document for ways to contact us).

The Customer Services Team may be able to help resolve your concerns informally. If not, they can tell you more about how to make a complaint and about accessing advocacy services.

What happens next?

If your concerns cannot be immediately resolved, we can register them within the complaints procedure.

When a complaint is received, we will acknowledge receipt within three working days.

We will undertake a risk assessment and make initial enquiries with the service you are complaining about before contacting you to discuss your complaint further, agree a way forward and the timescale for a response. These agreements will then be sent to you in the form of a Complaint Resolution Plan.

If you make your complaint by telephone to the Customer Services Team, we will provide you with a written record of your complaint and give you the opportunity to amend it if required.

Usually, your complaint will be investigated and responded to by the manager of the service you are complaining about; however, there are times when this is inappropriate. If this is the case, then a member of the Customer Services Team will discuss this with you and agree a more appropriate way forward; depending on the complexity of your complaint, this may include an independent investigation and a response from a more senior manager within Adult and Community Services.

How will you resolve my complaint?

Our process for resolving your complaint is structured around three main principles: *listening*, *responding* and *improving*. These help us to take a more active approach in asking for people's views, deal with complaints more effectively, and use the information we receive to learn and improve.

1. Listening

When we receive a complaint, we will:

- Make sure that we really understand the issues
- Find out what you want to happen as a result
- Obtain the right information to assess the seriousness of your complaint
- Agree a plan and timescale with you at the outset
- Maintain regular communication with you

2. Responding

To resolve your complaint, we will:

- Arrange for your complaint to be investigated in a manner appropriate to resolve it speedily and efficiently
- Keep you informed as to the progress of the investigation
- Respond within the timeframe agreed with you at the outset or agree an appropriate extension with you
- Provide you with an explanation of how the complaint has been considered and how the conclusions were reached within the response to your complaint
- Advise you of any action we will be taking as a result of your complaint
- Advise you of the action you can take should you remain dissatisfied

3. Improving

As a result of any complaint, we will:

- Identify service problems and put them right
- Put into place appropriate staff learning, training or guidance
- Identify and minimise any risks
- Show that lessons are learnt

What if I am still unhappy?

If you are still unhappy, you will have the opportunity to speak to or meet with the manager who responded to your complaint.

If you remain unhappy with our final response, you have the right to refer your complaint to the Local Government Ombudsman. The Ombudsman considers complaints about Councils, and can be contacted at:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Advice line: 0300 061 0614
Email: advice@lgo.org.uk
Web: www.lgo.org.uk

Who are we governed by?

Along with the Local Government Ombudsman, Devon County Council Adult and Community Services complaints process is governed by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

These regulations ensure we are flexible in our approach to resolving your complaint; the regulations do not prescribe specific timescales or methods of resolution, as long as we agree a complaint resolution plan with you at the outset of your complaint (within reasonable boundaries). You can find out more about these regulations by going to the Customer Services web pages – www.devon.gov.uk/customerservicesfeedback

Who can complain?

Current and former users of Adult Social Care services have the right to complain. You also have the right to complain if you have been affected, or are likely to be affected, by our actions, omissions or decisions.

If the person concerned is unable to act for him or herself (through physical incapacity or a lack of mental capacity), or has died, the complaint can be accepted from a close relative, friend, or other person suitable to act as a representative.

Where the person is capable of managing his or her own affairs and someone else complains on their behalf, it must be with the person's full knowledge and consent. The Customer Services Team may ask for a signed consent form, allowing you to act as the person's representative; this is for data protection purposes and ensures that we do not share personal information inappropriately.

What if I receive care from an independent provider?

If your care is provided by an independent provider e.g. a care agency or private residential home, you can complain to Adult and Community Services if we have commissioned the service involved. When we receive your complaint we will agree a way forward with you, which may include a member of the Customer Services Team or the manager responsible for commissioning the service contacting the agency on your behalf to ask them to look into the concerns raised. We would expect the service involved to take your concerns seriously and provide a response to you, detailing any action they intend to take to ensure improvements are made.

If your care was privately arranged, you can complain either to the service directly or to the Local Government Ombudsman. Details of how to contact to the Ombudsman can be found on page 2 of this document.

What if I purchase my care via a Direct Payment?

If you are unhappy with any aspect of your Direct Payment (an assessment of need or if a Direct Payment has been denied, for example) please contact the Customer Services team who will talk to you about your concerns and agree a way forward with you. You can find details of how to contact us at the end of this document.

However, if you have a complaint about the services you have independently purchased, you should address this directly with the service provider or employee in the first instance;

alternatively, you have the right to complain to the Local Government Ombudsman. Details of how to contact the Ombudsman can be found on page 2.

What is the time limit for making a complaint?

Complaints should be made within 12 months of the incident that caused the problem, or of the complainant realising there is a problem. We can use our discretion to extend this if circumstances show it would have been difficult for the complaint to have been made earlier, as long as it is still possible to investigate the facts of the case.

Is there anything I cannot complain about?

We are unable to handle your complaint if Adult and Community Services has not provided, commissioned or funded the service you wish to complain about. If you would like advice about this, please contact the Customer Services Team.

Does this process deal with every complaint?

No, some complaints may be handled by other departments. For example, complaints that are not about social care would be handled by the Devon County Council corporate complaints procedure. For further details about this procedure, please contact the Customer Services Team or:

**MyDevon
PO Box 142
Tiverton
EX16 0BA**

**Tel. 0845 155 1007
Fax: 0845 155 1003
Email: customer@devon.gov.uk
Web: www.devon.gov.uk**

If your complaint relates to the Children and Young People's Services, please contact their Customer Services Team:

**Customer Services
Children and Young People's Services
Room 120
County Hall
Topsham Road
Exeter
EX2 4QR**

**Freephone: 0808 168 3750
Fax: 01392 382050
Email: cypsfeedback-mailbox@devon.gov.uk
Web: www.devon.gov.uk/cypsfeedback**

Other ways to complain

We hope that our complaints procedure will help you to make your concerns known to us whether you are happy or unhappy with our services. However, as well as using our formal procedure you have the right to contact any of the following people, all of whom will arrange for your concerns to be looked into:

- The Director of Adult & Community Services

- Your Member of Parliament
- Your local County Councillor

Contact details for the above people can be found on www.devon.gov.uk

Care Quality Commission (CQC)

The CQC regulates health and adult social care services in England, whether they are provided by the NHS, local authorities, private companies or voluntary organisations. They also protect the rights of people detained under the Mental Health Act. The CQC makes sure that essential common quality standards are being met where care is provided and work towards the improvement of care services. They promote the rights and interests of people who use services and they have a wide range of enforcement powers to take action if services are unacceptably poor; however, the CQC do not act as a complaints investigation agency, and do not have the statutory authority to undertake such a task.

**Care Quality Commission
St Nicholas Building
St Nicholas Street
Newcastle Upon Tyne
NE1 1NB**

Tel: 03000 616161

Email: enquiries@cqc.org.uk

Web: www.cqc.org.uk

Further help and advice

Age Concern and the Citizens Advice Bureau can both provide older people and their carers with assistance and advocacy. Either contact your local branch or ring MyDevon on 0845 155 1007 for further information.

How to contact the Customer Services Team (Adult and Community Services)

Write to us: FREEPOST ACS CUSTOMER SERVICES TEAM

(This is the only address line required, and you do not need to use a stamp)

Email us: sscomp@devon.gov.uk

Call us: 0800 212 783

Fax us: 01392 382577

Website: www.devon.gov.uk/customerservicesfeedback