



City of **Stoke-on-Trent**

Stoke-on-Trent City Council Adult Social Care Statutory Complaints Policy

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Introduction

Complaints about Adult Social Care services are governed by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This includes where the council has commissioned another organisation to provide care or services on its behalf.

Stoke-on-Trent City Council welcomes feedback from residents, service users, parents, carers, families and other professionals about its Social Care services. Your feedback can help us to inform, review and improve the services that we provide or commission. We ensure that all of our staff receive training to accept and record feedback so that you can tell us about your experiences at any time.

The Council aims to provide services to a high standard; however, we accept that we don't always get it right and there may be occasions where you feel dissatisfied with the service that you have received. We want to hear about your experiences so that we can learn from any mistakes and put them right as quickly as possible. We will also use this feedback to learn and improve services for other residents and their families.

There may also be occasions where you feel that you have received an exceptional level of service. We want you to tell us about these experiences, so that we can continue to deliver our high standards and share best practice.

We will:

- Deal with all feedback quickly and efficiently.
- Put things right where we are at fault.
- Treat all feedback confidentially and fairly.
- Use your feedback to improve services wherever possible.
- Share compliments with specific staff and teams

Contacting Stoke-on-Trent City Council

We are committed to making sure the way we work does not put anyone with a disability at a disadvantage and ensure we are meeting all our legal obligations under the Equality Act 2010. If you need any help or support to use our service, please let us know and we will review what adjustments we can make.

If you contact us by telephone we will ask whether you need any help or support to use our service.

There could also be times when you may need to have a representative to raise complaints on your behalf, or be represented or accompanied at meetings. This could be a friend or family member, as well as a professional such as an advocate or solicitor. We will always ask you for written consent so that the complaint can be managed or supported by a representative. We will only accept complaints from a representative under certain conditions.

Either:

- where we know that you have consented, either verbally or in writing or:
- where you cannot complain unaided and cannot give consent because you lack capacity within the meaning of the Mental Capacity Act 2005, **and**
- the representative is acting in your best interests – for example, where the matter complained about, if true, would be detrimental to you.

If we are not satisfied that the representative is acting with consent or in your best interests, we will notify the representative in writing, and state the reason for our decision.

Feedback received via Stoke-on-Trent City Council social media channels will be monitored and you will either be directed to the appropriate service, or you will be contacted for permission to log complaint issues formally.

Definitions of Feedback

The regulations say a complaint must be investigated 'in a manner appropriate to resolve it speedily and efficiently'.

The regulations set out a single stage complaints procedure. This means that people who raise complaints should not have to navigate multiple complaints stages to get a final response from us.

What is a complaint?

A complaint is an expression of dissatisfaction however made, this can be about the standard of service, actions, or lack of action by Stoke-on-Trent City Council, its own staff, those acting on its behalf, affecting an individual resident or group of residents. You do not have to use the word 'complaint' for it to be treated as such.

A complaint that is submitted via a third party or representative will still be handled in line with this policy.

Complaints should be raised no later than 12 months after the date the matter complained of occurred or the date the matter complained of came to your attention. We will consider whether there were good reasons for the complaint not being made in time and whether we can carry out a fair and effective investigation.

A complaint can be made by:

- someone who receives or has received care services.
- someone who is affected (or likely to be affected) by the action, omission or decision of the provider who is the subject of the complaint.

What is a Service Request

A service request is a request to us requiring action to be taken to provide or improve a service or fix a problem. Service requests should be submitted via the Stoke-on-Trent City Council website. Requests for a service that has been incorrectly submitted as a complaint will be redirected to either the website or the relevant team to action, this may delay requests being actioned promptly. Service requests can later be escalated to a complaint if you are dissatisfied with the response to the service request, and even if the handling of the service request remains ongoing.

How to complain or leave a compliment

The easiest way to leave feedback is by completing our online Customer Feedback Form: [Feedback/Information Request Form | Stoke-on-Trent](#), or alternatively by phone: 01782 234234, or via any member of staff, including those providing your care.

Where a complaint is made orally, the responsible body to which the complaint is made will make a written record of the complaint; and provide a copy of the written record to you.

What can be complained about

A complaint may arise as a result of many things relating to statutory social services functions, these include:

- a) Assessing the social care needs of people affected by issues such as ageing, mental illness, physical learning or sensory disability. We assess what would help them to achieve, maintain or restore social independence or quality of life.
- b) Planning how best to meet the assessed needs to enable people to live as independently as possible either at home or within residential settings.
- c) Providing or commissioning relevant services, such as domiciliary care or residential services.
- d) Safeguarding Adults.

- e) Monitoring, reviewing and adjusting care plans to ensure they continue to meet assessed needs.

What can't be complained about

The Adult Social Care Complaints Policy can't be used when:

- a) The person wishing to complain does not meet the requirements of "who may complain," and is not acting on behalf of such an individual.
- b) Complaints where you have known about the incident being complained about for more than 12 months. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.
- c) A matter that has previously been considered under this or other relevant complaints procedure.
- d) A complaint by an employee relating to their employment (we handle this in a different way, for example through our grievance procedure)
- e) A complaint where we were not aware of the issue and can deal with it as a service request first.
- f) A complaint which is being or has been investigated by a Local Commissioner or a Health Service Commissioner.
- g) A complaint arising out of the alleged failure by the City Council to comply with a request for information under the Freedom of Information Act 2000.
- h) The complaint is about actions and decisions of another Local Authority, health agency or body, e.g Police or Court decisions.

If for any reason we are not able to accept your complaint under these regulations we will provide a full written explanation of the reasons why. You can still contact the Local Government and Social Care Ombudsman (LGSCO) even if your complaint has not been accepted and our letter will provide the relevant contact details.

Complaint Investigation

We will acknowledge the complaint within three working days, after the day on which it was received. The acknowledgement will be made orally or in writing. It will offer to discuss the complaint with you and say how long it will take to respond. We may contact you prior to acknowledging your complaint if there are any issues which need clarification. Where possible we will ensure that the complaint is looked at by someone who was not directly involved in the matters complained about.

Many complaints about care services also include concerns about other services such as those delivered by health bodies. Where we identify a need for a joint investigation we will seek consent from the person affected to share their details with other organisations.

The complaint handler will:

- deal with complaints on their merits

- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- Have the authority to provide a remedy or take action to resolve the complaint, or access to senior officers who can approve this.

We aim to respond within 20 days, however, if the complaint requires a more in-depth investigation the final response will be sent no later than six months from the date the complaint was first received. The regulations allow us to extend this timescale if the complaint is more complex, but we will agree a suitable extension timescale with you and keep you informed at suitable intervals. Where agreement over an extension period cannot be reached we will provide you with the Local Government and Social Care Ombudsman's contact details so that you can challenge the proposed timeliness of the response. Where the complaint involves a recurring issue, we may consider any older reports as part of the background to the complaint to help to resolve the issue.

The complaint response will be sent once the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed.

The response will be in writing, cover all elements of the complaint and will be in clear, plain language confirming:

- a. the complaint definition;
- b. the decision on the complaint;
- c. the reasons for any decisions made;
- d. the details of any remedy offered to put things right; and
- e. details of any outstanding actions;

Outstanding actions will be tracked and actioned as quickly as possible and we will provide you with regular updates. The response will also clearly signpost you to the LGSCO.

Remedies

Front line services, including commissioned services (e.g. care providers), are often best placed to provide a resolution to a complaint. This may include restoring a service that had broken down, carrying out a new assessment or providing further services. If the complaint is made orally and resolved to your satisfaction "no later than the next working day" then it will not be recorded under these regulations.

Where a complaint investigation identifies that things have gone wrong, we will work with you to put things right and to recognise the impact on you as a result of what went wrong. The general principle is that, as far as possible, you should be put back into the position you would have been in if things had not gone wrong.

Remedies include:

- An apology
- An explanation of what went wrong

- Delivery of a service
- Action to put things right
- A review of decisions made
- Amendments to policy, procedures or processes
- Financial compensation – this is in exceptional cases. The Council will follow the Local Government Ombudsman's guidance on good practice when determining the appropriateness and level of any financial compensation

When offering you a remedy we will provide details of the next steps, including timescales where appropriate. A remedy may be offered at any point in the complaints process.

Our aim is to resolve your complaint as quickly as possible and we may therefore offer a remedy at any point in the process.

Local Government and Social Care Ombudsman

If you have completed the complaints process and are still not satisfied, you can contact the Local Government and Social Care Ombudsman to review your complaint. The Local Government and Social Care Ombudsman actively supports residents and can be contacted at any time whilst going through the complaints process for advice and help to find a resolution.

Local Government and Social Care Ombudsman contact details:

Website: www.lgo.org.uk, Telephone: 03000 610614

Unacceptable Behaviour and Complex Customers and Cases

The Council acknowledges that certain complaints can be difficult to resolve and can cause anxiety and distress to complainants, employees, and Councillors. In most cases when dealing with customers it is a straight-forward process, however a small minority of cases are complex, or people persist unreasonably with their cause or complaint.

Any restrictions placed on a resident's contact due to unacceptable behaviour will be appropriate to their needs and will demonstrate regard for the provisions of the Equality Act 2010.

The Unacceptable Behaviour and Complex Customers and Cases Policy will be used as a last resort after all reasonable measures have been taken to try and resolve issues for customers using normal channels.

Monitoring and Reporting

Systems have been established to ensure that complaints information is recorded consistently across the different Council Directorates and services.

We will retain all correspondence in relation to complaints, including letters, emails and records of telephone conversations in line with our General Data Protection Regulation requirements.

Complaints monitoring and reporting are incorporated within the performance management framework so that Officers and Elected Members can learn from complaints and services can be improved. We will report on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.

A report reviewing the issues raised through complaints for Stoke-on-Trent City Council is produced annually. This report includes the Local Government and Social Care Ombudsman Annual Letter, together with general feedback on performance.