

Comments, Compliments, and Complaints

Policy for Adult and Community Services

Suffolk County Council

Owner : Jamie Swinyard

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We will on request produce this Policy, or particular parts of it, in other languages and formats, in order that everyone can use and comment upon its content.

Policy for Adult and Community Services

DOCUMENT CONTROL

Change History

Issues No	Date	Amended By	Summary of Changes
0.1	February 2017	Pauline Martin	Version 0.1
0.2	April 2024	Jamie Swinyard	Version 0.2

Authorisation (Responsible Owner)

Role	Name	Approval Date
Customer Experience Operations Manager	Jamie Swinyard	01/04/2024

Approval (Accountable Owner)

Role	Name	Approval Date
Head of Customer Experience and Service Improvement	Mark Burgess	10/04/2024

Reviewers (Consulted)

Role and Review Responsibilities	Name	Approval Date
Customer Experience Managers	Customer Rights Team	April 2024

Review Period

Date Document to be Reviewed	By whom
1 April 2025	Customer Experience Operations Manager

1 Introduction

This document contains details of the policy that has been adopted by Suffolk County Council for handling adult complaints across Health and Social Care in Suffolk from The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The Council welcomes all forms of customer feedback. This policy sets out how the Council will deal with comments, compliments and complaints.

2 Definition of a Complaint

Suffolk County Council's definition of a complaint is:

- 2.1 "An expression of dissatisfaction about the standard of service, actions, or lack of actions by the County Council, its staff or anyone operating on behalf of the County Council".
- 2.2 Everyone whose complaint fits the above definition has a right to his/her complaint being looked at under the County Council's Complaints procedure.
- 2.3 Complaints which are not eligible to be considered under the Adults Statutory procedure may be considered under the Council's Corporate Complaints Procedure. This would be at the discretion of the Customer Experience Manager.

3 Definition of a Representation

A representation may not always be a complaint; it may also be a positive comment or idea that needs a response.

Representations include:

- Thanks for something done well or particularly well.
- Suggestions for improving services.
- Suggestions for new services.
- Requests for clarification.
- Approaches to Adult and Community Services (ACS) by groups of service recipients.

- Enquiries and statements about such matters as availability, delivery and nature of services - these enquiries will not be necessarily critical.
- Complaints made but where the complainant wishes no action to be taken.

4 What may be complained about?

4.1 The manner in which Suffolk County Council performs its social service functions.

4.2 The function of services discharged under arrangements made between the County Council and an NHS body.

4.3 The Council will also consider complaints for failures to comply with legislation, which will include the Care Act 2014, Mental Capacity Act and Part 7 of the Immigration Act.

4.4 The Care Act 2014 has a duty on Local Authorities to ensure information and advice on care and support is available to all when they need it. Independent advocacy must also be arranged if a person would otherwise be unable to participate in, or understand the care and support system.

5 Exemptions

5.1 The Complaints Procedure does not apply in the following circumstances:

- The complaint is not about the actions or decisions of the Council, or of any body acting on its behalf.
- Complaints about services arranged and paid for by service users themselves cannot be considered using this system. Individuals can go directly to the Local Government Ombudsmen or Care Quality Commission, if this is the case
- The same complaint has already been dealt with at all stages of the complaints procedure.
- The person wishing to complain does not meet the requirements of 'who may complain' and is not acting on behalf of someone who is eligible to complain.

5.2 The Council has discretion in deciding whether to consider complaints where doing so may prejudice the following concurrent investigations:

- Court proceedings

- Tribunals
- Appeals
- Safeguarding Investigations
- Serious Case Reviews
- Disciplinary proceedings
- Criminal proceedings

If a decision is made not to consider, or further consider, such complaints, the Customer Experience Manager will write to the complainant to confirm this, and to explain the reason why.

Once the other proceedings have been completed, the complainant may request the complaint be considered, provided this is within one year of the conclusion of other proceedings.

6 Who can complain?

- 6.1 A person who receives or has received services from the 'responsible body'. This can include services provided on behalf of the responsible body where they remain.
- 6.2 A person who is affected, or likely to be affected, by the action, omission or decision of the responsible body which is the subject of the complaint
- 6.3 A complaint may be made by a person who is acting as a representative of a person referred to in 6.1 and 6.2 where that person:
- Has Died
 - Is a child (this will be mostly in cases concerning children or young people who have a role as family carer for an adult who is eligible to complain under section 6 above).
 - Is unable to make the complaint themselves because they have either a physical disability or lack of capacity as defined within the Mental Capacity Act 2005 or Has requested the representative to act on their behalf.

7 Anonymous Complaints

Anonymous complaints can be made and will be recorded as such.

8 Commissioned or Delegated/ Divested Services

Complaints about the care provided by an agency as part of a care package commissioned and arranged by ACS can be considered under this system. The complainant has the choice to complain directly to the provider in the first instance or to Suffolk County Council.

9 Care Standards Complaints

Care Standards complaints relate to services provided by an establishment or an agency in respect of which a person is required to be registered under section 11 of the Care Standards Act 2000. If a complaint is received that is wholly or in part a care standards complaint, the Council will, with the complainant's consent, send details of the complaint to the relevant registered person as soon as possible.

10 Complaints about more than one agency

Where a complaint involving the Council covers services commissioned and/or provided by more than one agency, the Council will work with the other parties to ensure that the complainant receives a co-ordinated response. This will usually involve health partners that include Clinical Commissioning Groups (CCGs) and Health Trusts.

11 Complaint Stages and Timescales

- 11.1 The statutory timescales for responding to complaints is 65 days. The Council recognises that it is important to resolve complaints and handle representations as quickly as possible. The Council will acknowledge complaints within 3 working days of receipt and offer the complainant an opportunity to discuss how best to resolve their concerns and agree a timescale.
- 11.2 Complaints made verbally and resolved to the complainant's satisfaction no later than 48 hours after receiving the complaint will not be considered further under the statutory complaints procedure
- 11.3 **Initial Manager's Response - Local Resolution.** This requires the Council to resolve complaints as close to the point of contact with the person making the complaint as possible. Usually an Initial Manager's Response would come from the service area. The response could be in the form of a letter, telephone call or meeting depending on the wishes of the complainant. The Council aims to respond within 10 working days for uncomplicated or single issue complaints although this may take up to 20 working days or beyond for more complicated and lengthy issues.

- 11.4 **In Depth Investigation.** If attempts to resolve the complaint at the Initial Manager's Response Stage are not successful, the complainant can ask for the outstanding issues to be considered as an In Depth Investigation. The request for an in depth should be sent to the person managing the complaint within 20 working days of receiving the Initial Manager's response. The In Depth Investigation is carried out by an Investigating Officer (and Independent Person if appropriate). In Depth Investigations should normally be completed in 25 working days. This may be extended to a maximum of 65 working days.
- 11.5 Complainants should normally complain to the Council within 12 months of the events of the complaint taking place. There is no requirement on the Council to consider complaints made outside this time (regulation 9). If the Council decides not to consider such a complaint, the Customer Experience Manager will write to the complainant, to explain why this is so. The letter will also advise how to contact the Local Government Ombudsman.
- 11.6 Decisions will be made on a case by case basis and discretion may be used to consider complaints made outside the time limit. Reasons for applying discretion may be as follows:
- It would be unreasonable to expect the complainant to have made the complaint earlier, for example the person was not able to make the complaint at the time or did not feel confident to do so.
 - Issues of vulnerability.
 - The Council is of the view that there is still benefit to the complainant (and the Council) in proceeding with the complaint.
 - There is still likely to be enough information, and relevant individuals, available, to enable an effective and fair investigation to be carried out.
 - Action should be taken in view of human-rights based legislation.

12 Information about the Complaints Procedure

- 12.1 Written information about how to complain is contained in the customer Factsheet '**Have Your Say**'. The Factsheet for ACS is available online by visiting www.suffolk.gov.uk/feedback and can be loaded down in hardcopy format, as well as age appropriate versions and an accessible version for people with communication difficulties.
- 12.2 Complaints may be made on-line, by email, verbally or in writing.

- 12.3 The Council will make reasonable adjustments in accordance to the needs of the complainant and will consider receiving face-to-face feedback if appropriate.

13 Local Government & Social Care Ombudsman

The Local Government and Social Care Ombudsman independently investigates complaints made by complainants or their representatives.

The Ombudsman will usually only investigate complaints against the council when complainants have exhausted the complaints procedures. The main aim of the Ombudsman is to look for injustice caused to the complainant, which may have been caused by maladministration. The Ombudsman can be contacted on 0300 061 0614 or by visiting www.lgo.org.uk

14 Advocacy and Support

- 14.1 The Customer Experience Manager will consider, and attempt to address, the advocacy needs of adults making complaints under this procedure. The Customer Experience Manager will refer to the Customer Experience Operations Manager and Advocacy Service for advice, if necessary.
- 14.2 The Council is also required to consider how to meet additional needs of complainants, for example people whose first language is not English, and those with communication difficulties.