



Resolving Complaints and Improving Services

February 2024

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Policy Summary

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<i>If you require this policy or any associated documents in another format (e.g. other languages, easy-read or any other format), please email details of your requirements to: ascservicedevelopment@halton.gov.uk.</i>	

Section 1

1. Introduction

This policy outlines the procedure and practice for Adult Social Care Complaints under the statutory requirements outlined in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, [Regulation 3](#) which identifies the arrangements that each responsible body must make for dealing with handling and consideration of complaints

By taking comments, compliments and complaints seriously, Halton Borough Council makes sure that it continuously reviews and improves its services to promote people's wellbeing.

1.1 Scope of the Policy

The following guidance provides staff with information on how to respond to concerns and complaints and how the Customer Care Team can support them. The policy outlines and explains how learning from both negative and positive feedback is recorded and reported, to ensure that it is used to inform and improve services.

All health and adult social care providers must make arrangements to ensure that;

- Complainants are treated with respect and courtesy,
- Complainants are supported in making complaints where necessary,
- Complaints are dealt with in a timely and efficient manner,
- Appropriate action is taken in light of the outcome of the complaints process.

The Local Government and Social Care Ombudsman sets out the five key elements to effective complaint handling:

- Identifying and accepting a complaint
- Defining a complaint
- Investigating a complaint
- Making and communicating a decision
- Putting things right

The following documents provide further guidance and expectations on the handling of complaints.

[Good complaint handling \(lgo.org.uk\)](http://lgo.org.uk)

[Working Together to Investigate Health and Social Care Complaints](#)

[My Expectations for Raising Concerns and Complaints - Leaflet lgo.org.uk/adult-social-care](http://lgo.org.uk/adult-social-care)

1.2 Principles of Good Complaint Handling

A complaint may be made to any member of staff, so all Social Care staff must be aware of the Adult Customer Care complaints procedure and how to handle and record complaints at the frontline stage. They should also be aware of who should manage the complaint if they are not able to personally handle the matter. There may be a

requirement to share sensitive information and data. All staff have a duty to adhere to Halton Borough Council's [guidelines and policies on confidentiality and data protection](#).

Complaints should be resolved promptly, as close to the point of delivery as possible, ensuring responses are honest, evidence based and explaining the reasons for decisions, acknowledging mistakes and apologising where appropriate.

If concerns cannot be resolved at a local level, the complaint must be referred to the Adult Social Care Customer Care team. The Customer Care Team are the link between the complainant and those responding to the complaint.

They will agree timescales for dealing with the complaint and monitor through to completion. They advise on the complaints process and provide support with formulating the response along with various options around independent investigation and mediation.

Based on guidance from the National Complaints Managers' Group (England). The Customer Care team principles are to ensure that;

- The complaints process is accessible.
- The complaints process is straightforward for services users and their representatives.
- That appropriate systems are in place to keep service users informed throughout the complaints process.
- That the complaints process is resolution focused.
- That quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback.

The HBC Adult Social Care Customer Care Complaints Fact sheet provides contact details and information about the complaints procedure.

[HBC Adult Social Care Complaints](#)

[National Complaint Managers - Good Practice Guidance for handing complaints concerning Adult Social Care Services](#)

1.3 Adult Social Care Complaints

1.3.1 What is a complaint?

A complaint is an expression of dissatisfaction about an action or lack of action, or the standard of a service that is being delivered by, or on behalf of, Halton Borough Council.

Complaints may be related to:

- The standard or lack of service provision.
- Staff attitude.
- A failure to follow proper procedures.

- Disagreement with decisions taken (where no other appeal procedure exists).

Concerns or worries are often raised as part of normal everyday interaction between services and their customers. Normally, these will be easily resolved by staff working on a day-to-day basis with the customer. However, there may be complaints that cannot be sorted out in that way to the customer's satisfaction.

Most complaints arise from a genuine feeling of grievance rather than malice and small grievances can become large if not dealt with at the early stages. Even persistent/vexatious customers can have a new valid complaint.

1.3.2 Who can complain using the Adult Social Care Complaints Procedures?

A complaint can be made by:

- Someone who has been turned down for a service to which they think they are eligible.
- Someone who uses a service arranged or provided by Halton Borough Council.
- Someone who has written consent to act on behalf of the service user.
- The representative of a service user who does not have capacity to complain themselves (where they are seen to be acting in the interests of that individual).
- A representative or the next of kin of a service user who is deceased.
- Anyone who is affected or likely to be affected by the actions, decisions or omissions of the service that is subject to a complaint.

1.3.3 How a complaint can be made?

A complaint, concern or comment can be made in whatever way an individual feels comfortable doing. They can be in writing (for example by letter or using the form with Customer Care Fact Sheet- Appendix 3), by telephone, email or through the council's website. [Adult Social Care Complaints](#)

Whilst details can be directed to the Customer Care Team, all staff have the responsibility to assist people to raise any concerns that they have.

The complaints policy is all about enabling people to raise concerns, in whichever way they feel most comfortable. This could be via an Advocate e.g.; Citizens Advice Bureau, Age UK, Halton Speak Out, SHAP etc.

1.3.4 What isn't covered under this policy and procedure?

There are occasions when this procedure will not be the appropriate procedure to be used, for instance;

- When the initial contact is a request for service

- Disagreement with a decision where a statutory right of appeal exists.
- An issue that is in court or has already been heard by a court or a tribunal. (*Where part of a complaint isn't being heard by a court hearing within the same complaint, then this issue/s can be investigated*)
- A claim for compensation alone.
- A complaint that has already been investigated by the Local Authority or is being (or has been) investigated by the Local Government Ombudsman.
- A complaint made by an employee about any matter relating to their contract of employment.
- A verbal complaint that is resolved to the customer's satisfaction within 24 hours.
- A complaint arising from of an alleged failure to comply with a data request under the Data Protection Act 1998 or a request for information under the Freedom of Information Act 2000. People who purchase their own adult social care services, whether self-funders or under Direct Payment arrangements (see 1.5)

(The above are examples rather than an exhaustive list)

Where Halton Borough Council decides not to consider a complaint or needs to transfer the complaint to another department, they will notify the customer of their decision and the reason behind it, as soon as is practicable.

1.4 Complaints about providers who are commissioned by HBC

Halton Borough Council (HBC) has responsibility for the services it provides directly and services which are commissioned from other organisations. A complainant can address a complaint about an independent service provider commissioned by HBC either by complaining to the provider directly or by complaining to HBC.

Wherever possible, providers should have the opportunity of resolving the issue themselves and people have the right to approach providers directly. However, if they are not comfortable doing so, or are not satisfied with a response they have received, they have the right to raise the complaint with Halton Borough Council (HBC) as the commissioner of that service.

In cases where the complainant has complained to both parties, HBC will investigate and respond. There should also be a separate investigation carried by the independent provider using their own appropriate procedures.

Where the complaint has been raised through HBC, a Divisional Manager will nominate a member of the team who are responsible for the care management of the individual concerned. The Customer Care Team will also copy in the Quality Assurance Team and/or the relevant Commissioning Manager if appropriate.

1.5 Complaints from Self-Funding Adults

For those who have self-funded their care and not been assessed by Adult Social Care, those complaints about a care home or domiciliary care from those who self-fund should be raised directly with the provider concerned. However, the Local Government Social Care Ombudsman (LGSCO) has jurisdiction to investigate

complaints for self-funders and can be contacted directly at: [LGSCO Make a complaint - Adult Social Care](#)

LGSCO Advice Team on 0300 061 0614. The safeguarding process should be used if a member of staff receives a complaint from a self-funder which raises any concerns of safeguarding (see 1.11).

You can also complain to the Care Quality Commission. Further information can be found on the CQC website:

[Complain about an adult social care service - Care Quality Commission \(cqc.org.uk\)](#)

The Customer Care Team should be made aware of the complaint in order to keep a record of the service area involved for the purposes of learnings and improvements. The Customer Care Team will also support and direct the self-funder in their approach to the LGSCO

1.6 Direct Payments and Individual Budgets

Decisions made by the person who receives direct payments generally fall outside of the complaints procedure as the person has “choice and control” of how to use those funds to meet their care need.

Complaints should be made directly to the care provider, however Halton Borough Council’s Care Management team and Direct Payments team may be able to provide information and guidance. If the problem isn’t resolved, the Local Government Social Care Ombudsman may be able to investigate the complaint.

However, if a person complains directly to HBC and it indicates a possible safeguarding concern, the matter should be referred and investigated (see 1.11).

1.7 Cross Boundary Complaints

Health and adult social care providers must co-operate and provide a joined-up seamless response to complaints which span their services. Complainants should never be expected to make individual complaints to separate bodies about jointly arranged services.

If a complaint relates to more than one service area the complainant will be told who will take the lead in dealing with their complaint (usually it will be the manager from the area which the majority of the complaint concerns) and that they will receive one response covering all the issues raised.

A similar approach is to be used where the complaints cross organisations (most commonly health partners - who share the same complaint regulations as Adult Social Care).

See the HBC Cross Boundary Complaints Policy for guidance on the procedures which should be followed. This can be found in the [Adult Social Care Policy Library](#).

1.8 Complaints connected with Homelessness

Complaints relating to homelessness are supported by a separate complaints procedure followed by the Housing Solutions Team. The procedure is governed by the Council's duties under homelessness legislation (Housing Act 1996 Part VII amended by the Homelessness Act 2002).

Complaints received which relate to homelessness should be directed to the Housing Solutions Team. [Halton Borough Council - Housing Advice](#)

Complaints which relate to a staff member of the homelessness team should be directed to [Corporate Complaints](#)

1.9 Corporate Complaints

Both Adults and Children's Social Care have statutory complaints procedures governed by separate legislation. Where complaints are received about services arranged or provided by HBC, that do not fall under the social care procedures, they will be handled under the [Corporate Complaints Procedures](#).

1.10 What if the individual doesn't want to formally complain?

The best way to define if an expression of dissatisfaction requires an 'informal' or 'formal' response is to speak to the complainant..

If an individual prefers to raise a concern through a more informal route, this can be done via the 'Customer Care' process instead. A similar procedure is followed and records made as appropriate.

However, exceptions should be made in the case of serious or high risk charges of abuse or neglect, when staff should advise the person raising concerns to register a formal complaint immediately. HBC's Safeguarding procedures should be followed where appropriate and can be found in the Adult Social Care [Policy Library](#)

1.11 Safeguarding and Complaints

If any complaint or concern received indicates that there may be concerns of vulnerable adult abuse this should be immediately referred through to the Council's Safeguarding Procedures.

If a complaint made to the local authority leads to a safeguarding adults' investigation, the customer care department may decide not to commence the complaints investigation, if this would compromise a safeguarding investigation. The complainant would need to be informed of this course of action and the reasons for this.

There must be a "think family" approach to safeguarding adults. Where it is identified through the safeguarding adults process that a child may be at risk, the concern must be referred **immediately** to Children's Services. A decision will be made as to who will lead the safeguarding process, whether it is Adult Social Care or Children's

Services. Regardless of who takes the lead, there should be appropriate representation from both Adults and Children's Services within this joint process.

Safeguarding of vulnerable people is everybody's business with communities playing a part in preventing, detecting and reporting neglect and abuse. It is essential that throughout this process Service Users are effectively safeguarded from harm. Please consult the Adult Social Care [Policy Library](#) for the latest Halton Safeguarding Adults Policy and the Safeguarding Adults Procedures.

1.12 Handling Anonymous Complaints

The above principles apply equally where people choose to make anonymous complaints. Generally, these are progressed if there is enough information to enable further enquiries to be made. The outcome will not be fed back directly to the person concerned, but any issues identified will be recorded in the same way as other complaints.

Where insufficient information has been provided to pursue the complaint investigation, the decision to close the complaint will be taken with the authorisation of the relevant Divisional Manager or Operational Director as appropriate. Customer Care will consult the relevant Manager based on the nature of the complaint.

1.13 Dignity in Care

Dignity in Care is about creating a care system where there is zero tolerance of abuse and disrespect of people in care – this includes hospitals, care homes, domiciliary care, etc. where being treated with dignity and respect is not an optional extra, but a basic human right.

The Customer Care procedures will support this aim by monitoring and reporting where these ideals have not been met, so that remedial action can be taken to support these aims.

1.14 Whistleblowing

This policy does not apply to concerns or complaints that are being investigated through the Halton Borough Council's Disciplinary, Grievance or 'Whistleblowing' procedures, or which are being pursued as legal claims.

During 2012 the Department of Health extended its whistle-blowing helpline for NHS staff (08000 724 725) to staff and employers in the social care sector. The principles of candour have since been further emphasised by independent inquiries, such as the Francis Report into the Mid Staffordshire NHS Trust.

Halton Borough Council has its own Whistleblowing Procedure. Staff should approach their line manager in the first instance prior to undertaking the reporting process, please refer to **Appendix 1** of the policy for more information.

[HBC Whistleblowing Policy](#)

1.15 Understanding Mental Capacity

Staff must ensure that appropriate support is arranged for people who have difficulty in communicating their views or who struggle to understand information.

It should be assumed that everyone has the capacity to make decisions for themselves, unless it has been proved otherwise through a formal capacity assessment.

The Customer Care Team can help arrange advocacy services to ensure the person or their representative is supported through the complaints process.

[Mental Capacity Act 2005](#)

1.16 Maintaining confidentiality

Complaint investigations must follow the principles of the Data Protection Act, Access to Records procedures, Caldicott and any other confidentiality policies that may apply in individual cases, particularly in the case of cross organisational complaints (see 1.7). The Lead Professional will be responsible for ensuring the policies relating to confidentiality and Data Protection are adhered to, depending upon the area the complaint relates to.

[HBC Data Protection Policy](#)

2. Procedures

2.1 Receiving and Responding to Complaints, Concerns and Compliments

All staff have the responsibility to apply the best principles of good Customer Care and should receive regular reminders during supervision sessions and team meetings. They should ensure the complaints process is accessible to those they support and their carers via the Customer Care fact sheet. (Appendix 3).

All new staff should be provided with a copy of the Adult Social Care Resolving Complaints and Improving Services Policy, Practice and Procedure leaflet.

Responding Effectively to Complaints (Appendix 1) details best practice on how staff should respond to a complaint or expression of concern. It includes a letter template, which provides guidance on how to draft a good complaint response.

The Customer Care Team offers advice and help in formulating an appropriate response to complaints. The Local Government Social Care Ombudsman website

also contains examples of response letters, for complaints which are currently used as good practice. [Resources for care providers - Local Government and Social Care Ombudsman](#)

Please see **Appendix 2** for a summary of the process for receiving and referring complaints.

Compliments

Where a written compliment is received from a member of the public identifying that a service has exceeded their expectations or a staff member or team has been specifically praised (where the compliment is not just related to a standard a part of their job or just a thank you email), the compliment should be acknowledged, forwarded to the team Manager and a response sent thanking them for their feedback. The Customer Care Team can also help with responding to a written compliment received.

2.1.1 Local Resolution

What staff should do when a concern or complaint is received?

Complaints should be resolved promptly, as close to the point of delivery as possible, ensuring responses are honest, evidence based and explaining the reasons for decisions, acknowledging mistakes and apologising where appropriate.

In many cases, staff within the service area concerned will be best placed to respond to and resolve concerns or complaints quickly. This should always be the aim wherever possible.

If concerns cannot be resolved at a local level, the complaint must be referred to the Adult Social Care Customer Care team.

The form included with the Customer Care Fact Sheet (Appendix 3) is a useful guide to making a complaint

Action	Responsible Person/Team	Timescales
Operational team receive a concern or complaint. Complete contact sheet fully with details requested.	Operational Team – any staff	1 day

Investigate and resolve complaint or concern.	Operational Team – any staff	3 working days
If complaint or concern cannot be resolved within <u>3 working days</u> , pass to customer care. Contact sheet to be updated with all actions taken within the 3 day period and emailed to ssd.complaints.halton.gov.uk	Operational Team – any staff	Immediately following the 3 working day period.

2.12 Investigation

There are two stages to investigating a complaint:

Stage 1: Following assignment of a complaint, the investigating manager will contact the complainant within 1 week and conduct a thorough investigation. This part of the process should be completed within 20 working days of receipt of the complaint.

Stage 2:

If the complainant remains unhappy with the outcome of Stage 1, the complaint may be escalated to Stage 2. At this stage a manager from another team will be appointed to review the complaint within 28 days.

In exceptional circumstances the response deadline may be extended. However, managers are encouraged to respond to complaints in a timely manner to avoid dissatisfaction with the complaint handling process and to ensure that concerns are addressed with minimum delay. Such efforts help to create an environment and culture where people feel able to make a complaint, raise a concern or offer feedback.

Further information about Stage 1 and Stage 2 can be found in the table below.

Action	Responsible Person/Team	Timescales
Contact the complainant to clarify the complaint and the outcome sought. Send acknowledgement letter.	Customer Care Team	Within 1 working days of receipt of the complaint.
Customer Care will refer the complaint to the relevant Divisional Manager who will allocate to the	Customer Care Team Divisional/	Within 20 working days of

appropriate Principal or Practice Manager for investigation and response* (<i>although the complaint can be allocated to another team manager/area in the event of a high volume of existing complaints.</i>)	Principal Manager	receipt of the complaint
Action – Stage 1	Responsible Person/Team	Timescales
Manager allocated should make telephone contact with the complainant within the first week of the complaint being assigned to them.	Principal/ Practice Manager	Within 1 week of the complaint being assigned.
Once the initial investigation is completed, the Divisional/Principal Manager will work with the customer care team and send a response letter including; • Elements of the complaint that were upheld or not upheld and why, including evidence/findings of the investigation. • What resulting actions have or are to be taken and by whom and when (if appropriate). • Whether there is a case for potential compensation or restitution. • Any learnings that have or potentially will inform service improvements If the complainant is unhappy with the response, a meeting should be offered and used to explain the findings and gain further information.	Divisional/ Principal Manager Customer Care Team The response letter will be sent out via the Customer Care Team, who will send to the allocating Divisional Manager for authorisation. Director of Adult Social Services	Within 20 working days of receipt of the complaint

Action – Stage 2	Responsible Person/Team	Timescales
- A manager from another service area should review the complaint; or - An external investigator can be engaged if necessary. - The meeting/ independent investigation should be followed up by a final response letter. - The response must be approved/quality assured by the relevant Divisional Manager, who should signpost the complainant to the LGSCO, should they continue to be dissatisfied. Customer Care will provide guidance to the complainant on how to approach the LGSCO.	Divisional/ Principal Manager. Customer Care Team The response letter should be sent out via the Customer Care Team, who will send to the Operational Director for authorisation.	Within 28 days (this is in line with corporate complaints and good practice guidance from the LGSCO).

2.13 Resolution

At any point whilst the complaint is active, opportunities should always be taken to resolve it. For examples of appropriate resolutions, please see **Appendix 1**.

2.14 Considering Mediation as an alternative resolution

Sometimes service users and other interested parties may be so upset that they become entrenched, listing a whole range of things they are unhappy with. Often this is where there has been a breakdown in communications between them and the service involved.

In such circumstances mediation may help to reach a successful conclusion to the complaint. This would involve a manager who is independent of the concerns raised, meeting and gathering information from both sides.

Where it appears that this approach may be helpful, the Customer Care Team can advise and support as necessary.

2.15 Complex Investigation or Mediation

On some occasions, it will be apparent straight away, or during the local investigation, that a complaint demands a detailed and complex investigation. This will usually be by either a senior manager (often independent of the service area involved) or an independent investigator.

Further advice about this process can be given by Customer Care as appropriate.

2.16 Complaint Conclusion

Independent Review by Local Government and Social Care Ombudsman

If still dissatisfied the complainant may ask the Local Government and Social Care Ombudsman to review their complaint. The Ombudsman will review the previous stages of investigation and may ask for additional information. If the complaint is upheld, and the Ombudsman considers there has been maladministration, they will make recommendations on what action the local authority should take (including and remedial action and financial redress).

The Principal Executive Officer is the link with the Local Government and Social Care Ombudsman (LGSCO) for Halton Borough Council. All correspondence from and to the LGSCO is to be directed via the link officer.

2.2 Ensuring Equity

Halton Borough Council takes seriously people's rights to raise informal concerns and formal complaints without their care, treatment or relationship with staff being compromised.

Complaints letters, investigation reports and notes of conversations relating to concerns/complaints should not be filed in Service User case files.

2.3 Safeguarding and complaints

Complaints that identify potential or actual adult or child abuse should be referred immediately under the Safeguarding Procedures. Any complaint investigation should be suspended until discussions have taken place between the safeguarding investigation lead and Customer Care Team, to decide whether any elements of the complaint can be investigated independent of the safeguarding investigation.

[Halton Safeguarding Adults Policy 2020](#)

If the complaint outcome is dependent on the safeguarding investigation, where appropriate the complainant should be informed that the complaint has been suspended pending the outcome of the safeguarding investigation.

If elements of the complaint can be progressed separately from the safeguarding investigation, without compromising that investigation or any potential legal action, that should be done, and not left until the outcome of the safeguarding investigation.

2.4 Unreasonable and Persistent Complaints

There will be circumstances when a complainant persists in pursuing a complaint, which has no reasonable basis, or when reasonable action has already been taken.

Should this situation arise, the Customer Care Team can advise and support as necessary.

For information and guidance, please see **Appendix 3**.

2.5 Time Limits for making complaints

The time limit for making a formal complaint is:

- Twelve months from the date on which the matter which is the subject of the complaint occurred.

Where a complaint is made after the expiry of this period, the discretion to vary the time limit will be used sensitively and with reference to good practice guidelines. After taking into consideration the context and specific circumstances, the Customer Care Manager may decide to carry out an investigation if he/she is of the opinion that:

- The complainant had good reasons for not making the complaint within the usual period
- It is still possible to investigate the complaint effectively and efficiently, notwithstanding the time that has passed.

2.6 Concurrent Investigations

With those under other procedures (Disciplinary and Grievance procedures), alternative procedures should run concurrently with the complaints procedure (for example, where a complaint about deficiency in service also uncovers safeguarding or disciplinary issues).

If there are still substantive issues around the deficiency in service to be resolved, the complaints process should continue (unless to do so would compromise or prejudice the concurrent investigation – in such cases the complainant would need to be informed that the complaint process has been suspended pending the outcome of the other investigation).

It should also be made clear to staff (and trades unions and professional associations as appropriate) that consideration of the complaint is separate to any necessary action under the grievance or disciplinary procedures. In such cases, staff should be kept informed of progress of the complaint, but they should not be given any details that would breach confidentiality or work against the complainant's best interest.

2.7 Seeking Continuous Improvement and Learning from Complaints

As discussed within the Introduction section, complaints are valuable to the service. As well as providing an efficient and effective way for users of public services to get

their issues addressed, they also offer a chance to gain an accurate picture of the level and quality of service offered from the individual's perspective. They provide feedback on service delivery and provide a means for the user to have an input into the continuous improvement of the service. The Council will:

- Use all feedback and the lessons learnt from complaints to improve our services
- Regularly review the lessons to be learnt from complaints
- Where appropriate, tell the complainant about the lessons learnt and changes made to services, guidance or policy.

Since 2017/18 the Adult Social Care Survey has included a question asking Service Users if they are aware of how to make a complaint or provide feedback/compliments. Staff must ensure that information about the complaints process is provided when completing an assessment or an agreement to pay for care form and at the start of a service / annual reviews. The Customer Care fact sheet (Appendix 3) provides information and contact details for the Customer Care team, an Easy Read version of this is also available.

The Customer Care Team produce a regular report to analyse complaints and also coordinate other information to identify underlying themes from various areas (e.g. complaints, compliments, provider monitoring, safeguarding, etc.) via the following process;

- Identify the root cause of the issue.
- Take action to reduce the risk of it happening again.
- Record the corrective action taken and systematically review to improve service delivery of both in house and commissioned services.

This is reported to SMT on a quarterly basis.

An annual report is also produced, giving more detailed analysis, with year- on- year comparisons. This is summarised in the statutory required annual public report to the Health Policy and Performance Board (HPPB).

In summary, we need to ensure that we capture the learning from complaints. This could be achieved by a number of actions including but not limited to:

- Updating policies and procedures
- Implementing training
- Reviewing processes to look at where improvements are needed (e.g. commissioning and quality assurance)

Responding effectively to resolve Adult Social Care Complaints

A quick guide for staff

A complaint may be made to any member of staff, so all Social Care staff must be aware of the Adult Customer Care complaints procedure and how to handle and record complaints at the frontline stage. Complaints should be resolved promptly, as close to the point of delivery as possible, ensuring responses are honest, evidence based and explaining the reasons for decisions, acknowledging mistakes and apologising where appropriate.

Concerns or worries are often raised as part of normal everyday interaction between services and their customers. Normally, these will be easily resolved by staff working on a day-to-day basis with the customer. However, there may be complaints that cannot be sorted out in that way to the customer's satisfaction.

Most complaints arise from a genuine feeling of grievance and not of maliciousness and small grievances can become large if not dealt with at the early stages. Even persistent/vexatious customers can have a new valid complaint.

If concerns cannot not be resolved at a local level, the complaint must be referred to the Adult Social Care Customer Care team.

Once the initial investigation is completed, the Divisional/Principal Manager should work with the customer care team and send a response letter based on the following guidance;

- What the complaint is and the outcome being sought,
- Being customer focused (showing empathy and making the human connection)
- Getting it right
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement
- Face to face meetings can be more effective than written or verbal communication.

The empathy element is perhaps the most important. You may not always agree with the complainant's view but it will always be helpful within your response think about:

- ✓ Their perspective - in similar circumstances how would you feel?

- ✓ In your response “tell the story”. Complaints often come from the frustration of not knowing or not understanding why something has happened. By taking this approach it will provide structure to your response.

Think about including things like:

- Summarise the complaint and the desired outcome.
- Explain the background (such as assessed care needs, legislation etc.) and other influencing factors (e.g. choice and control, independence).
- Outline what has happened and why, explaining the reasons behind decisions etc.
- Make sure you include evidence of the investigation.
- If something has gone wrong explain why and what remedial action has been taken to prevent it happening again (both individually and systemically, as appropriate).
- Don’t be afraid of saying sorry.
- If someone has lost out on something (LGO term “suffered injustice”), consider what “remedy” (LGO term) can be put in place to make it right and/or compensate for that loss. Customer Care can give advice on appropriate measures.

The outline guidance above is what the Local Government Ombudsman would examine should the complainant remained dissatisfied and approach them.

Suggested formats for initial, holding and final response letters are set out in **Appendix 2**. It is a starting point for your own response letters and will not be suitable for use on all occasions. Each response letter will be unique depending on the circumstances of the complaint.

Template Initial Response Letter

Name and Address

Our ref (if any)

Your ref (if any)

Our contact details; *e-mail and phone (insert)*

Date

Dear *(Name)*

Re: Complaint received *(date)*

Thank you for bringing your concerns to my attention in *(your email/letter/our conversation)* of *(insert date)*.

I am sorry you are not happy with the service provided by *(insert name of care home/day centre)*.

If the response letter is delayed say why.

As I understand it, you are concerned that:

- 1.
- 2.
- 3.

Please contact me straight away if I have misunderstood your concerns.

I would be happy to meet with you to discuss the issues you have raised and our investigation procedures, if that would be helpful *(suggest a date and/or provide contact details)*.

I am looking into the points you have made as a matter of urgency and shall be in touch with you with a full response (*insert anticipated response time – not longer than 20 working days*).

Please do contact me again in the meantime if I can be of further assistance, my email and phone number are given above.

Yours sincerely

Signature

Name

Title

Enc or Encs

Template Holding Letter

Name and Address

Our ref (if any)

Your ref (if any)

Our contact details; *e-mail and phone (insert)*

Date

Dear *(Name)*

Heading e.g. *Complaint about....*

Further to my letter of *[date of last correspondence]*, I am still investigating the detail of your complaint. This is due to *[insert the reason for a delay]*.

I apologise for the delay, and thank you for your patience. I will write again as soon as possible, and at the latest within *[give a number of weeks]* of the date we received your complaint.

If you need to contact me in the meantime, please do not hesitate to do so. My contact details are above.

Yours sincerely

Signature

Name

Title

Enc or Encs

Template Final Response Letter

Name and Address

Our ref (if any)

Your ref (if any)

Our contact details; e-mail and phone *(insert)*

Date

Dear *(add name)*

Heading *e.g. Complaint about*

The investigation into the concerns you raised on *(insert date)* is now complete.

I will address each of the points as outlined in my earlier acknowledgement letter to you.

[Repeat each individual point of complaint, and follow each one with what you found in the investigation. Put this as a numbered list if there is more than one issue].

1. *[Point one]*

I have found that.....

2. *[Point two]*

I have found that.....

Outcome

As a result of your complaint we have taken the following action *(if not already mentioned above)*.

1. *[Action]*

2. *[Action]*

3. *Etc.*

You may wish to finish with your own personalised message;

May I again apologise *******. I hope that my response gives you reassurance that *(name of service user as appropriate)* can continue to enjoy *(name of service provided)* without this happening again.

I would like to thank you for bringing these matters to our attention. We welcome comments from people who use our services and aim to use these to improve our services.

If you are not fully satisfied with the way we have handled your complaint you have the right to take your complaint to the Local Government Ombudsman, who you can contact at:

Tel: 0300 061 0614

Address: The Local Government Ombudsman

PO Box 4771

Coventry, CV4 0EH

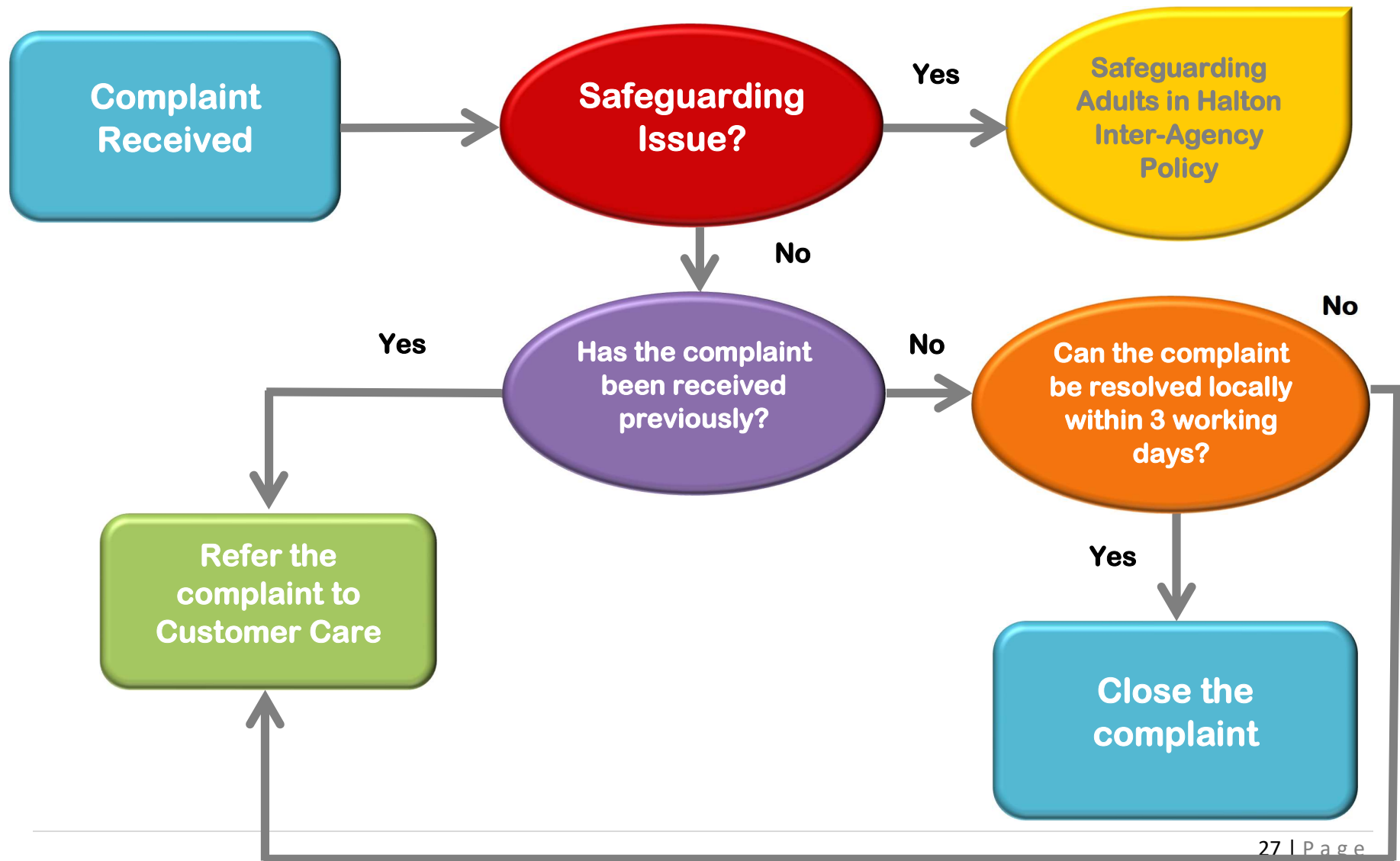
Website: www.lgo.org.uk

Yours sincerely

Name

Job title

Process for Receiving Complaints and Referring to Customer Care



Appendix 3- Customer Care Fact Sheet Adults Directorate

Do you have a Complaint or Compliment?

How to make a compliment or complaint about Adult Social Care in Halton.

Compliments & Complaints

We would like to hear from you if you think Adult Social care have done a good job or you think we could be providing a service differently. Please do get in touch with us!

What if I am not happy with something?

Tell us. Sometimes you may be unhappy about decisions made about your care or something that has happened or not happened. We can only put things right if you tell us about it.

Who can complain?

Anyone who:

- has asked for a service
- uses a service
- is acting as a representative for a service user.

How do I get in touch?

You can get in touch with:

- The people who provide you with the service
- Any of our Direct Link Offices (see addresses below)
- Any member of the Customer Care Team
- By letter, fax, text, telephone call or in person.
- You can also e-mail us at ssd.complaints@halton.gov.uk

Who can help me to complain?

We understand it can be hard to complain. You may be nervous or find it difficult to describe how you feel. Our Customer Care Team (Tel: 0151 511 6941) can help you.

Alternatively, you can ask someone else to help you, such as a friend or relative, someone independent, such as the Citizens Advice Bureau or your local Councillor (see www.halton.gov.uk or contact any Halton Direct Link Office for details)

What happens next?

The Customer Care team will phone you to tell you that we have received your complaint. (Or write to you if we cannot get in touch by phone). We will listen to you and find out what you are unhappy about. We will ask you what you would like to happen as a result of making your complaint. We will tell you how your complaint will be dealt with, and agree a

timescale for you to receive a response. Your complaint will then be investigated by a manager who will then reply to your complaint.

If you would like more information about how to make any comment, suggestion or complaint about Adult Social Care contact our Customer Services on **0303 333 4300** or e-mail ssd.complaints@halton.gov.uk

Alternatively you can write to us at:

Customer Care
Halton Borough Council
PO Box 317
Runcorn
WA7 9BZ

What do I do if I am still unhappy?

If you are not happy with a local authority's response you can ask the Local Government and Social Care Ombudsman to look at your complaint. You can contact them by:

- Logging a complaint using their online form at:
www.lgo.org.uk/making-a-complaint
- Calling the Local Government Advice Team on 0300 061 0614 (Monday-Friday 8.30am—5.00pm)
- Or Write to:

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH.

For further information please telephone 0151 907 8306 or call in at any Direct Link

Halton Lea Direct Link

Rutland House
Halton Lea
Runcorn
WA7 2ES
(Next to the library)

Widnes Direct Link

7 Brook Street
Widnes
Cheshire WA8 6NB
(Near to Widnes Market)

If you need this leaflet in a different format such as large print audiotape, Braille or another language, please contact our Customer Services on 0151 511 6941

यदि आप की पहली भाषा अंगरेजी नहीं है और आप हमारी सेवाओं के बारे में जानकारी किसी अन्य भाषा में चाहते हैं तो कृपया हमें 0151 907 8300 पर फोन करें या hdl@halton.gov.uk पर ई-मेल भेजें

Jeżeli angielski nie jest Twoim pierwszym językiem i potrzebujesz informacji o naszych usługach w innym języku, prosimy o zatelefonowanie do nas pod numer: 0151 907 8300 lub wysłanie maila do: hdl@halton.gov.uk

如果你的母语不是英语，而你希望得到有关我们服务的其它语言版本的信息，请致电0151 907 8300或者发送电邮至 hdl@halton.gov.uk 联系我们。

اگر آپ کی پہلی زبان انگریزی نہیں ہے اور آپ ہماری خدمات کے بارے میں معلومات کسی دوسری زبان میں چاہتے ہیں تو براہ کرم ہمیں 8300 907 0151 پر فون یا hdl@halton.gov.uk پر ای میل کریں

If your first language is not English and you would like information about our services in another language, please call us on 0151 907 8300 or email hdl@halton.gov.uk

Appendix 4 Vexatious Complaints Policy

VEXATIOUS COMPLAINTS POLICY

Introduction

Habitual or vexatious complaints can place a strain on time and resources and may cause undue stress for staff who may need support in difficult situations. Staff should respond in a professional and helpful manner to the needs of all complainants but there are times when there is nothing further that can reasonably be done to assist them or to rectify a real or perceived problem.

With the continual financial pressures on the Council the organisation needs to be more adept at drawing a line under such situations that can place a disproportionate drain on staff resources over a protracted period of time. In determining arrangements for handling such complaints staff are presented with two key considerations. The first is to appreciate that even vexatious complainants may have issues that contain some genuine substance, and therefore an equitable approach is crucial. The second is to be able to identify the stage at which a complainant has become vexatious. One approach is to develop an approved policy, which would only be implemented in exceptional circumstances.

Purpose of this Guidance

It is perfectly reasonable for complainants to request information or assistance from the Council on pursuing complaints about services provided to them. The aim of this policy is to identify situations where complainants might be considered to be habitual or repetitive and to suggest ways of responding to these situations in a consistent manner.

It is emphasised that this policy should only be used as a last resort and after all reasonable measures have been taken to assist complainants. Judgement and discretion must be used in applying the criteria to identify potential vexatious complainants and in deciding action to be taken in specific cases.

The policy should only be implemented following careful consideration by, and with the authorisation of the Strategic Director Resources (or nominated deputy).

Definition of a Vexatious Complainant

Complainants (and/or anyone acting on their behalf) may be deemed to be vexatious where previous or current contact with them shows that they meet one or more of the following criteria.

1. Persist in pursuing a complaint where one of the Council's complaints procedure has been fully and properly implemented, or has been exhausted.

2. Refuse to refer the complaint to the Local Government Ombudsman and insist that the Council resolves their complaint in accordance with their wishes.
3. Change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (However care must be taken not to discard new issues that are significantly different from the original complaint. These might have to be addressed separately).
4. Are unwilling to accept documented evidence as being factual, or deny receipt of an adequate response in spite of correspondence specifically answering their questions.
5. Do not clearly identify the precise issues they wish to be investigated, despite reasonable efforts by the Council to help them specify their concerns.
6. Focus on a trivial matter to an extent that is out of proportion to its significance and continue to focus on this point.
7. Have, in the course of pursuing their issue, had an excessive number of contacts with the Council (by telephone, e-mail, letter, fax or in person) placing unreasonable demands on staff. Staff should be instructed to keep a clear record detailing the number, type and nature of contacts from a complainant.
8. Display unreasonable demands or expectations and fail to accept these may be unreasonable e.g. insist on immediate responses from staff when they are not available and this has been explained.
9. Have threatened or used actual physical violence. All such cases must be documented in case of further action and reported.
10. Have harassed or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with them. All cases must be documented and reported in case of further action. Staff must, however, recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this.

Dealing with vexatious complainants

Where complainants have been identified as vexatious in Adult Social Care in accordance with the above criteria, the complainant should be referred to the Director of Adult Social Services who will determine if the complainant is considered to be vexatious. If the Director of Adult Social Services agrees that the complainant is vexatious, the Complaints Lead Officer can then be informed. The Complaints Lead Officer will liaise with the Strategic Director, Resources (or nominated deputy) and recommend the action to be taken. The Strategic Director Resources (or nominated deputy) will decide whether or not to implement such action. If accepted, the Strategic Director, Resources (or nominated deputy), will notify the complainant in writing and clearly explain in simple terms the reason why they have been classified as a vexatious complainant and the action to be taken.

The suggested course of action would be to inform the complainant that the Council has responded fully to their complaint and has tried to resolve it but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant should also be notified that the correspondence is at an end and that any further letters received will be acknowledged but not answered.

Withdrawing the Vexatious Complainant Policy

Once complainants have been determined as 'vexatious' there needs to be a mechanism for withdrawing this status at a later date if, for example, complainants subsequently demonstrate a more reasonable approach, or if they submit a further complaint for which normal complaints procedures would appear appropriate.

Staff should previously have used discretion in recommending 'vexatious' status at the outset and discretion should similarly be used in recommending that the status be withdrawn when appropriate. Where this appears to be the case, discussion will be held with the Strategic Director Resources (or nominated deputy). Subject to their approval, normal contact with the complainants and application of the complaints procedure will then be resumed.