

DELEGATED POWERS REPORT NO.

1066

SUBJECT: Adult Social Services Complaints and Representations Procedure

Control sheet

All of the following actions MUST be completed at each stage of the process and the signed and dated report MUST be passed to Democratic Service for publishing

All reports		
1. Democratic Services receive draft report	Name of DSO Date	Jonathan Regal 23/4/10
2. Democratic Services cleared draft report as being constitutionally appropriate	Name of DSO Date	Jonathan Regal 23/4/10
3. Finance clearance obtained (<i>report author to complete</i>)	Name of Fin. officer Date	Andrew Filby 28/4/10
4. Staff and other resources issues clearance obtained (<i>report author to complete</i>)	Name of Res. officer Date	Manjit Lall 29/4/10
5. Trade Union response received (Staffing issues only)	Name of TU rep. Date	Not applicable
6. Legal clearance obtained from (<i>report author to complete</i>)	Name of Legal officer Date	Lanna Childs 4/3/2010
7. Policy and Partnerships clearance obtained (<i>report author to complete</i>)	Name of PandP officer Date	Andrew Nathan 23/4/10
8. Equalities and Diversity clearance obtained (<i>report author to complete</i>)	Name of officer Date	Julie Pal 23/4/10
9. The above process has been checked and verified by Director, Head of Service or Deputy (<i>report author to complete</i>)	Name Date	Kate Kennally 27/5/10
10. Signed and dated report, <u>scanned or hard copy</u> received by Democratic Services for publishing	Name of DSO Date	
11. Report published by Dem Services to website	Name of DSO Date	
Officer reports:		
12. Head of Service informed report is published and can be implemented.	Name of DSO Date	
Cabinet Member reports:		
13. Expiry of call-in period	Date	
14. Report circulated for call-in purposes to COSC members and copied to Cabinet and Head of Service	Name of DSO Date	
	Date	

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER (COUNCIL FUNCTION)

Subject **Adult Social Services Complaints and Representations Procedure**

Officer taking decision **Chief Executive**

Date of decision 15 June 2010

Summary	Delegation of authority for specified managers to perform the functions of the responsible person under Regulation 4 of the Local Authority Social Services and National Health Service Complaints Regulations 2009 on behalf of the Chief Executive Officer.
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Officer Contributors Emily Bowler, Customer Care and Business Manager
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Status (public or exempt) Public

Wards affected All

Enclosures Adult Social Services Complaints and Representations Procedure

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Serial No. 1066

1. RELEVANT PREVIOUS DECISIONS

1.1 None.

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

2.1 The delegation of authority for specified managers to perform the functions of the responsible person under Regulation 4 of the Local Authority Social Services and National Health Service Complaints Regulations 2009 on behalf of the Chief Executive Officer supports the corporate priority of 'Better services with less money' in the Corporate Plan 2010/13. This key priority is underpinned by the following objectives:

- Improve customers' access to the Council, and encourage more contact and transactions to be carried out online; and
- Provide excellent highly efficient and costs effective regulatory services.

2.2 This is further supported by the corporate priority of 'Sharing opportunities and sharing responsibilities' in the Corporate Plan 2010/13. This key priority is underpinned by the following objectives:

- Embed a safeguarding culture throughout Barnet to make sure our children young people and adults remain safe;
- Develop a new relationship with residents so they are able to more effectively contribute to making Barnet and its residents successful; and
- Support people to be independent and lead active lives.

2.3 Adult Social Services' statutory complaints function, including learning from complaints enables the council to deliver on its key objective of sharing opportunities and sharing responsibilities and its aim to develop a new relationship with its citizens.

3. RISK MANAGEMENT ISSUES

3.1 The Local Authority Social Services and National Health Complaints (England) Regulations 2009 require the chief executive officer of each local authority to ensure compliance with arrangements made under the Regulations. If the Council does not comply with the Regulations it risks regulatory sanction and judicial review.

3.2 I consider the issues involved are unlikely to raise significant levels of public concern or give rise to policy considerations.

4. EQUALITIES AND DIVERSITY ISSUES

4.1 Complaints are addressed under the complaints procedures in accordance with the Council's Equalities Policy. Complainants will be assisted to make a complaint and can ask a representative to act on their behalf. The assistance of an advocate will also be offered if needed. The leaflet describing how to make a complaint or compliment procedure is widely accessible and through the website and is given to new service users. An 'Easy Read' leaflet has also been made available.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance and Value for Money, Staffing, IT, Property, Sustainability)

5.1 There are no direct financial, staffing, property or other resource implications of this decision.

6. LEGAL ISSUES

6.1 Under Regulation 14 of The Local Authority Social Services and National Health Complaints (England) Regulations 2009 all complainants must receive a written response signed by the “responsible person”. For a local Authority this is the Chief Executive Officer and his functions may be performed by any person(s) authorised to act on his behalf under Regulation 4 of the Regulations.

6.2 Under Regulation 4 of the Regulations, a person referred to as a complaints Manager must be designated to be responsible for managing the procedures and handling complaints. This person is the existing post of Complaints and Representations Manager in Adult Social Services.

7. CONSTITUTIONAL POWERS

7.1 The Council constitution in Part 3, Responsibility for Functions, paragraph 6.1 states that “Chief Officers can take decisions without consultation in respect of operational matters within the Chief Officer’s sphere of managerial or professional responsibility and not significant in terms of budget or policy. They may use whatever means they consider appropriate to discharge those functions”.

8. BACKGROUND INFORMATION

8.1 Since 2006, local authorities have been required to follow separate Regulations in respect of complaints regarding Adult Social services. In 2009, they were replaced with new Regulations that introduced a single approach for dealing with complaints about both NHS and adult social care services.

8.2 Department of Health Guidance on the new regulations (“Listening, Responding, Improving – A Guide to Better Customer Care”) states that “the new approach ends the bureaucracy of the old system” and bringing benefits for the organisation and for staff.

8.3 The aim is for complaints to be dealt with promptly and proportionately, and to give organisations “greater flexibility to respond, and encourage a culture that seeks and uses peoples’ experience of care to improve quality”.

8.4 New complaints are assessed for seriousness in line with the Guidance. For straightforward complaints, after discussion with the complainant and an investigation, the final written response will be signed by a Service Manager (or post of equivalent seniority) in Adult Social Services.

8.5 Complaints that are assessed to be serious and/or complex will be independently investigated and the final written response will be signed by a senior Adult Social Services manager (Assistant Director or post of higher seniority).

- 8.6 Complainants who remain dissatisfied with the final written response to their complaint may complain to the Local Government Ombudsman. The new regulations remove the requirement for an Independent Review Panel known as “Stage 3” that was included in the old regulations.
- 8.7 The Regulations require the “Responsible Person” to sign all responses to complaints and designate the Chief Executive as the Responsible Person who may in turn authorise any person to perform their functions on their behalf.
- 8.8 Although the current Scheme of Delegation the Director of Adult Social Services is the officer responsible for the complaints procedure, there is no specific delegation from the Chief Executive for others to carry out the function under the new 2009 Regulations.
- 8.9 In operating the Regulations since 1 April 2009, the procedures set out that this is a Senior Manager (SMT member) for serious/complex complaints and a Service Manager for straightforward complaints.
- 8.10 For completeness, attached is the updated Procedures showing how the delegation works in practice, although other than the delegation of functions they do not need formal approval.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

10. OFFICER’S DECISION

I authorise the following action

- 10.1 That the delegation of authority from the Chief Executive to the Director of Adult Social Services be delegated further to the Senior Management Team to enable them to perform the functions of the responsible person under Regulation 4 of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.**

Signed Nick Walkley
 Chief Executive

Date 15 June 2010

**London Borough of Barnet
Adult Social Services**

Complaints and Representations Procedure

April 2009

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
Suitable for publication scheme	Yes
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Relevant to	All Adult Social Services
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Summary	Statutory complaints and representations procedure for Adult Social Services
Department	Adult Social Services
Date last reviewed	March 2010

London Borough of Barnet Adult Social Services

Complaints and Representations - Procedure April 2009

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Introduction

1 Principles and purpose

- 1.1 Adult Social Services is required to operate a statutory complaints procedure under the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009 (referred to as ‘the Regulations’).
- 1.2 A complaint that does not qualify for consideration under this statutory social services procedure may still be considered under the council’s Corporate Complaints Procedure.
- 1.3 The following principles guide the Adult Social Services complaints process:
- Complaints and representations are welcomed as an important part of improving our service and ensuring quality
 - There is a commitment to making changes to our services where a complaint or representation shows a need for change
 - We are committed to ensuring that our complaints system is accessible and available to everyone
 - Establishing what the complaint is, together with the desired outcome at an early stage, can lead to a better resolution for all involved
 - We are committed to responding to complaints speedily and, wherever possible, to achieving an outcome that is agreeable to the complainant
 - All service users may enlist the help of an advocate in making their complaint and we will assist to arrange this
 - We aim to achieve the easiest, least stressful way to involve the complainant in the complaints process.
- 1.4 The aim of this procedure is to enable service users or potential service users and/or their representative, to comment on, complain about or compliment the quality and nature of social care services provided by Adult Social Services.

2 Aims and objectives of the complaints procedure

- 2.1 To recognise the rights of all service users to make complaints and representations and to have their views considered within a clear procedure as defined by law.
- 2.2 To ensure that council staff and all partner organisations work together so that every qualifying adult facing problems and challenges who wishes to make a complaint or representation is well supported in reaching a satisfactory resolution.

2.3 This procedure aims:

- To ensure that a service user, potential service user, carer and / or their representative are aware of how to make a complaint
- To provide a sensitive and customer focussed service for complaints and representations by offering help and advice to complainants, members of the public and other interested parties
- To clarify the complaints process for service users, their carers and/or representatives and members of staff
- To meet the complaints performance target requirements for Adult Social Services
- To report on complaints in order to provide an additional means of monitoring performance and improving service quality.

Respecting equal opportunities

2.4 Adult Social Services will always take into consideration and pay respect to issues of race, ethnicity, religion, culture, age, language, sexual orientation and disability during the complaints process to ensure that an equal service is available to all.

Contacting us

2.5 A complaint can be made verbally or in writing to the Complaints and Representations Manager:

By writing to: The Complaints and Representations Manager
Adult Social Services
London Borough of Barnet
2nd Floor, Building 4
North London Business Park
Oakleigh Road South
London N11 1NP

Telephone: 020 8359 4299
Fax: 0870 889 5476

Part 1 - Complaints procedure

3 Principles

- 3.1 To provide an open, fair and prompt resolution of complaints within a procedure which is accessible, clear and easy to use for service users.
- 3.2 To ensure that people who use the service are treated with dignity and respect, are not afraid to make a complaint and have their concerns taken seriously.
- 3.3 To ensure that any concerns about the safeguarding of vulnerable adults are referred immediately to the relevant manager for consideration under the appropriate procedure.
- 3.4 To ensure that the complainant has the opportunity to receive support if they so wish.
- 3.5 To secure sensible and effective links with other policies and procedures in the council, with external partners and with service providers.

4 Legal framework

- 4.1 Complaints about adult social care services provided by Local Authorities are governed by:
 - a) The Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 (The Regulations) and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009.
 - b) These Regulations also apply to complaints on services provided by partnership arrangements under Section 75 of the NHS Act 2006.
 - c) Guidance issued by the Department of Health in February 2009 entitled Listening, Responding, Improving - A Guide to Better Customer Care.

5 Duties of the local authority

- 5.1 Adult Social Services must consider any representations or complaints, give due regard to any findings, decide any action or proposed action, formulate a response providing reasons for the decision, and notify the decision in writing within a given timescale.

- 5.2 Where there are significant concerns about the vulnerability of the complainant and the seriousness of the complaint, consideration should be given to appointing an independent person to take part in the consideration of the complaint and any discussions about the action.
- 5.3 Adult Social Services must offer assistance and guidance to complainants and provide accessible information, as appropriate.
- 5.4 Regulations require the local authority to designate an officer, known as the Complaints and Representations Manager, to undertake key tasks to ensure the efficient management and implementation of this procedure.

6 What is a complaint?

- 6.1 Expressions of dissatisfaction by service users and potential service users can be divided into **Complaints** and **Representations**:

Representations

A representation may be regarded as a comment, enquiry or statement of a formal nature regarding matters such as the availability, delivery or nature of services. They will not necessarily be critical. They can be taken into account when assessing the quality of a service provided, but are not usually viewed as a complaint. They may be critical but the service user does not wish to go through the complaints procedure.

Complaints

A complaint is any verbal or written expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult's social care services provision which requires a response. If a complaint can be resolved within 24 hours, there is no need to engage this complaints procedure.

- 6.2 A complaint will be considered under this procedure when it arises from a statutory social services function as set out in Section 1A and Schedule 1 of the LASS Act (1970). Complaints made about care standards in care services that are regulated under the Care Standards Act 2000 are not covered by this procedure. Examples of these kinds of services include domiciliary care provided by an agency or by a private residential home.
- 6.3 Where complaints relate only to a service regulated under the Care Standards Act 2000, we will ask the complainant's consent to send the details of the complaint to the relevant registered person i.e. the person registered as in charge of the service.

- 6.4 Complaints may arise for various reasons, such as:
- An unwelcome or disputed decision
 - Concern about the quality or appropriateness of a service
 - Delay in decision making or provision of services
 - Delivery or non delivery of services including the complaints procedure
 - Quality, frequency, change or cost of a service
 - Attitude or behaviour of staff
 - Application of eligibility or assessment criteria
 - The impact on an individual of the application of a local authority policy
 - Assessment, care management and review.

- 6.5 Complaints should also be considered under this procedure when they are about relevant services provided under any 'joined up' arrangements with third party providers. This includes those which fall outside the formal arrangements under Section 75 of the NHS Act 2006, for example where the service user's assessed needs are met by a contract with another public body, agency or voluntary organisation.

7 Who can complain?

- 7.1 A complaint may be made by:
- (a) a person who receives or has received a service from Adult Social Services, and
 - (b) a person who is affected or likely to be affected, by the action, omission or decision of Adult Social Services which is the subject of the complaint.

8 Who may complain on behalf of someone else?

- 8.1 A complaint can be made by a representative acting on behalf of a person mentioned in 7.1 above who:
- a) has died
 - b) is a person under the age of 18
 - c) is unable to complain themselves due to physical or mental incapacity
 - d) has asked the representative to act on their behalf.
- 8.2 Where a representative acts on behalf of a person under the age of 18 or a person who lacks mental capacity and Adult Social Services is satisfied that the representative is not conducting the complaint in the best interests of that person, the complaint will not be considered further. The representative will be notified in writing by the Complaints and Representations Manager explaining why no further action is being taken.

9 Complaints relating to more than one local authority

- 9.1 Where a complaint relates to two or more local authorities, the complaint should be considered by the authority which is responsible for looking after the service user, or in any other case by the authority within whose area the service user is ordinarily resident, providing the complainant meets the requirements of 'who may complain'.

10 Complaints that do not qualify under this complaints procedure

- 10.1 The person wishing to complain does not meet the requirements of 'who can complain' (see Section 7 above) and is not acting on behalf of any such individual.
- 10.2 The following complaints:
- (c) a complaint by a responsible body
 - (d) a complaint by an employee of Barnet Council or Barnet NHS complaining about their employment or a pension scheme;
 - (e) a complaint which is made orally; and is resolved to the complainant's satisfaction not later than the next working day after the day on which the complaint was made;
 - (f) a complaint arising out of the alleged failure by a responsible body to comply with a request for information under the Freedom of Information Act 2000.
- 10.2 The complainant repeats a complaint which has already been (or is being) investigated by Adult Social Services or the Local Government Ombudsman or a Health Service Commissioner or a Local Commissioner.
- 10.3 The complaint is unclear or unreasonably persistent (see Appendix 1).
- 10.4 If the complaint is made more than 12 months after the event which is the subject of the complaint, unless the Complaints and Representations Manager in consultation with the Director of Adult Social Services is satisfied that:
- (a) it would not be reasonable to expect the complaint to have been made earlier than it was made and
 - (b) notwithstanding the delay, it is still possible to consider the complaint effectively and fairly.

- 10.5 The Complaints and Representations Manager in consultation with the Director of Adult Social Services is satisfied that the representative is not conducting the complaint in the best interests of a person on whose behalf s/he is making the complaint, and who lacks mental capacity.
- 10.6 Complaints about policy decisions to withdraw or reduce on-going services in relation to Barnet Council's services generally, rather than in relation to the impact on an individual, should be provided with an explanation and advised to refer the matter to the Leader of the Council, the relevant portfolio holder or their local councillor.
- 10.7 Complaints from self-funded users of independent services cannot be considered under this complaints procedure unless they relate to an affected person as described in paragraph 7.1(b) above.
- 10.8 The local authority has been notified that proceedings have been commenced under Section 5.10 of the Care Standards Act 2000 in relation to the substance of the complaint.
- 10.9 Anonymous complaints fall outside this procedure. However they should be referred to the Complaints and Representations Manager, who will record them and give due consideration and take action if serious concerns are raised.
- 10.10 Where a complaint does not qualify under these procedures, the complainant will be notified in writing by the Complaints and Representations Manager explaining why no further action is being taken.

11 Freezing decisions

- 11.1 If the complaint is about a proposed change to a care plan, a placement or a service, the change may need to be deferred (frozen) until the complaint is considered. Consideration will be given to deferring such a decision to change where it would have a significant effect upon the life of an individual, until the complaint has been resolved.
- 11.2 Decisions will be made on a case-by-case basis having regard to the best interests of the service user, but there should be a general presumption in favour of freezing, unless there is a good reason against it (for example, if it puts a service user at risk).
- 11.3 The Complaints and Representations Manager should bring the matter to the attention of the Director of Adult Social Services who will have the final say on 'freezing' the decision to change.

12 Confidentiality

- 12.1 All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. Referral should be made to council policies and procedures on these Acts.
- 12.2 Complainants and staff have the right to know what use will be made of personal information. Information will be shared only on a need-to-know basis.

- 12.3 All complainants requesting independent consideration of a complaint will provide written, signed and dated agreement to sharing personal information for this purpose.
- 12.4 Those involved in the investigation should have access to the notes of their own interview in order to confirm the accuracy of the content.

13 Recording and monitoring of complaints and representations

- 13.1 The Regulations set out monitoring as one of the aims of an effective complaints procedure. Information gathered from complaints will be used for monitoring purposes.
- 13.2 The Director of Adult Social Services will make arrangements for the Complaints and Representations Manager to record all complaints and representations received about services within Adult Social Services including those under the corporate complaints procedure and those referred to other bodies.
- 13.3 The Complaints and Representations Manager will be responsible for collecting and aggregating information on complaints about any service provided under Adult Social Services. This information should include all stages of the complaints process and cover the following:
- the number and subject of complaints in each service area
 - compliance with timescales for acknowledgement and response to complaints
 - action taken
 - outcomes of complaints
 - lessons learned and implemented from complaints.

- 13.4 The following information relating to complainants will be collated and aggregated:
- age
 - gender
 - ethnic origin
 - faith
 - disability
 - sexual orientation
- 13.5 Regular progress and monitoring reports will be produced by the Complaints and Representations Manager and will incorporate information on lessons learned. Information gathered will provide a means by which councillors and managers can monitor performance, assess to what extent service objectives are being met and how services can be improved. Information on complaints about the performance of external services will give information about the effectiveness of the contract.
- 13.6 An annual report will be presented to the Adult Social Services Overview and Scrutiny Committee of the Council to include statistical information on the complaints procedure and give a review of the operation of the complaints procedure.
- 13.7 Statistical information and the effectiveness of the complaints procedure will be evaluated periodically through consultation with all those involved in the complaint process. This information will help in evaluating:
- how policy is interpreted by staff and users
 - how effective communication is with staff and the public
 - where staff training is required
 - whether resources are targeted correctly.
- 13.8 Records of any complaints, including investigation reports and responses, will be placed on the relevant service user's file unless there are specific reasons not to do so (for example it contains information which may cause distress to the service user). Reports should also be held in a separate complaints file held by the Complaints and Representations Manager.

14 Publicity

- 14.1 Adult Social Services will ensure that information about the complaints procedure and how to make a complaint will be available to all members of the community in a format relevant to their age and/or need.
- 14.2 As soon as possible after receiving a complaint or representation, Adult Social Services will provide the complainant with details of the complaints procedure and information about advocacy services.

- 14.3 Adult Social Services will make sure that this procedure is known and understood by all staff, elected members, investigating officers, independent persons, advocates and independent reviewing officers.
- 14.4 Information, training and support for staff and those who operate within this procedure will be available to ensure that they are able to work positively with the procedure and the cultural and specific needs of the complainant.

15 Remedies

- 15.1 Adult Social Services will ensure that where it has been found at fault, it will acknowledge errors, apologise for them, provide an explanation, and take any necessary action.
- 15.2 Under Section 102 of the Local Government Act 2000, local authorities are empowered to remedy injustice arising from maladministration. Remedies may include, but are not restricted to, financial redress.
- 15.3 Each case will be considered on its own merits and in line with the Local Government Ombudsman guidance.

16 Unreasonably persistent complainants and unacceptable behaviour

- 16.1 Barnet council is committed to dealing with all complaints fairly and impartially and to provide a high quality service to those who complain. Access to this service and to council offices and employees is not normally limited. However, there are a small number of complainants who, because of the frequency of their contact with the council, hinder consideration of their own complaints.
- 16.2 Features of a persistent complainant may include:
- making the same complaint repeatedly or with minor differences but never accepting the outcome
 - seeking an unrealistic outcome and persisting until it is reached
 - someone with a history of making other unreasonably persistent complaints.
- 16.3 When the relationship has become unworkable, the Complaints and Representations Manager together with a Senior Manager (member of Adult Social Services Senior Management Team) will consider the matter under the procedure for unreasonably persistent complaints - see Appendix 1.
- 16.4 In a very small number of cases, a complainant's behaviour may become unacceptable. The council has a duty to protect its staff from behaviour which is abusive, offensive and threatening, and in these cases will consider the matter under the procedure on unacceptable behaviour - see Appendix 2.

17 Cross boundary complaints

- 17.1 A potential area of confusion can arise around boundaries between the council's responsibilities and those of other bodies delivering services on behalf of, or in partnership with, Adult Social Services. Examples are:
- Where domiciliary care is provided to a service user by a private agency
 - Where a joint service is delivered with the NHS through an agreement under

Section 75 of the NHS Act 2006.

- 17.2 In these cases managers must be clear as to the appropriate action to take. There may be cases where elements of a complaint need to be considered by Adult Social Services under this procedure (such as dissatisfaction with an assessment or design of a care package) and others need to be considered by the service provider (such as quality of care, behaviour or attitude of the agency's staff). The Complaints and Representations Manager will advise in these cases. It will be the aim of Adult Social Services to provide a co-ordinated response wherever possible in such cases.
- 17.3 Complaints which relate only to a service regulated under the Care Standards Act 2000 will need to be referred, with the complainant's consent, to the relevant registered person, i.e. the person registered as in charge and responsible for the private or voluntary agency, residential home or domiciliary service.
- 17.4 Complaints which relate only to a service provided by an NHS body will need to be referred, with the complainant's consent, to the relevant NHS body.

Part 2 – Complaints procedure

18 Stages of the complaints procedure:

(For the purpose of this procedure, the term ‘complainant’ refers to a service user, potential service user or other eligible person(s).)

- 18.1 New complaints will be acknowledged within 3 working days of receipt by the council and a discussion will be offered with a named manager.
- 18.2 The named manager will contact the complainant within 5 working days of receipt by the council. The manager and the complainant will discuss how the complaint will be investigated and how long it is likely to take.
- 18.3 New complaints will be assessed in terms of their seriousness and how likely the issue is to recur, so that appropriate and proportionate action can be taken in response. In line with the national Guidance (Listening, Responding, Improving) complaints will be considered as low, moderate or high risk, and then designated ‘Straightforward’ or ‘Serious and/or complex’. A complaint can be re-designated if new information arises. See Appendix 3 - Risk Assessment Matrix.

a) Straightforward Complaints (Low or Moderate risk) - Local resolution

- 18.4 Where a complaint is straightforward, it will be dealt with by a member of staff and/or line manager in the team/department providing the services within 20 working days with the aim of achieving resolution. If practicable, the response will be provided within 10 working days. In exceptional circumstances (e.g. safeguarding investigation, criminal investigation, legal proceedings or disciplinary proceedings) a longer timescale may be necessary.
- 18.5 The complainant will be invited to comment on the response. If there is disagreement, a meeting will be offered to discuss the concerns with a manager and the Complaints and Representations Manager. A final decision on the complaint will then be sent by the relevant Service Manager.

b) Serious and/or Complex Complaints (High and extreme risk) - Independent investigation

- 18.6 If the complaint is especially serious and/or complex the council will arrange an independent investigation that produces a report and adjudication with remedy within 25 working days (or within an extended period of 65 working days). In exceptional circumstances (e.g. safeguarding investigation, criminal investigation, legal proceedings or disciplinary proceedings) a longer timescale may be necessary.
- 18.7 The complainant will be invited to comment on the response and if there is disagreement, a meeting will be arranged to discuss the concerns with a senior manager and the Complaints and Representations Manager. A final decision on the complaint will then be sent by the relevant Senior Manager.

19 Conciliation and / or mediation

- 19.1 Some complaints that have not been resolved locally may be satisfactorily

concluded by mediation.

- 19.2 Conciliation and/or mediation can effectively resolve complaints and can prevent protracted investigations. Conciliation and/or mediation should be considered throughout the complaints process.
- 19.3 The purpose of conciliation and/or mediation is to offer a neutral third party who can assist, by negotiation between the complainant and Adult Social Services, in the process of reaching resolution and agreement. A conciliator or a mediator can be a senior officer, either internal or external to the service being complained about, or be an independent person.
- 19.4 To qualify for conciliation and/or mediation, the nature and content of the complaint has to be appropriate, e.g. breakdown in communication and trust, and both/all parties must agree to it.
- 19.5 The Director of Adult Social Services and/or the Complaints and Representations Manager will be responsible, in consultation with the complainant and relevant officers of Adult Social Services, for establishing if there is eligibility and agreement for conciliation or mediation, whether it should be provided internally or externally and, if externally, how this will be funded. See Appendix 4.

20 Straightforward complaints (Low and moderate risk) - Local resolution

- 20.1 Responsibility for dealing with complaints and representations lies with the relevant member(s) of staff and/or the line manager where the service is provided locally. It must be made clear who is taking responsibility for the complaint.
- 20.2 Complaints must be acknowledged within 3 working days, and a written response provided within 20 working days from the date the complaint was received by the council. If practicable, the response will be provided within 10 working days.
- 20.3 The council can suspend the start of the investigation until advocacy is in place if it has been requested or alternatively, it can transfer the complaint to be dealt with as an investigation, see Section 21 below, with the agreement of the complainant.
- 20.4 A complaint can be expressed in person, by telephone, by letter, by email, on a complaints form or via the Complaints and Representations Manager.
- 20.5 A complaint can be made to any member of staff but, in the first instance, the complainant should be encouraged to make the complaint to the member of staff they usually have contact with. The staff member receiving the complaint will be responsible for passing the complaint to the manager where the service is provided locally or to the Complaints and Representations Manager for action.
- 20.6 If a complainant requires reasonable help and assistance for whatever reason in making a complaint, it should be provided.
- 20.7 Complainants must be informed of their rights under the complaints procedure and be given the relevant information on how to complain.
- 20.8 Complaints received directly by the Complaints and Representations Manager will be recorded and forwarded to the manager of the service being complained about

for action.

- 20.9 The manager should aim to speak to the complainant within 5 working days of the complaint being received by the council, to agree the method of investigation and how long the investigation is likely to take.
- 20.10 Following discussion with the complainant a Complaints Recording Form (Complaint Action Plan & Feedback Form) must be completed. See Appendix 5.
- 20.11 Where a complaint is received directly by the local service and not by the Complaints and Representations Manager, the local manager must ensure that it is recorded on the Complaints Recording Form (Complaint Action Plan and Feedback Form) and copied to the Complaints and Representations Manager upon resolution of the complaint. Complaint information must be kept locally within a system devised to ensure confidentiality. The response must also be copied to the Complaints and Representations Manager.
- 20.12 Complainants must be informed clearly, in writing, of the outcome of their complaint – normally within 10 working days, but no later than 20 working days.
- 20.13 The written response should include:
- The nature and content of the complaint
 - The expectation of outcome
 - Offers to resolve the complaint
 - The conclusions, resolutions and/or agreements reached, if any
 - The date by which the department will assume completion if the complainant makes no further contact
 - The complainant's right to request a meeting if dissatisfied with the response to the complaint.
- 20.14 A complainant has the right to withdraw their complaint at any time. However, should the issues raise serious concerns Adult Social Services have a duty to investigate further.
- 20.15 Where a complaint cannot be resolved, the complainant should be informed of their right to register the complaint with the Local Government Ombudsman and should be given the information to do so. In this instance, all correspondence relating to the complaint should be sent to the Complaints and Representations Manager.
- 20.16 Some people will not wish to make a complaint, but merely a representation. When a service user or an eligible person does this, the representation should be received, recorded on the complaints database and passed to the relevant manager. The relevant manager will acknowledge the representation by writing to the service user or eligible person outlining how they intend to respond. This response should be copied to the Complaints and Representations Manager. Representations should be recorded in the same way as complaints.
- 20.17 Staff dealing with complaints at any level must be aware of:
- The need to report any concerns of abuse to a vulnerable adult under the department's safeguarding adults policy and procedure
 - The need to try to achieve resolution through mediation or another alternative form of dispute resolution (see Appendix 4).

21 Serious or Complex complaints (High and Extreme risk) - Independent Investigation

21.1 Investigations should be completed by a full written response from a Senior Manager (a member of Adult Social Services Senior Management Team), sent to the complainant and their advocate, if applicable, within 25 working days of the complaint being agreed. The Complaints and Representations Manager may notify the complainant that it cannot comply with this time limit. The response must then be sent within a maximum of 65 working days.

Formal registration of the complaint

- 21.2 It is the responsibility of the Complaints and Representations Manager to manage the complaints process.
- 21.3 All serious or complex complaints, once identified, must be sent to the Complaints and Representations Manager for registration and administration.
- 21.4 Upon receipt of a request to register a complaint the Complaints and Representations Manager will determine:
- a) Whether the complaint has been dealt previously and
 - b) Whether the complaint qualifies under the complaints procedure.
- 21.5 Where complaints are about loss of service, change in placement or any similar situation, the Director of Adult Social Services has the power to freeze any delegated decision regarding service delivery or withdrawal. Consideration will be given to deferring any decision that will have a significant effect upon the life of an individual until the complaint has been resolved. Decisions will be made on a case-by-case basis having regard to the best interests of service users (see paragraph 11 – Freezing decisions).
- 21.6 The Complaints and Representations Manager will provide the complainant with information about the investigation process, both verbally and in writing.
- 21.7 The Complaints and Representations Manager will clarify the main elements of the complaint with the complainant, and their expected outcome(s).
- 21.8 The Complaints and Representations Manager will organise any necessary support that the complainant may need to make the complaint, for example advocacy, interpretation, accessibility services in relation to disabilities.
- 21.9 All complaints will be registered by the Complaints and Representations Manager at the point when s/he has received a written statement of complaint signed by the complainant.
- 21.10 The Complaints and Representations Manager will keep a register of complaints which includes the:
- date of registration
 - name/address of complainant
 - nature of the complaint
 - service area involved
 - name of the appointed investigating officer (and independent person)
 - date the response is due and whether the due date was met.

- 21.11 The Complaints and Representations Manager will appoint an investigating officer on behalf of the Director of Adult Social Services (and where appropriate, an independent person) to undertake the investigation of the complaint. If a decision is made to appoint an external investigating officer, the Director of Adult Social Services will confirm the budget code to meet the investigating officer's costs. The Complaints and Representations Manager will also identify a senior manager as adjudicating officer in consultation with the Director of Adult Social Services
- 21.12 The Complaints and Representations Manager will inform the complainant, in writing, of the name of the investigating officer (and where appropriate, the independent person), confirming the date by which the complainant will receive the formal response.
- 21.13 The Complaints and Representations Manager will inform the relevant team and service managers in writing that a complaint has been made about a service they manage.
- 21.14 All staff involved in the complaint will be notified of the complaint by the Complaints and Representations Manager. A copy of the statement of complaint will be sent to any person who is involved in the complaint unless doing so would prejudice the consideration of the complaint. Where this may be the case, the Complaints and Representations Manager should advise senior management, who should inform staff of the details of the complaint through normal line management.

Appointment and conduct of investigating officers

- 21.15 The investigating officer has overall responsibility for investigating the complaint. and will do so in line with Guidance issued by the Department of Health (for example Listening, Responding, Improving - A Guide to Better Customer Care), and in line with Barnet's operational guidance.
- 21.16 When the investigating officer is a member of staff, s/he should have undertaken investigating officer training and should not be within line management of the service being complained about.
- 21.17 Alternatively, investigating officers can be independent of the council and be appointed under contract. Independent investigating officers must possess an enhanced Criminal Records Bureau check and provide referenced evidence that they have the necessary investigative skills and knowledge of the statutory framework within which Adult Social Services operates to undertake an investigation. The Complaints and Representations Manager will manage such appointments.
- 21.18 Internal investigating officers will be appointed by the Director of Adult Social Services. As referred to in paragraph 21.11 above, and with the authorisation of the Director of Adult Social Services, the Complaints and Representations Manager will appoint independent investigating officers.
- 21.19 The investigating officer must declare any interest in the complaint, either personal or professional, as this may invalidate their independent status.
- 21.20 The Complaints and Representations Manager will confirm, in writing to the

investigating officer, their appointment including details of the complaint and the 'Guidance for Investigating Officers' pack.

Appointment and conduct of an independent person

- 21.21 An independent person can be appointed for a complaint where there are significant concerns about the vulnerability of the complainant and the seriousness of the complaint.
- 21.22 The Complaints and Representations Manager will appoint an independent person on behalf of the Director of Adult Social Services. An independent person can be neither an elected member nor an employee of the local authority, nor the spouse/partner of an employee or elected member of the local authority. Former local authority staff are eligible, but a minimum of three years must have elapsed since they were employed by the local authority.
- 21.23 The independent person may not undertake any other role in the consideration of the same complaint (for examples, as an advocate).
- 21.24 The role of the independent person is to ensure that the investigation is thorough and fair and that the welfare of the service user is paramount.
- 21.25 The independent person will be briefed by the Complaints and Representations Manager on local investigation practice.
- 21.26 The independent person will work alongside the investigating officer, participate in all interviews and discussions about the complaint and will have access to any relevant members of staff and documents.

Investigations

- 21.27 Adjudication on a complaint is normally based upon an investigation undertaken by an investigating officer and, if appropriate, an independent person.
- 21.28 Should the investigating officer and independent person identify that the complaint could be resolved by mediation or conciliation the matter should be referred back to the Complaints and Representations Manager.
- 21.29 Adjudication of the complaint should be fair, thorough and transparent with clear and logical outcomes.
- 21.30 The Complaints and Representations Manager will be available to provide information and advice as to how to conduct the investigation.
- 21.31 The investigating officer and independent person (if appointed) will meet the complainant and together agree a statement of complaint which meets the remit of this procedure.
- 21.32 The timescale of the investigation will start from the date the Complaints and Representations Manager receives the agreed statement of complaint, signed and dated by the complainant.
- 21.33 The investigating officer and independent person (if appointed) will carry out an

investigation in accordance with the 'Guidance on Good Practice for Investigating Officers', by examining relevant policies and procedures, considering the background to the complaint, interviewing those concerned, examining all relevant documents, and making a formal record of all investigative work.

- 21.34 If the investigating officer becomes aware that the investigation will exceed the timescale for completion of the investigation of the complaint (25 working days), s/he must discuss an extension of the deadline with the complainant. The investigating officer will confirm the agreed extended deadline in writing to the complainant and the Complaints and Representations Manager. In all cases, a reason must be given for an extension of the deadline.
- 21.35 If the deadline has to be extended more than once, the Complaints and Representations Manager will notify her/his line manager so that appropriate action may be taken.
- 21.36 The investigating officer will provide a report at the end of the investigation which will give the information listed below. The report will be made available to the complainant following adjudication with any confidential matters removed as defined by the Freedom of Information Act 2000 and Data Protection Act 1998.
- 21.37 The report should include a:
- list of complaints as agreed with the complainant
 - record of desired outcomes of the complaint
 - description of the context and setting of the complaint
 - identification of complainant(s) and their eligibility under the appropriate procedure
 - record of any involvement of advocates or representatives
 - outline of activities, e.g. what was the timescale of the investigation who was interviewed and dates what legislation, principles or procedures were used as benchmarks a detailed list of documents, files, and correspondence read and analysed
 - chronology of events
 - list of complaints and the evidence to support or disprove each
 - summary including information about mediation discussions
 - findings
 - conclusions
 - recommendations (specifying which aspects of the complaints are well founded).
- 21.38 The independent person, if appointed, will provide a written report at the end of the investigation giving a view of the complaint and the investigation as follows:
- whether the investigation was undertaken in an impartial, comprehensive and effective manner
 - whether all concerned have been able to express their views fully and fairly
 - identifying any findings by the investigating officer with which the independent person disagrees with, giving reasons and including any recommendations.
- 21.39 The investigating officer's report will be passed to the Complaints and Representations Manager who will be responsible for the quality control of the report and will seek clarification from the investigating officer, where necessary on any queries regarding the meaning of the report or the manner in which the

conclusions are derived. On completion of this process, the final report will be passed back to the Complaints and Representations Manager.

- 21.40 The investigating officer retains the right not to amend the report. Should the Complaints and Representations Manager consider the report is not logical and the findings not evidence based, the Complaints and Representations Manager will record their reasons and submit these with the investigation report for adjudication by a senior manager.

Mediation and resolution

- 21.41 If at any stage during the investigation it appears to the investigating officer and the Complaints and Representations Manager that the complaint could be resolved before adjudication, the Complaints and Representations Manager will arrange contact between the investigating officer, the independent person (if appointed), the Director of Adult Social Services and/or the line manager of the service which is the subject of complaint. The Director or relevant manager will review the investigating officer's reasons and/or report and formulate an action plan if appropriate.
- 21.42 Any decision might include the use of internal or external mediation.
- 21.43 Any offer of a resolution could include a meeting between the Director of Adult Social Services and/or line manager and the complainant and a resolution of the complaint attempted.
- 21.44 Following mediation and/or the meeting, the Director of Adult Social Services or the line manager will confirm the decisions of the meeting in writing to the complainant which will include a request that the complainant confirm in writing to the Complaints and Representations Manager that the complaint is satisfactorily resolved. A copy of this letter will be passed to the Complaints and Representations Manager.
- 21.45 The Complaints and Representations Manager will monitor the reply and will inform all relevant staff members on whether any further action is necessary.

Adjudication

- 21.46 The Adjudicating Officer can be the Director of Adult Social Services. However, the Director of Adult Social Services can delegate this responsibility to a manager who is in a sufficiently senior position to make strategic decisions regarding service delivery normally an Assistant Director of Social Services.
- 21.47 The investigating officer's and independent person's reports on the complaint will be passed by the Complaints and Representations Manager, to the Adjudicating Officer for adjudication, re-confirming in writing the date by which the complainant should receive the departmental response. In complaints where the Adjudicating Officer has previously been involved, adjudication responsibilities will be decided by the Adult Social Services Senior Management Team.
- 21.48 The Complaints and Representations Manager will notify the complainant that the reports are being considered and that a response can be expected.
- 21.49 The adjudicating officer will consider the reports. If the adjudicating officer requires clarification on any aspects of the reports, s/he may meet with the investigating officer and independent person or ask them to look at that point again and provide a short additional report.
- 21.50 The adjudicating officer may wish to meet the service user as part of the adjudication process or afterwards, to explain the outcome of the complaint and what action is to be taken.

- 21.51 The adjudicating officer will respond in writing, outlining:
- whether or not the complaint is well founded (upheld)
 - what action is required and how this will be achieved
 - what further action the complainant may take if they so wish.
- 21.52 The written response should include:
- The nature and content of the complaint
 - The expectation of outcome
 - Offers to resolve the complaint
 - The conclusions, resolutions and/or agreements reached, if any
 - The date by which the department can assume resolution if the complainant makes no further contact
 - The complainant's right to request a meeting if dissatisfied with the response to the complaint.
- 21.53 The adjudicating officer will pass the response to the Complaints and Representations Manager together with copies of the report with instructions of who may have copies of the report(s).
- 21.54 The adjudicating officer will separately identify what actions have been agreed, who is responsible for implementing them and by what date the actions are required to be completed and forward these to the Complaints and Representations Manager. The Complaints and Representations Manager will be responsible for monitoring the implementation of any agreed action.
- 21.55 The report should be given to the complainant with confidential matters, as prescribed under the Freedom of Information Act 2000 and the Data Protection Act 1998 or by rules of court confidentiality, removed from the report if so decided by the adjudicating officer.
- 21.56 The Complaints and Representations Manager will send the investigating officer's and independent person's report(s) and the adjudicating officer's response to the complainant. The Complaints and Representations Manager will send a covering letter inviting comment on the response and advising the complainant of his or her right to request a meeting to discuss the investigation report and adjudication.
- 21.57 The Complaints and Representations Manager will ensure that the people listed below also receive a copy of the response.
- All staff interviewed
 - The investigating officer
 - The independent person (if appointed)
 - All staff responsible for implementing recommendations in the response.

21.58 The investigating officer's and independent person's reports may also be circulated to other staff if instructed to do so by the adjudicating officer.

22 External Appeal

22.1 The final decision of the Adjudicating Officer is the last stage of the Adult Social Services complaints procedure and the decision is not open to arbitration.

22.2 The complainant can, however, pursue their complaint further by referring the matter to the Local Government Ombudsman. The Ombudsman is independent and impartial and provides a free and confidential service to complainants.

23 Learning from the complaint - Debriefing

23.1 When the consideration of a serious or complex complaint is completed, the department will review issues arising from the complaint. The senior manager of the relevant service together with the Complaints and Representations Manager will be responsible for co-ordinating this review as appropriate. The function of this review is to:

- Give staff the opportunity to discuss any concerns they have about the complaint and the processes of complaint investigation
- Record any changes to policy or practices that may be required
- Look at quality control issues that may have arisen as a result of the complaint
- Identify a monitoring officer responsible for ensuring that any agreed action is carried out.

23.2 The Complaints and Representations Manager will record the relevant details of the review on the action sheet and circulate the record to all relevant members of staff.

23.3 The Complaints and Representations Manager will use any relevant recorded information for monitoring and evaluation purposes.

24 Complaints involving more than one service area or department

24.1 It is essential to establish a single point of accountability for dealing with a complaint involving more than one internal service area or department.

24.2 The Complaints and Representations Manager will be responsible for the co-ordination of the complaint if it is internal to Adult Social Services. For complaints involving other council departments, the receiving Complaints Manager or contact person will co-ordinate the complaint and the response. The Complaints and Representations Manager or contact from the other council department(s) involved in the complaint will assist the investigation by collating information required to establish the facts of the case.

24.3 By agreement, the response to the complaint will be written by the relevant manager. The receiving Complaints and Representations Manager will ensure, if at all possible, that the complainant receives a single written response.

25 Links with other organisations - working with other procedures

- 25.1 Any complaint received within the department should, if it meets the criteria, be put through the complaints procedure. There are some complaints which might involve other procedures as well or which are more appropriately dealt with by another procedure. Other agencies who may be involved in services to adults include NHS bodies, education, housing, voluntary and private care organisations and the police.
- 25.2 It is important to separate out complaints appropriate to other procedures and cases where joint action is required. The Complaints and Representations Manager will advise staff, including consideration of suspending decisions until any concurrent investigations are resolved. Complainants should always be provided with clear information as to how inter-agency matters will be dealt with.
- 25.3 In considering a complaint which is subject to concurrent investigation under a different procedure, Adult Social Services has the discretion not to commence the complaint investigation if this would compromise or prejudice the other investigation.

26 Grievance and disciplinary procedures

- 26.1 Complaints procedures should be kept separate from grievance and disciplinary procedures.
- 26.2 Where complaints contain an element of grievance or staff discipline, the Complaints and Representations Manager in agreement with relevant staff will decide how to progress both elements of the complaint and will keep the complainant informed about progress as appropriate and with due regard to normal staff confidentiality.
- 26.3 Staff should be reassured that they will not be held personally liable for carrying out resource decisions or allocations of service according to the authority's criteria.

27 Complaints involving regulated services

- 27.1 For services regulated under the Care Standards Act 2000, specific complaints procedures are required under separate regulations and national minimum standards. They are, therefore, distinct from this social services complaints procedure.

- 27.2 Where Adult Social Services is responsible for the original assessment of need that led to a placement or associated funding for this service, then the complaint should, in most instances, have recourse to this procedure if required.
- 27.3 The following should clarify responsibilities between the local authority and the independent service provider:
- 27.4 The local authority is responsible for:
- assessment of needs
 - design of care packages
 - monitoring the care packages
 - monitoring the quality of the service provisions and delivery
 - regular review
 - investigation of complaints not resolved by the provider
 - investigation of any complaint that raises serious concerns.
- 27.5 The independent service provider is responsible for:
- recruitment
 - training
 - supervision of staff
 - competence/practice
 - working procedures
 - management of service provision and delivery
 - meeting the requirements of the contract
 - ensuring that service users receive their service package
 - establishment and operation of a complaints procedure
 - keeping a register of complaints.
- 27.6 When a complaint is received about services which are regulated, the complaint should be referred by the Complaints and Representations Manager to the registered provider within 5 working days subject to the complainant's agreement.
- 27.7 If there is a social services element to the complaint, it should be processed in accordance with this procedure. For joint complaints, the Complaints and Representations Manager should co-ordinate a single response with the provider within 20 working days (if practicable, within 10 working days) which deals with all aspects of the complaint.
- 27.8 Any issues of safeguarding and potential vulnerability of the service user should be confirmed by the Complaints and Representations Manager with the service user before releasing the complaint to the relevant care service provider.
- 27.9 If the service user considers that s/he has suffered an injustice as a result of any significant delay or failure by the local authority to refer their complaint to the registered person, they are entitled to raise concerns under this complaints procedure.

28 Multi-Agency Safeguarding Adults Procedures

- 28.1 If a complaint is received concerning an allegation of abuse in a regulated setting the complaint will not be processed further through this complaints procedure until

the outcome of an investigation under the multi-agency adult safeguarding procedures is known. The complainant will be advised of this by the Complaints and Representations Manager who will monitor progress.

28.2 If a complaint raises concerns with regard to adult safeguarding issues, the Complaints and Representations Manager will immediately stop the investigation and refer the matter to the multi-agency adult safeguarding procedures in accordance with agreed protocols. A decision will then be made concerning a formal investigation under those procedures.

28.3 If there are subsequent complaints about the work of individual agencies involved in an investigation under the multi-agency adult safeguarding procedures with regard to their performance or the provision or non-provision of services, these should be handled in line with the particular agency's complaints process, unless their performance or provision or non-provision of service has led to harm or risk of harm of a vulnerable adult in which case this matter should also be dealt with under the multi-agency adult safeguarding procedures.

29 Court Orders

29.1 Anyone wishing to appeal against court orders should approach the Court. However, dissatisfaction about a local authority's management of a complainant's case relating to a court order may be appropriately considered under this procedure. The complainant must be informed that the complaints procedure cannot overturn a Court decision.

29.2 The council may consider whether any possible complaint relating to records used in court may also constitute a challenge to the accuracy of the records it holds under the Data Protection Act 1998.

30 National Health Service (NHS) Procedures

30.1 Where Adult Social Services receives a complaint relating wholly or partly to services provided by a National Health Service body, the Complaints and Representations Manager will, within 3 working days, ask the complainant if s/he wishes the complaint to be sent to the NHS body responsible. If the complainant does not wish this, Adult Social Services will only be able to address those aspects of the complaint that relate to services they provide or commission.

30.2 Where a complaint consists of elements relating to both social services and services provided by an NHS body, the Regulations place a duty on councils and NHS bodies to co-operate with each other and to seek to agree which will take the lead in providing a single co-ordinated response to a complainant. The Complaints and Representations Manager will contact the NHS body concerned to achieve this end.

30.3 Where the council provides an NHS service under any formal partnership agreement, the Complaints and Representations Manager will endeavour to resolve the problem through contact with the relevant manager. However, if the service user wishes to complain, they may have recourse to the NHS complaints procedure.

Appendices

Appendix 1 - Unreasonably persistent complaints procedure

Appendix 2 - Unacceptable behaviour procedure

Appendix 3 - Risk Assessment Matrix

Appendix 4 - Mediation procedure

Appendix 5 - Complaints recording form (Action plan and feedback form)

Appendix 6 - Outline of complaints procedure

Appendix 7 - Guidance on using relevant complaints procedures

Other related policies and information

- **London Borough of Barnet Corporate Complaints Procedure**
- **Barnet Multi Agency Adult Safeguarding Policy and Procedures**
- **Learning From Complaints, Department of Health 2006**
- **Listening, responding, improving: A guide to better customer care, Department of Health 2009**
- **NHS Act 2006**
- **Care Standards Act 2000**
- **Local Government Act 2000**
- **Freedom of Information Act 2000**
- **Data Protection Act 1998**

Appendix 1

**London Borough of Barnet
Adult Social Services**

Unreasonably Persistent Complainants Procedure

April 2009

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
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Relevant to	All Adult Social Services
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Summary	Unreasonably persistent complainants procedure for Adult Social Services
Department	Adult Social Services
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Draft version	V 0.5

**London Borough of Barnet
Adult Social Services**

**Unreasonably Persistent Complainants Procedure
April 2009**

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Introduction

1 Purpose

- 1.1 Adult Social Services in London Borough of Barnet is committed to providing a high quality service to those who complain, ensuring fairness, impartiality and confidentiality and will not normally limit the contact complainants have with their offices and staff.
- 1.2 However, there are a small number of complainants who, due to the frequency or nature of their complaints, hinder or prevent reasonable and timely consideration of their complaints.
- 1.3 This procedure recognises that complainants are often vulnerable with a range of needs that may impact on their ability to co-operate appropriately within the complaints process. For this reason, Adult Social Services will make every effort to offer help and support so that complainants are able to make their complaints in an acceptable way.
- 1.4 This procedure aims to:
 - define and manage complainants considered to be unreasonably persistent
 - ensure that any decisions taken are consistent and are made departmentally or corporately
 - provide reasons for the decisions taken if challenged.

2 Principles

- 2.1 Adult Social Services in London Borough of Barnet will ensure that:
 - a persistent complainant receives the same standard of response as any other service user
 - a persistent complainant is offered support and advocacy to resolve the complaint reasonably
 - the council can show that it has not discriminated against the complainant
 - every reasonable effort has been made to understand and resolve the complaint through the complaints procedure
 - any considerations and decisions relating to unreasonably persistent complainants are recorded and are communicated clearly to the complainant.
- 2.2 This procedure will only be implemented where absolutely necessary.
- 2.3 This process will be managed by the Complaints and Representations Manager.

3 Definition

- 3.1 It is necessary to distinguish between 'persistent' and 'unreasonably persistent' complainants. A complainant has the right to take his/her complaint through the statutory or corporate complaints procedure. It is not unreasonable for the complainant to allege that, despite earlier adjudication, promised remedies have not been given or put into place, or that there has been delay in dealing with his/her complaint.

3.2 Unreasonably persistent complainants may exhibit all or some of the following behaviours:

- Refusing to specify the grounds of their complaint, despite offers of assistance with this
- Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved
- Refusing to accept that the issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, e.g. by excessive telephoning or emailing, frequent lengthy complex letters and expecting immediate responses
- Submitting repeat complaints after complaints processes have been completed essentially about the same issues
- Refusing to accept the decision and/or repeatedly arguing the point and complaining about the decision.

3.3 This list is not exhaustive.

3.4 Any new complaint from people who are deemed 'unreasonably persistent' complainants under this guidance after due process, must be considered on its individual merits.

4 The process

Initial considerations

- 4.1 Where the relationship between the department and the complainant appears to have broken down, the Complaints and Representations Manager must ensure that:
- The complaint has been considered as fully and as reasonably as possible
 - The complainant has been offered, or has received, all reasonable assistance to resolve the issue, including advocacy, mediation and help with any special needs
 - Communications with the complainant have been adequate
 - The complainant is not now providing any significant new information that might affect the council's view on the complaint.
- 4.2 If a complainant refuses to move the complaint to the next stage either through excessive delay or objection to the process, the Complaints and Representations Manager must advise the complainant that this position is causing unreasonable delay and is an unreasonable use of the complaints procedure.
- 4.3 If there are concerns that the complainant's behaviour is abusive, threatening or otherwise unreasonable, the Complaints and Representations Manager must refer to the procedure on unacceptable behaviour. Where there are concerns that this behaviour may be a feature of illness, the Complaints and Representations Manager must refer the matter to relevant professionals who should consider a case review, referring to the Mental Capacity Act.

- 4.4 Where evidence appears to exist that a person could be deemed as unreasonably persistent, the Complaints and Representations Manager will initially co-ordinate a strategy meeting with relevant staff who have been involved in the complaint(s) to:
- Collate relevant information about the complainant, the complaints and attempts to find resolution with dates and details of incidences
 - Consider the evidence, if any, which might place the complainant in one of the categories set out above
 - Determine an action plan if further attempts to resolve the complaint(s) seem possible or
 - Decide whether the matter should be referred to a Senior Manager (member of Adult Social Services Senior Management Team) for consideration - see below.
- 4.5 If the complainant has had recent dealings with other council departments or other agencies which have a bearing on the complaint or its resolution, managers from the relevant departments should be represented in this strategy meeting, in order to ensure a co-ordinated and consistent approach to the complainant.

Final Decision

- 4.6 The decision to designate a person as an unreasonably persistent complainant can only be made by a Senior Manager, and who has not had involvement in the complaint.
- 4.7 Where a decision has been made to refer to a Senior Manager, the Complaints and Representations Manager will provide a summary, which presents the details and dates of complaints, incidences and attempts to reach a resolution.
- 4.8 The Senior Manager will:
- Consider if the complainant falls into the category of 'unreasonably persistent'
 - Record the evidence and reasons if the complainant is considered as unreasonably persistent
 - Devise a strategy to manage the complainant in accordance with this guidance. This may include a decision that the complaint will not be investigated further
 - Consider whether the complainant's behaviour is so extreme that it threatens the immediate safety and welfare of staff especially if a decision is made to terminate contact with the complainant
 - Detail what action may be necessary to ensure the protection of identified vulnerable staff.
- 4.9 A decision of the Senior Manager may be to restrict access to the complaints procedure, which must be appropriate and proportionate and may include any of the following options:
- Requesting contact in a particular form (e.g. letters only)
 - Requiring contact to take place with a named officer
 - Restricting telephone calls and/or personal contact to specified days and times, and/or in the presence of a witness
 - Asking the complainant to enter into an agreement about his/her future contact with social care services
 - Informing the complainant that further correspondence will not necessarily be acknowledged but will be kept on file
 - Advising the complainant that the complaints process cannot assist further and informing them of their right to approach the Local Government Ombudsman.

- 4.10 The Senior Manager will then convey the decision to the complainant in writing detailing why the complainant's behaviour is not acceptable, what action is being taken and the duration of that action.
- 4.11 If a decision is made to conclude the complaints process the letter should also include information regarding the right to refer the matter to the Local Government Ombudsman. This letter will be copied to the Complaints and Representations Manager and to staff who 'need to know'.
- 4.12 The Complaints and Representations Manager will make arrangements to review any restrictions put in place after six months.

Appendix 2

**London Borough of Barnet
Adult Social Services**

Unacceptable Behaviour Procedure

April 2009

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
Suitable for publication scheme	Yes
Title and version	Unacceptable Behaviour Procedure v0.4
Purpose	Managerial action
Relevant to	All Adult Social Services
Author	
Summary	Unacceptable behaviour procedure towards staff in Adult Social Services
Department	Adult Social Services
Date last reviewed	March 2010

London Borough of Barnet Adult Social Services

Unacceptable Behaviour Procedure April 2009

- 1.1 Adult Social Services in London Borough of Barnet is committed to providing a high quality service to those who complain, ensuring fairness, impartiality and confidentiality and will not normally limit the contact complainants have with their offices and staff. However, in a very small number of cases, a complainant's behaviour may become unacceptable including becoming abusive, offensive, threatening or intimidating. In such cases the department will take action to protect its staff from that behaviour.
- 1.2 When the department considers that a complainant's behaviour is unacceptable, we will tell them why we find their behaviour unreasonable and ask them to change it. If the unacceptable behaviour continues, we will take action to restrict the complainant's contact with our offices and staff.
- 1.3 The decision to restrict access to our offices will be taken by a member of Adult Social Services senior management team, not previously involved in the complaint. This could involve:
 - Limiting contact to a particular form, for example letters only
 - Limiting contact to a named officer or to specified times or days
 - Asking the complainant to enter into an agreement about their behaviour.
- 1.4 Any such decision will be communicated to the complainant in writing. We will also tell them how they can challenge the decision if they disagree with it.
- 1.5 Where a complainant continues to behave in a way which is unacceptable, the department may decide to terminate contact with that complainant and discontinue any investigation into their complaint.
- 1.6 Where the behaviour is so extreme that it threatens the immediate safety and welfare of the council's staff, other options will be considered, such as reporting the matter to the Police or taking legal action. In such cases the complainant may not receive prior warning of that action.

Appendix 3

**London Borough of Barnet
Adult Social Services**

Risk Assessment Matrix

April 2009

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
Suitable for publication scheme	Yes
Title and version	Risk Assessment Matrix
Purpose	Managerial action
Relevant to	All Adult Social Services
Author	Jennifer Watson-Roberts and Ian Goode
Summary	Risk Assessment Matrix
Department	Adult Social Services
Date last reviewed	March 2010

Introduction

New complaints will be assessed and categorised in line with the Department of Health Guidance "Listening, Responding, Improving - A Guide to Better Customer Care" (see excerpt at Annex A below).

All complaints are to be assessed for seriousness so that a proportionate and timely approach to dealing with the complaint can be adopted. Where a complaint is categorised as **straightforward** (low or moderate risk), attempts will be made to consider whether the complaint can be resolved over the phone or by holding a meeting with the complainant at an early stage, but still ensuring that such complaints are investigated properly and to the satisfaction of the complainant. If a complaint is assessed as **serious and/or complex** (high or extreme risk), the complaint will require either an external independent investigation, or an internal investigation which will be independent of the service complained about.

Examples of situations in each category are described below for illustrative purposes only.

Examples of complaints categorisation following risk assessment

Low Risk complaints (simple, non-complex issues)

- Carer is late - one occasion
- Carer fails to attend - one occasion
- Message left for care manager and they have not called back
- Complaint from service user regarding charging
- Transport problems
- Assessment disagreement
- Delayed or cancelled appointments
- Event resulting in minor harm (e.g. cut, strain)
- Loss of property
- Lack of cleanliness
- Single failure to meet care needs
- Social care records missing

Moderate Risk Complaints (several issues relating to a shorter period of care)

- Carer is late to prompt medication - non life threatening
- Significant delay in completing a social care assessment
- Appeal against funding panel decision
- Staff attitude or communication (rude, insensitive, condescending etc)
- Event resulting in moderate harm
- Delayed discharge
- Failure to meet care needs
- Miscommunication or misinformation
- Failure to report non-access to service user's home
- Carer's failure to refer to medical help where required (e.g. pressure sores, infection, etc)

High Risk Complaints (multiple issues, longer period of care, often more than one organisation or individual)

- Repeated or unresolved issues from moderate list (see above)
- Event resulting in serious harm
- Gross professional misconduct
- Abuse or neglect

ASSESSING HOW SERIOUS THE COMPLAINT IS

By correctly assessing the seriousness of a complaint about a service, the right course of action can be taken. Many NHS and social care organisations use a three-step process to gauge the impact of complaints on the people involved, the potential risks to the organisation and the response required.

It is useful to categorise a complaint when you first receive it, and then review that category based on the results of any investigation. It is also important to remember that a complaint can have a very different effect on an organisation compared with an individual. This is especially important if someone is vulnerable for any reason, such as poor health, communication difficulties or recent bereavement.

The following process can help you assess the seriousness of an issue and take the relevant action.

Step 1: Decide how serious the issue is

Seriousness	Description
Low	<p>Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care.</p> <p>OR</p> <p>Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.</p>
Medium	<p>Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.</p>
High	<p>Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity.</p> <p>OR</p> <p>Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.</p>

Step 2: Decide how likely the issue is to recur

Likelihood	Description
Rare	Isolated or 'one off' – slight or vague connection to service provision.
Unlikely	Rare – unusual but may have happened before.
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year.
Almost certain	Recurring and frequent, predictable.

Step 3: Categorise the risk

Seriousness	Likelihood of recurrence				
	Rare	Unlikely	Possible	Likely	Almost certain
Low	Low				
		Moderate			
Medium					
			High		
High				Extreme	

Appendix 4

**London Borough of Barnet
Adult Social Services**

Mediation Procedure

April 2009

Freedom of Information Act Protective Marking Information	
Protective marking	NOT RESTRICTED
Suitable for publication scheme	Yes
Title and version	Mediation Procedure
Purpose	Managerial action
Relevant to	All Adult Social Services
Author	
Summary	Mediation procedure in Complaints
Department	Adult Social Services
Date last reviewed	March 2010

**London Borough of Barnet
Adult Social Services**

Mediation Procedure

*resolving problems and providing remedies
(alternative dispute resolution and mediation)*

April 2009

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Introduction

1 Principles and purpose

- 1.1 It is one of the main principles of the Adult Social Services complaints procedure to provide an open, fair and prompt resolution of complaints within a procedure which is accessible, clear and easy to use for service users and carers, including seeking resolution through mediation and other means.
- 1.2 It is essential that at each stage of the procedure all staff remain open to the possibility of resolving the complaint by mediation and other means. These can include agreeing remedies with the complainant such as:
 - Providing an apology or an explanation
 - Re-assessment of the service user's needs
 - Practical action specific to the particular complainant
 - Providing a service
 - Considering appropriate remedies
 - Review procedure
- 1.3 Attempts at resolution should not be used to divert an eligible person from making a complaint under the statutory Adult Social Services, or corporate complaints procedure.

2 Methods of achieving resolution

- 2.1 Some methods of achieving resolution outside of or alongside the complaints process are:
 - A meeting between the complainant or his/her representative and the service manager
 - A meeting between the complainant or his/her representative and a more senior manager, usually with the attendance of the Adult Social Services Complaints and Representations Manager
 - Conciliation: a neutral third party tries to resolve the complaint working separately with both parties
 - Mediation: a neutral third party tries to resolve the complaint by bringing the parties together in a mediation meeting.

Mediation - Its aims and how it can work

3 Mediation

3.1 Mediation should be considered at all stages of the statutory complaints procedure and is:

- A process of resolution in which a neutral third party, the **mediator**, assists two or more parties in order to help them achieve an agreement, with tangible effects, on a matter of common interest, and
- A voluntary process which empowers those in dispute to reach a resolution they can live with.

3.2 The aim of mediation is to:

- Seek resolutions
- Facilitate discussion and agreement, and focus on the needs of the service user or carer
- Enable both sides to make their views known
- Empower those involved.

3.3 Mediation will only work if:

- Both parties agree a resolution is needed
- The process is voluntary
- Both parties see the mediator as neutral
- Any agreement reached satisfies both parties.

3.4 The mediator is not:

- An advocate i.e. the mediator does not take sides
- An 'Independent Person' – an Independent Person should be appointed to look after the interests of a vulnerable adult complainant when appropriate..

4 Procedure for mediation

4.1 Prior to mediation, a member of the complaints service will have agreed with the complainant and with relevant staff that a mediation meeting could be productive.

4.2 As a general rule the expectation is that a mediator will:

Before the meeting:

- Meet the complainant in order to identify his/her areas of concern and/or dissatisfaction
- Meet relevant staff in order to establish what has already occurred and what options may be available
- Read any relevant information on the complaint (and if considered necessary see the service user's file)
- Liaise with the Complaints and Representations Manager to arrange the mediation meeting
- Agree the terms of reference for the meeting with the complainant and relevant staff
- Be aware of, and consider the implications of, any confidential information that either party may share with them.

During the meeting:

- Confirm the terms of reference for the meeting
- Allow an opportunity for both the complainant and member(s) of staff to put their view
- Look at whether any compromise is available
- Agree with both parties any decisions that have been reached;
- If no agreement is reached advise both parties what other options are available.

After the meeting

- Write a short report and record any decisions made and agreed at the mediation meeting, and any other recommendations.

4.3 There may be occasions when it is not appropriate to follow the above guidance and the complaints service will discuss options with the mediator. For example, it may be necessary to contact the service user again after meeting the relevant staff in order to test out possible ways forward.

4.4 The mediator will be appointed by the Complaints and Representations Manager, who will take responsibility for overseeing and recording the process.

Appendix 5

Adult Social Services Complaints Procedure Complaints Recording Form (Action Plan and Feedback Form)

Service User's Details

Full name:			
Date of birth:	/ /	Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Ethnicity:		Faith:	
Disability:			
Sexual Orientation:	Heterosexual <input type="checkbox"/> Gay Man <input type="checkbox"/> Lesbian <input type="checkbox"/> Trans-gendered <input type="checkbox"/>		
Full address			
Postcode			
Telephone number:			
Email address:			

Complainant's Details (only if different from above)

Full name:			
Date of birth:	/ /	Gender:	Male <input type="checkbox"/> Female <input type="checkbox"/>
Full address			
Postcode:			
Telephone number:			
Email address:			
Relationship to service user:			

Risk Assessment Level (Seriousness x likelihood of recurrence)		
Low <input type="checkbox"/>	Moderate <input type="checkbox"/>	High <input type="checkbox"/>

Summary of complaint:

(Please continue on separate sheet if necessary and attach to this sheet)

Desired outcomes from complaints process:

(Please continue on separate sheet if necessary and attach to this sheet.)

Complaint reference			
Date received		Date acknowledged	
How do they wish to proceed?			
Meeting	Yes <input type="checkbox"/> No <input type="checkbox"/>	Availability for meeting?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is conciliation an option?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Advocacy details given?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Written reply	Yes <input type="checkbox"/> No <input type="checkbox"/>	If written reply, agree timescale.	
Date sent:		Within 10 working days	

Outcome of Complaint:			
Complaint Withdrawn	<input type="checkbox"/>	Not Upheld/ Explanation	<input type="checkbox"/>
Not Upheld/ Explanation and Goodwill Gesture	<input type="checkbox"/>	Upheld/ Apology	<input type="checkbox"/>
Upheld/ Remedy	<input type="checkbox"/>	Upheld/ Goodwill Gesture	<input type="checkbox"/>

Have lessons been learnt from the investigation into this complaint?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please state the learning points which emerged from dealing with the complaint: (Please continue on separate sheet if necessary and attach to this sheet.)	

What actions have been taken as a result of this complaint?
(Please continue on separate sheet if necessary and attach to this sheet.)

Referred to the Ombudsman (LGO)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Known <input type="checkbox"/>
Number of workings days to complete			

Manager's Name and/or Signature			
Job Title		Date	

Thank you for your assistance

Please return to:

Jennifer Watson Roberts, Complaints and Representations Manager
 2nd floor, Building 4, North London Business Park, Oakleigh Road South N11 1NP
Email: Jennifer.watson-roberts@barnet.gov.uk **Tel:** 020 8359 4299

Appendix 6

**London Borough of Barnet
Adult Social Services
Outline of Complaints Procedure**

Straightforward Complaints (Low and Moderate Risk)

Complaint received by local team

- Acknowledgement letter sent within 3 working days
- Manager must speak to complainant within 5 working days and agree investigation plan
- Manager to consider mediation
- Manager to complete Complaint Recording Form (Action Plan and Feedback Form)
- Response sent within 20 working days, with the aim of achieving resolution. If practicable, the response will be provided within 10 working days.
- Response copied to Complaints and Representations Manager with the completed Complaint Recording Form (Action Plan and Feedback Form) for monitoring purposes.



Complaint received outside local team

- Email sent to Adult Social Services Complaints and Representations Manager immediately
- Complaints and Representations Manager records, acknowledges and passes to appropriate Service Manager for investigation.
- Complaints and Representations Manager records outcome of complaint on receipt of completed Complaint Recording Form (Action Plan and Feedback Form) from the relevant investigating team.



If unhappy

If the complaint is not resolved following the response or a response is not provided, the complainant may request the complaint is escalated. This should happen within 20 working days. A resolution meeting is arranged by the Complaints and Representations Manager.

Resolution Meeting

- Complainant, Complaints and Representations Manager, Service Manager and/or Senior Manager of Adult Social Services meet to discuss the complaint.
- Following the meeting a **final** response is made to the complainant, which will include the contact details of the Local Government Ombudsman (LGO).



If still unhappy

Complainant may refer the complaint to the LGO for consideration.
(Complainant can approach LGO at any time)

Serious and/or Complex Complaints (High Risk)

Complaint received by local team

- Refer to Adult Social Services Complaints and Representations Manager immediately

Complaint received outside Local Team

- Refer to Adult Social Services Complaints and Representations Manager immediately.

Complaints and Representations Manager records and acknowledges. Offers advocacy service and considers mediation. Complaint is sent to Director of Adult Social Services; copy to appropriate Senior Manager and Service Manager. Complaints and Representations Manager manages the complaint process.

Investigation

- Complaints and Representations Manager appoints independent investigating officer and, if appropriate, an independent person to oversee the complaint.
- Investigating officer and independent person produce reports within 20 working days, or if extended with agreement, within 60 working days.
- Complaints and Representations Manager forwards the report/s to the adjudicating officer.
- Adjudicating officer makes decision and agrees actions.
- Provisional response is made to the complainant from the adjudicating officer within 5 working days. If complainant is satisfied, the complaint is signed-off.

If unhappy

If the complaint is not resolved following the response or a response is not provided, the complainant may request the complaint is escalated. This should be requested within 20 working days. A resolution meeting is arranged by the Complaints and Representations Manager.

Resolution Meeting

- Complainant, Complaints and Representations Manager, Service Manager, Senior Manager and/or Director of Adult Social Services meet to discuss the complaint.
- Following the meeting a **final** response is made to the complainant, which will include the contact details of the Local Government Ombudsman (LGO).

If still unhappy

Complainant may refer the complaint to the LGO for consideration.
(Complainant can approach LGO at any time)

Appendix 7

Adult Social Services Complaints
Guidance on using relevant complaints procedures

Service	Complaints Procedure	Action by team manager
<p>Statutory Adult Social Services functions (including commissioning of regulated and external services)</p>	<p>Adult Social Services Complaints Procedure (compliant with the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009)</p>	<ul style="list-style-type: none"> ▪ Telephone call and/or written acknowledgement within 3 working days ▪ Offer of a discussion with a service manager/investigating officer within 5 working days ▪ Straightforward complaint - written response within 20 working days (if possible 10 working days) ▪ Serious/complex complaint – written response within 25 working days. Can extend to 65 working days by agreement
<p>Health Services</p>	<p>If the complaint is regarding an NHS service only with no social care element.</p>	<p>Seek permission from complainant to forward to NHS body concerned, and inform the Adult Social Services Complaints Manager IMMEDIATELY. A confirmatory letter should be sent within 3 working days.</p>

Service	Complaints Procedure	Action by team manager
	<p>If the service is provided under a partnership agreement with Health:</p> <p>This can be dealt with under the Adult Social Services complaints procedure, the NHS procedure, or both depending on the nature of the complaint. If the complaint (or elements of it) is about a statutory Adult Social Services function, then it has to be dealt with through the Adult Social Services Complaint Procedure.</p>	<p>If complaint relates solely to statutory Social Services function, then handle under Adult Social Services complaints function.</p> <p>If it relates to both services, then contact Complaints Manager who will co-ordinate an integrated co-ordinated response between Adult Social Services and Health.</p> <p>You will probably be asked to provide the response on the Adult Social Services function.</p>
<p>Regulated care services. (That the council commissions but does not deliver)</p>	<p>Should be dealt with by the provider under their Care Standards Act 2000 regulated service complaints procedure.</p> <p>Some aspects of the complaint could fall within the Adult Social Services complaint procedure where it is clear that the complaint is about the council's duties as a care macro / micro commissioner. In this case the complaint must be looked at under both procedures and a coordinated response produced.</p>	<p>If the complaint relates solely to the regulated service not managed by Adult Social Services, seek permission from complainant to forward to the service provider concerned, and inform Complaints Manager immediately. A confirmatory letter should be sent within 3 working days.</p> <p>If complaint relates to both services, refer to the Complaints Manager who will co-ordinate one response. You will probably be asked to provide the response on the Adult Social Services function.</p>
<p>Council managed regulated services (Service providers run by the council)</p>	<p>Care Standards Act 2000 regulated service complaints procedure. Each setting has their own procedure.</p>	<p>Pass the complaint to the manager of the relevant unit / centre, with a copy to the Adult Social Services Complaints Manager.</p> <p>Centre manager to process as per the centre's procedure.</p>
<p>Supporting People</p>	<p>Complaints about the SP programme should be dealt with through the council's corporate complaints procedure.</p>	<p>Follow the council's corporate complaints procedure: Stage 1 response within 10 working days; Stage 2 referred to Head of Service.</p>

Service	Complaints Procedure	Action by team manager
	Complaints about the SP provider should be dealt with by that provider, unless there is an element of complaint about the council's management, when the corporate complaints procedure applies.	Refer to the Complaints Manager who will forward to the SP provider or co-ordinate a joint response.
Adult Social Services preventative services	Complaints about the council's administration of these should be dealt with through the Corporate Complaints procedure. Complaints about the provider should be dealt with by that provider, unless there is an element of complaint about the council's commissioning function, in which case the corporate complaints procedure applies.	Follow the corporate complaints procedure: Stage1 response within 10 working days; Stage 2 referred to Head of Service. Refer to the Complaints Manager who will forward to provider or co-ordinate a joint response.