

Children, Adults & Health Department Handling Customer Feedback Policy

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Introduction

The Children, Adults & Health Department (CAH) is committed to providing high quality services. We welcome comments from our service users and carers, about their experiences of our services - both good and bad. By listening carefully to these experiences, we are able to focus on improving services for the future.

A strong customer focus, clear communication and listening enables us to better understand people's individual circumstances and so provide the best support and services to meet their needs.

The Compliments, comments and complaints policy and procedure is a cornerstone for our services, helping us to ensure that we provide the best customer care. Its focus is on recognising and promoting good practice, helping us to plan and deliver services more effectively to individuals and service users.

Peter Murphy

Director of the Children, Adults & Health Department

Purpose

The purpose of this document is to outline for the public, Councillors, staff, managers and partner organisations, the Council's policy for handling customer feedback including complaints about the services and functions provided by the Children, Adults & Health Department (CAH).

There are several complaints procedures in operation in CAH; statutory complaints regulations for adult social care, public health services, children's social care and the Council's own complaints procedure.

The Children, Adults & Health Department aim to promote the similarities between the procedures. The aim is to make it easier for our customers to provide feedback including complaints and easier for our managers and staff to deal effectively and efficiently with feedback received. The focus is to provide a customer focussed experience of providing feedback, including complaints to the Department. This flexible approach is also useful when complaints cross more than one service and full options for complaint handling will be explained and discussed with the complainant.

Customers will be advised as to how their feedback will be handled and which complaints procedure their complaint is being considered under.

The Law

This policy is based on the following regulations:

- The Children Act 1989 Representations (England) Regulations 2006
- The Local Authority Social Services and National Health Service
- Complaints (England) Regulations 2009, and The Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009
- The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012

The legal basis for this policy is summarised below.

1. The statutory guidance contained in the Department for Education's [Getting the best from complaints](#) and the Department of Health's [Listening, Responding and Improving: A guide to better customer care](#) forms the basis for this policy and procedure. It is recommended that this Guide is read

together with other relevant guidance and standards, including:

2. **No Secrets** - Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse. (The Department of Health and the Home Office, 2000.)
3. **National Minimum Standards** published by the Secretary of State under the Care Standards Act 2000, which are taken into account by the Care Quality Commission (CQC). Service providers are required to comply with the Section 20 registration regulations under the Health and Social Care Act 2008 in order to meet the essential quality and safety of service provision requirements for registration with the CQC.
4. **Special Educational Needs and Disability (SEND) Code of Practice 0 to 25 years** statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities.

The **Council's corporate complaints procedure** can be found from the Council's website

<http://www.southglos.gov.uk/Pages/Topic%20Pages/Second%20level%20LGNL/Compliments-suggestions-and-complaints—council-11497.aspx>

Defining Customer Feedback

It is important that the Council gathers people's views about the services they receive, including suggestions and positive comments. All forms of feedback are welcome and help us to listen and learn from the feedback.

Compliments are expressions of praise for quality of service or actions completed. It is usually made in recognition of an action which was over and above what was expected of the standards of service.

Compliments should be acknowledged and reported to the Complaints & FOI Team for recording centrally.

The main responsibility for recognising compliments whether received from service users, their carers or professionals is with the individual line manager. Where appropriate the line manager may decide to bring compliments to the attention of the Head of Service and / or the Director.

In terms of Departmental recording and reporting of compliments the Complaints & FOI team will only log those received from service users and their carers. This is in line with our approach to complaints.

Where a compliment has come from a service user or their carer it is the responsibility of the line manager to pass the compliment to the Complaints & FOI team. These will then be reported on alongside complaints on a quarterly basis and within an Annual Report.

A monitoring form is available to download from the Departmental Intranet when forwarding any compliments to the Complaints & FOI team.

Comments or Suggestions are remarks about how a service may be improved.

All comments should be acknowledged within five working days. As a general rule a comment or suggestion should be passed to the Service Manager for consideration and discussion at a service planning level. The Manager will write to advise what, if anything, will happen as a result of their feedback.

The Departmental Annual Report also provides examples of customer feedback gathered through the year through customer satisfaction surveys and service user consultations. Such information helps to inform future commissioning decisions and helps to drive improvement in service quality. The examples provided in the Annual Report include what action was taken or will be taken as a result of customer feedback.

A **concern** is a difficulty or problem which is current and needs to be resolved.

As a guide a concern is a problem or difficulty that can be resolved very quickly and successfully by the frontline team or service, rather than escalated to a manager.

The Department of Health Guidance indicates that where a complaint made verbally can be resolved to the complainant's satisfaction within one working day it should be recorded as a concern. This is a standard that will apply across Children, Adults & Health department.

It is important that the issues are recorded against the individual client record,

along with the action taken to resolve the matter. If a concern is received by the Complaints & FOI Team it will be recorded as a concern in the Respond customer feedback database. Where there are issues relating to possible harm or neglect then these will be referred through the relevant safeguarding procedures.

The person raising the concern should be advised how they can escalate the matter should it recur. If the person contacts the Department again with the same or similar issues this can be taken into account in deciding what further steps to take, including whether to escalate the matter to the complaints procedure.

The difference between concerns and complaints is very slight in some cases and it is important to discuss with the customer how they wish the matter resolved and by whom. If, from these discussions, the customer says that they would prefer that the Manager looks into the matter then this should be recorded as a complaint.

Some customers do not wish to make a complaint but wish for some help in resolving a problem. Often the reason for not wishing to raise the issue as a complaint is because the person is fearful of reprisals. They will need to be given reassurances that it is OK speak up.

Enquiries from Councillors or MPs on behalf of their constituents need to be considered on an individual basis. Most are general enquiries, requests for information or requests for services. However a small number may be concerns or complaints. These enquiries are recorded by the Complaints and FOI Team with the responsibility for responding resting with the relevant Head of Service or Director. Information about MP and Councillor Enquiries is provided within the Annual Report.

<p>Complaints may be generally defined as expressions of dissatisfaction which require a response.</p>

All complaints should be acknowledged within two working days. The Complaints & FOI Team collects information about complaints centrally and provides regular reports to senior managers. Any complaints received locally should be acknowledged and copied to the Complaints & FOI Team as soon as possible for recording via CAHFeedback@southglos.gov.uk.

Most complaints should be responded to within 10 to 20 working days but some complaints take longer to investigate because they:

- cross more than one service
- the number of issues and complexities raised in the complaint and
- whether expert advice will need to be sought

The complainant will be told who will be investigating their complaint and how long it will take. The initial contact by the investigator with the complainant is important to fully understanding the complaint; further information about this is contained in the 'Listening to complainants' section from page 12.

If it becomes apparent that there is likely to be a delay in responding as per the agreed timescale then the complainant must be advised in writing of the reasons for this. The complainant must also be notified of a revised timescale. The complainant will be provided with a monthly progress report.

There are other ways of considering complaints and the Complaints & FOI Team will discuss the options with the complainant on a case by case basis. There is more information about the ways complaints may be handled from page 11. For example, where there are issues relating to possible harm or neglect then these will be referred through the relevant safeguarding procedures. These procedures take precedent over any complaints process. Alternatively there may be alternative routes available to the complainant either via a court process, claim or a statutory right of appeal.

Key Principles

By listening to people commenting on their experiences of our services, managers can resolve mistakes faster, learn new ways to improve and prevent the same problems from happening in the future. By increasing public participation customers can influence our decision making for shaping future services. This is in line with South Gloucestershire Council's core values as outlined in the Council Strategy for 2012/16.

Principles of good complaint handling

The Local Government Ombudsman guidance identifies six features of an effective complaints procedure:

- Accessibility
- Communication
- Timeliness
- Fairness

- Credibility and
- Accountability

With this in mind the following aims and objectives have been identified for ensuring Children, Adults & Health operate an effective customer feedback process, including complaints.

Aims and Objectives

- All feedback from our customers is seen as positive and valuable, ensuring that service users are protected from harm or neglect.
- People we provide and commission services for are treated with dignity and respect, they have their concerns listened to and are taken seriously.
- Concerns and complaints are handled swiftly and efficiently.
- All feedback is handled fairly and consistently.
- Our procedure is regularly monitored and reviewed to ensure that it is easy to use and recognises diversity.
- The Department monitors and learns from representations and complaints.
- Staff have access to guidance and training to effectively manage concerns, including an awareness of identifying creative solutions at whatever stage.
- The Complaints & FOI Team ensures the effective management and coordination of the Adult Social Care and Public Health Complaints Policy and Procedures.
- As any part of the organisation may receive feedback it is important that all members of the organisation know what to do with it.

How to provide feedback

The most effective way for someone to provide feedback is by speaking directly with the person involved in the day to day contact. This is usually the quickest way to sort out a problem too. Feedback is welcomed in any format:

- In writing (letter or fax)
- Verbally (talking with the person providing the service or their manager over the telephone or face-to-face)
- Electronically (e-mail or using the online form)

A feedback form is also available in the following customer feedback fact sheets:

- **Your Feedback Counts** [CCH82] (the general leaflet)
- **Your Feedback Counts** [CCH68] (easy read)
- Children who are looked after can also make a complaint through the 'Us in Care' website
<https://www.usincare.org.uk/index.php/8-11-year-olds/Our-rights/Making-a-complaint>

People may prefer to contact the Complaints & FOI Team directly

FREEPOST RTXL-YHGY-GSYS

South Gloucestershire Council

Department for Children, Adults and Health - Complaints & FOI Team

Badminton Road, Yate

BRISTOL, BS37 5AF

Tel: 01454 865924

Email: cahfeedback@southglos.gov.uk Fax: 01454 865940

Support to provide feedback

A friend or relative can help support someone to provide feedback. This includes those wishing to make a complaint on behalf of one of our customers. However, we may need to check that the customer has given their consent for the person to act on their behalf. The Council has the discretion to decide whether or not the person is suitable to act on the customer's behalf. If we consider that the person is not suitable then they must be informed in writing of the reason for this.

For those wishing to make a complaint about social care services an independent Advocate may be arranged. This service is free and confidential. Their contact details are shown below.

Swan's South Gloucestershire Advocacy Service

Telephone: 03333 447928 Email:

southglos@swanadvocacy.org.uk Social media: see

Facebook and Twitter Website:

www.swanadvocacy.org.uk

Children and young people involved with social services have access to a specialist advocacy service provided by **Reconstruct** whose details are shown below.

Email: yourvoice@reconstruct.co.uk Freephone: 0800 389 1571

Anonymous complaints

It may be difficult to fully investigate anonymous complaints but these will be recorded and investigated.

Other investigations or appeal processes

There may be circumstances where to consider a complaint may prejudice other procedures, investigations and enquiries, for example:

- Child Protection
- Safeguarding adults
- Court or other legal proceedings
- Human Resources (HR) procedures
- Insurance claims
- Information security incidents (data breaches)

It is at the discretion of the Council to decide whether to commence consideration of the complaint in these circumstances. Where a complaint is to be suspended then the Complaints & FOI Manager will notify the complainant of this and the reasons why.

Once the other investigation or enquiries are complete or discontinued then the Complaints & FOI Manager, taking advice from relevant sources, should consider whether the complaint should be started or resumed. It may be that the complaint has been fully considered through these other investigations. Where the Council decides not to consider the complaint in this circumstance the complainant must be notified of this and the reasons why.

Safeguarding

Where a complaint refers to an allegation of abuse it must first be considered under relevant safeguarding procedures (adults' or children's) as this takes precedence over any complaints process. The complainant should be advised of this and informed about what happens next.

Issues about the safeguarding process and whether it was followed properly may be considered. However, other investigations arising from the safeguarding concerns, such as Police investigations, Regulatory inspections or management

investigations under HR procedures cannot be considered. The complainant should be informed about what can be considered under the complaints procedure and what cannot and the reasons for this.

If there are any queries about the most appropriate way to handle a complaint then the Complaints & FOI Team will discuss this with the relevant Managers.

Legal proceedings

There are occasions where matters which are being brought to the court either by the Council or the complainant may need to be considered first. This may be more likely in relation to complaints about children's services. Clarification and advice must be sought from legal services.

Human Resources Procedures

Where a complaint is about staff conduct or performance the Human Resources Team will be consulted. Whilst it is important to respond to the complainant on the concerns they have raised this must be balanced with the right to confidentiality owed to the employee. The Complaints & FOI Manager in conjunction with the relevant Head of Service and Human Resources Manager will need to discuss how best to respond to the complainant.

Appeals

Statutory rights of appeal such as under Homelessness legislation or under the SEND Code of Practice 0 to 25 years provide an alternative route to the complaints process in some instances. The Complaints & FOI Team will be able to advise further following consultation with the relevant service and Legal Services.

Insurance claims

Where a complaint is subject to litigation advice should be sought from the council's Insurance and Risk Management Service (I&RMS). A complaint may only be put on hold where there are exceptional reasons to justify it or the complainant has requested that investigation be delayed. Any concerns about continuing with the investigation of a complaint should be raised in discussion with the complainant taking account of the advice provided by I&RMS.

Information Security incidents (data breaches)

Where a complaint is received about a potential information security incident the incident must also be logged and investigated as such. The complainant should be advised that the council is also investigating the matter as a potential breach of the Data Protection Act 1998. The [investigation tool](#) used under that

procedure should be used to ensure an in-depth investigation of the complaint. The complainant must be kept informed of the progress of the investigation and a response to the complaint should be provided in the usual way.

Equalities and monitoring

The complaints procedure is consistent with the authority's Equalities Strategy. It recognises the right of people to complain about discriminatory practice in service delivery. The procedure also recognises that people can often require assistance in enabling them to use procedures such as this. Monitoring information is requested so that analysis of complaints against relevant customer segments can be recorded and used to further improve our services.

Discrimination and/or harassment

Any complaint received involving race, sex, disability and other forms of discrimination should be immediately brought to the attention of the Council's equalities team and human resources for advice and guidance.

Time limit for making a complaint

Complaints that involve issues that happened more than 12 months previously are often difficult or impossible to investigate in a full and fair manner. It is for this reason that a complaint may not be accepted if it is more than twelve months old, although the Council can use its discretion to accept the complaint or not. These are made on a case-by-case basis. Possible reasons for accepting the complaint beyond the twelve month time limit are:

- The complainant had good reason for not making the complaint in the time limit.
- It is still possible to investigate the complaint effectively and fairly to all parties as there is sufficient access to information or individuals involved.
- action that should be taken in light of human rights based legislation.

Listening to complainants

The initial contact with the complainant is key to gathering crucial information that will allow an assessment of the concerns correctly, resolve them quickly if possible and build a good ongoing relationship.

Most complaints will be passed to the manager of the service complained about. They should make contact with the complainant to discuss the complaint more fully prior to investigating the complaint.

The following information needs to be obtained from the initial discussions with the complainant:

- What are the issues?
- What impact is this having on them?
- What were they expecting from the service?
- What are they looking for to resolve the complaint?

If the complainant does not want to discuss the issues and feels that what they have provided is sufficient for the complaint to be considered then the investigation should proceed on this basis. However, the complainant must be made aware this may likely limit the investigation.

Monitoring feedback

The Complaints & FOI Team use an effective monitoring system called Respond that enables the capturing, analysis and reporting of feedback, especially complaints. It is a valuable source of information about how customers view the services of the Department and those it commissions. The reports that are run from the database can highlight strengths and weaknesses, identify good and poor performance and indicate a training need.

The purpose of the monitoring system is to:

- ensure that procedures are complied with;
- enable customers to see their concerns are being taken seriously;
- enable customers to see a fair and thorough investigation has taken place;
- inform future service planning;
- identify problem areas so that remedial action can be taken;
- help in preparation of the quarterly and Annual Reports submitted to

Members and senior managers. The report is also made available to the public.

In terms of complaints the following information must be recorded:

- The details of each complaint received;
- The timescales agreed for looking into the issues and whether these were met;
- The agreed method for resolving the complaint;
- The outcome of each complaint;
- Decisions made against each complaint and
- any action taken as a result.

It is important that complaints received locally, and largely dealt with locally, are recorded within the client record system. Any complaints received locally should be emailed to the Complaints & FOI Team, using the CAHFeedback@southglos.gov.uk email address, along with the response provided.

Regular reports are also provided to the Contracts & Commissioning Team as part of contract monitoring arrangements of contracted services.

The Annual Report provides general information on the views of people using our services from an analysis of all forms of feedback received. Complaints feedback provides an important element of the Annual Report. The report includes:

- Statistical information on the types and volume of all forms of feedback received;
- An analysis of enquiries received;
- Information on trends in complaints;
- Types of complaints made;
- Outcome of complaints;
- An analysis on who is using the complaints procedure;
- Information about advocacy or support to people making complaints during the year;

Information about service improvements, which have taken place in response to lessons learned from feedback received and a review about the effectiveness of the complaints procedure.

The Annual Report is also an opportunity to review the associated resources in delivering the complaints procedure and consideration of future training needs. The Report should also indicate the amount of financial redress that has been incurred during the year.

This report is available on the Council's website at <http://www.southglos.gov.uk/Pages/Article%20Pages/Community%20Care%20-%20Housing/Community-care-services-complaints-and-procedures-2554.aspx>

The Complaints & FOI Team provides a quality assurance role. They may provide additional advice on the handling of complaints and can check over any responses to ensure the quality is of a good standard. From the analysis on quarterly and annual basis the Team considers the training needs of individual managers as well as the potential training and development requirements across the Department.

Regular assessments of the customer feedback / complaints management system are carried out by Internal Audit. Internal Audit agrees areas for assessment with the Complaints & FOI Team and the report is shared with Directorate and the Performance & Information Systems Manager. The Department was successfully accredited to meeting the requirements of ISO90002:2004 initially in July 2009. An annual assessment is undertaken by British Standards Institute (BSI).

The recommendations or suggestions arising from the Internal Audit and BSI assessment reports are acted upon and should be reported within the Annual Report.

Learning from feedback

It is important that actions resulting from all feedback, including complaints are put into place to ensure that improvements in services and service delivery can take place. As a minimum we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints record, and systematically review complaints performance reports to improve service delivery

Where the need for service improvement has been identified:

- the action needed to improve services must be authorised
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- the Complaints & FOI Team must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- the department must ensure that staff learn from complaints

Progress will be recorded on the complaints feedback system.

Lessons learned should be shared as widely as possible, for example, through service provider forums, and operational management groups.

The Annual Report also includes a section outlining what service improvements have been undertaken as a result of customer feedback received as part of other business processes, for example, comments from consultations and focus groups and individual service customer feedback surveys.

As part of continuing improvement for the complaints process the complainant is invited to provide feedback, through a questionnaire, on the complaints handling process. The purpose of the survey is to find out what the complainant thinks about the way their complaint was dealt with so that we can monitor performance and make improvements.

Training

A Complaints Training Strategy sets out the training and development needs of all staff, partners and providers within the Children, Adults & Health Department and how this will be met. This is reviewed annually with the Workforce Development Manager and published on the Departmental Intranet.

This is particularly important, so that employees are confident about making a response to comments from customers. They also need to be aware of the processes involved if they are the subject of a complaint.

All Managers should ensure that their staff are aware of the complaints process. Staff should receive support through their managers should they be the subject of a complaint.

It is suggested that complaints issues should be regularly included in the agenda for team meetings and supervision, to ensure that everyone has at least a working knowledge of the process and learning shared.

Unreasonably persistent and unreasonable complainant behaviour

A full procedure is provided corporately to assist officers in dealing with unreasonably persistent and unreasonable complainant behaviour. The procedure reflects the guidance note provided by the Local Government Ombudsman to local authorities.

The procedure is available from the [Council Intranet](#). Further information and advice is available from the Complaints & FOI Team.

In considering the actions of the complainant and an appropriate response the local authority will make reference to the Mental Capacity Act and all relevant human rights based legislation.

Other organisations which may be contacted

Local Government Ombudsman

Before the Ombudsman can investigate a complaint the Council must have had a chance to deal with it. A leaflet on how to refer to the Ombudsman is available from the Complaints & FOI Team alternatively the complainant may choose to write to:

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

Tel: 0300 061 0614 Fax: 024 7682 0001 Website: www.lgo.org.uk

Health and Care Professions Council

If the complaint is about the behaviour or actions of an individual member of staff (whether employed by South Gloucestershire Council or by an independent sector provider) a fitness to practise concern can also be made to the Health & Care Professions Council. However, they would normally not investigate the complaint until after South Gloucestershire Council has been given the chance to investigate the issue itself.

Fitness to Practise Department
The Health and Care Professions Council
Park House
184 Kennington Park Road
London
SE11 4BU

Telephone : 020 7840 9814

Freephone : 0800 328 4218

Email: ftp@tcp-uk.org

Website: www.hpc-uk.org

The Care Quality Commission (CQC)

The Commission is the watchdog for the health and social care sector. Their aim is to make sure that social care services meet people's real needs and work as efficiently as possible. The Commission inspects all health and social care services in England, for example, residential care homes and home care services. Concerns about services registered with the Commission can be raised directly with them. The Commission will work with the Council or the relevant health trust to ensure that complaints are passed to the right organisation for consideration under its complaints procedure.

Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne, NE1 4PA

Tel: 03000 616161 Fax: 03000 616171 Email: enquiries@cqc.org.uk Web: www.cqc.org.uk

Office for Standards in Education, Children Services & Skills (OFSTED)

OFSTED is impartial and independent, reporting directly to Parliament. It inspects and regulates services which care for children and young people and those providing education and skills for learning of all ages. See over page for contact details.

Ofsted
Piccadilly Gate Store Street Manchester, M1 2WD

Tel: 0300 123 1231

Email: enquiries@ofsted.gov.uk

Web: www.ofsted.gov.uk

Confidentiality

All customer feedback will be dealt with in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000.

All information provided will be treated in confidence and disclosed only in order to respond to feedback or to investigate the complaints made.