

# **Policy and Arrangements for handling complaints, comments and compliments about Adult Social Care**

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# 1. Part 1: Complaint Policy

## Introduction

- 1.1 The National Health Service and Community Care Act 1990 placed a statutory duty on social services authorities to establish complaints procedures to deal with complaints and representations about the discharge of, or failure to discharge their social services functions. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, which came into effect on 1 April 2009, replaced the Local Authority Social Services Complaints (England) Regulations 2006 which governed how complaints were previously handled.
- 1.2 The 2009 Regulations take account of the Health and Social Care Act 2008. They apply to both health bodies and local authorities so that complaints handling for health and social care are aligned. Where someone is receiving a mix of social care and health care, the Regulations provide for co-operation between the different bodies so that complainants only have to deal with one lead body and receive a single co-ordinated response.
- 1.3 The 2009 Regulations are much simpler than the former three stage 2006 Regulations. Organisations are encouraged to ask people what they think of their care, to sort out problems more effectively and to use the opportunities to learn. To achieve this, a single approach to local resolution has been introduced for dealing with complaints. This gives organisations greater flexibility to respond and encourages a culture that seeks and then uses people's experiences of care to improve quality.
- 1.4 This document sets out Lancashire County Council's policy and arrangements for handling complaints about adult social care and is based on the 2009 Regulations and the accompanying Department of Health guide to better customer care, Listening, Responding, Improving.
- 1.5 This document also sets out Lancashire County Council's policy and arrangements for handling other types of customer feedback about adult social care services, such as comments and compliments. The complaints, comments and compliments policy and processes are separate and distinct from other related activities such as investigations by the Local Government and Social Care Ombudsman, Parliamentary or County Council member enquiries, criminal or civil proceedings, and the Grievance or Disciplinary Procedures for County Council employees.

## 2. Principles and Aims

- 2.1 Lancashire County Council is committed to dealing effectively with complaints and other customer feedback in order to help to improve service delivery to all service users irrespective of age, race, culture, gender, sexuality or disability.
- 2.2 Lancashire County Council's arrangements for handling and considering complaints will ensure that:
- complaints are dealt with efficiently and investigated properly;
  - complainants and others involved, including staff, are treated with respect and courtesy;
  - complainants receive, so far as is reasonably practical, assistance to enable them to understand the complaints process or advice on where they may obtain such assistance;
  - complainants receive a timely and appropriate response; and
  - complainants are told of the outcome of the consideration of their complaint and of the action which will be taken, if necessary, in the light of the outcome.
- 2.3 Lancashire County Council's complaints handling arrangements are based on the following principles of good complaints handling which have been drawn up by the Health Service Ombudsman and endorsed by the Local Government and Social Care Ombudsman:
- getting it right;
  - being customer focused;
  - being open and accountable;
  - acting fairly and proportionately;
  - putting things right; and
  - seeking continuous improvement.
- 2.4 Effective recording, monitoring and analysis of complaints and other forms of feedback from people who use our services, such as comments and compliments, will provide useful indicators of the quality of services being provided, the standards being applied by Lancashire County Council and resource allocation and deployment.
- 2.5 Throughout the process, complainants will be kept informed of the progress of their complaint and of the reasons for any delays. Where delays are unavoidable, a revised timescale will be discussed and agreed with the complainant and included in the complaint plan (see Part 2, section 2).

### **3. Responsibility for Complaints Arrangements**

- 3.1 Local authorities are required to designate a person to be responsible for ensuring compliance with the Complaints Regulations and for ensuring that action is taken, if necessary, in the light of the outcome of a complaint. The Regulations also require local authorities to have a complaints manager to be responsible for managing the process for handling and considering complaints. Both these roles can be delegated. In order to contribute effectively to service development, the complaints manager should be independent of operational services and of direct service providers.
- 3.2 The complaints manager for the county council sits within Governance Services. This officer carries overall responsibility for the effectiveness and accountability of the complaints process. This includes making sure that lessons learned from upheld complaints are fed back to senior managers in order to foster organisational learning and monitoring of standards and performance.
- 3.3 A number of senior operational managers at head of service level throughout Lancashire County Council have been nominated designated complaints officers. They have primary responsibility for ensuring that complaints and customer feedback for their area of service are properly handled and that complainants receive an appropriate and customer focused response. They are also responsible for ensuring that action proposed, and commitments given in response to complaints are implemented.

## 4. Time Limit for Making a Complaint

- 4.1 The Regulations impose a time limit for making complaints in view of the inherent difficulties in investigating matters which have occurred some time ago. Local authorities need not consider complaints made more than 12 months after the date on which the matter being complained about has occurred, or the date on which the matter being complained about has come to the notice of the complainant. However, such complaints may be considered if the complainant has good reasons for not making the complaint within the 12 months' time limit **and it is still possible to consider the complaint in a way that would be effective and fair to all those involved i.e. there is likely to be sufficient access to information and/or individuals involved at the time.**
- 4.2 Full account will be taken of all the circumstances before a decision is taken by officers that a complaint is out of time and complainants will be given clear reasons for such a decision. Responsibility for deciding whether a complaint is out of time rests with the relevant designated complaints officer or the complaints manager.
- 4.3 Local target timescales have been set for responding in full to complaints and these are set out in part 2, section 1.5 of this policy.

## 5. What is a Complaint? (Definition)

- 5.1 A complaint is a written or verbal expression of dissatisfaction about the actions, decisions or apparent failings of a local authority's adult social care services.
- 5.2 Complaints are distinguished from referrals for service, requests for information, or other queries and comments which can be dealt with by a normal Lancashire County Council response.
- 5.3 Complaints may relate to the following:
  - an unwelcome or disputed decision;
  - concern about the quality or appropriateness of a service;
  - delay in decision making or provision of services;
  - standard of delivery or non-delivery of services;
  - quantity, frequency, change or cost of a service;
  - application of eligibility and assessment criteria;
  - failure to follow correct procedure;
  - the impact on an individual of the application of a local authority policy;
  - assessment, care management and review issues; and
  - attitude/behaviour of staff.
- 5.4 If it is possible to resolve the matter immediately, there is no need to deal with it under the Complaints Regulations.

## 6. Who May Complain?

- 6.1 A complaint can be made by a person who receives or has received services from adult social care services or by any person affected or likely to be affected by the actions, decisions or omissions of adult social care services. A representative of such a person may also make a complaint.
- 6.2 Accordingly, a complaint may be made by:
- a service user;
  - someone who has been turned down for a service to which they think they are eligible;
  - a representative of a service user acting with their consent;
  - a representative of a service user who lacks capacity to act on their own behalf if the representative is seen to be acting in the best interests of the service user;
  - a representative of a service user who has died; and
  - anyone who is affected or is likely to be affected by the actions, decisions or omissions of the service which is the subject of the complaint.
- 6.3 For the purposes of these complaint's arrangements, carers are regarded as service users and (with consent) can complain on behalf of the person they help care for or in their own right in respect of services to them as carers.
- 6.4 Where a complaint is made by a representative acting on behalf of a service user, the local authority has the discretion to decide whether or not the representative is suitable to act on behalf of the service user in the service user's best interests. If Lancashire County Council considers the representative to be unsuitable, the representative will be notified of the reasons for this decision and informed that no further action will be taken under the complaint's arrangements.
- 6.5 Where there is any uncertainty about a complainant's representative being authorised by the complainant to act in this capacity and to receive, should it be necessary, confidential information pertaining to the complainant, confirmation of authorisation to act will be sought by Lancashire County Council.



## 7. Access to the Complaints Process

- 7.1 The complaints process can be activated at any time by telephone, letter, feedback form, on-line via the county council's website, by email or in person at any social services office or service delivery point. Service users or carers may wish to seek the help of others to make their complaint; this could be a friend or relative or an independent advocate (see section 8 below).
- 7.2 Lancashire County Council has an [internet site](#) and feedback form entitled "Your Views Count" which can be used to submit a compliment, comment or complaint. There is also a leaflet entitled "Making a complaint about adult social care services" which outlines the arrangements for handling complaints and is sent out with the acknowledgement following receipt of a complaint. The leaflets can be downloaded from the [County Council's website](#).
- 7.3 Staff can help with the submission of a complaint and give advice about how to proceed with making a complaint or facilitate access to an independent advocate. Officers in adult social care cannot, however, act as the formal representative of a complainant in the progression of a complaint if, in doing so, they would be acting in their capacity as an employee.

## 8. Advocacy

- 8.1 Advocacy is the name given to the many ways in which people can be helped to get their message across. Advocates provide independent and confidential information, advice, representation and support to people using health and social care services. They work one-to-one with individuals to help them gain confidence and support them in potentially stressful situations such as when making a complaint.
- 8.2 At any time during the complaints process, complainants can have the assistance of an independent advocate. Lancashire County Council will support any requests for such assistance by providing information about the availability of advocacy services in the relevant area as a matter of good practice. Advocates will need to show that a complainant has requested their assistance.
- 8.3 A variety of advocacy schemes exist throughout Lancashire. Their services are independent, confidential and free. Information about advocacy is also available from the council website: <https://www.lancashire.gov.uk/health-and-social-care/adult-social-care/compliments-comments-complaints/>
- 8.4 If a decision has been taken with the support of an independent mental capacity advocate (IMCA) or one appointed under the provisions of the Care Act and that decision is then the subject of a complaint, the advocate must be engaged in the complaint's resolution process.

## **9. Reasonable adjustments**

- 9.1 Lancashire County Council will make “reasonable adjustments” in the way that we carry out our complaints function in accordance with the Equality Act 2010.

## 10. Remedies and Redress

- 10.1 Lancashire County Council follows the guidance on remedies set out by the Local Government and Social Care Ombudsman on their website here: [Guidance on remedies - Local Government and Social Care Ombudsman](#)
- 10.2 Attempts to resolve complaints should continue even when the complaint has entered the complaints process.
- 10.3 A remedy should, as far as possible, put the complainant back into the position that they would have been in if the situation giving rise to the complaint had not occurred. The remedy should also be appropriate and proportionate to the circumstances and to any injustice caused. It should take account of the complainant's views and desired outcomes and the effect of the complainant's own actions, such as delay on their part.
- 10.4 Where the remedy takes the form of a payment, it is often a modest amount whose value is intended to be largely symbolic, rather than purely financial. Lancashire County Council follows the [guidance on remedies](#) set by the Local Government and Social Care Ombudsman.
- 10.5 It is not within the scope of the complaints procedure to assess economic losses or award compensation. If this is the intention, customers should be directed to the courts where that is the primary goal.
- 10.6 The response to a complaint may require Lancashire County Council to:
- give an explanation for its actions;
  - make an apology;
  - carry out a reassessment of needs;
  - reconsider an issue;
  - change a decision;
  - amend practice/procedures;
  - consider financial redress (e.g. write off an invoice if required); and
  - pay a financial remedy if the complainant is of pocket or this is warranted.

Any of these actions by Lancashire County Council in response to a complaint do not automatically render the county council liable in law.

## 11. What is not required to be dealt with under the Complaints Regulations?

11.1 Under the 2009 Complaints Regulations, Lancashire County Council is not required to consider complaints falling into the following categories:

- the person wishing to complain does not meet the requirements of “who may complain” and is not acting on behalf of such an individual;
- the complaint is not about the actions or decisions of the local authority complained to, or anybody acting on its behalf;
- the same complaint has already been dealt with under the Complaints Regulations or under the former 2006 Regulations;
- the complaint has already been dealt with by the Local Government and Social Care Ombudsman;
- the complaint is about services for which an alternative statutory or appeals procedure already exists (e.g. complaints which fall within the remit of the Information Commissioner);
- there are other more appropriate channels for dealing with the matter such as independent tribunals, resolution of disputes procedure for contracted providers of private residential and nursing home care;
- the matter complained about has already been the subject of court proceedings;
- it relates to criminal investigations where court action is active or pending;
- the complaint is made by another organisation or statutory body or by someone employed by such an organisation acting in a professional capacity; and
- it is a staff complaint about personnel/employment issues.

11.2 In matters which have been or are before the courts, any challenge to evidence submitted, or to a court decision, should be made as part of the legal process. Lancashire County Council's complaints process cannot be used to reconsider or attempt to overrule decisions made by the courts or any other quasi-judicial bodies, including tribunals, or the Ombudsman.

11.3 Where a complainant states in writing that they intend to take legal action or have instigated legal action, the complaints handling process will normally be suspended pending the conclusion of any legal process. The complainant will be advised that they can ask for the complaints process to be restarted once the legal process has been completed.

11.4 If a complaint is submitted via solicitors (but they are not taking legal action), the complainant will be asked to agree to the solicitors remaining in the background until the complaint has been investigated. The complaints process is not intended to be an adversarial process and cannot be operated effectively without the direct involvement of the complainant.

11.5 Complaints from other agencies/professionals about the actions of Lancashire

County Council and its staff will require a management response.

- 11.6 Complaints made by employees of the county council are dealt with under the county council's grievance procedure and other equal opportunity policies and procedures of the county council. County council employees can only use the adult complaint procedure if they are acting in a personal capacity as an external user of social care services.

## 12. Complaints about independent social care providers

- 12.1 Complaints from people who arrange and pay for their own residential or domiciliary care in the independent sector cannot be considered under these arrangements. Independent sector social care providers are required by law to have their own complaints procedure and self-funded users of those services can access that procedure or go directly to the Local Government and Social Care Ombudsman.
- 12.2 If Lancashire County Council has commissioned the service from the independent sector, the complainant can choose either to use the care provider's own complaints procedure or to ask the local authority to consider the complaint under the 2009 Complaints Regulations. If the complainant uses the provider's own procedure and remains dissatisfied with the response, they can then ask the local authority to reinvestigate the complaint.
- 12.3 If a complaint received by Lancashire County Council relates solely to an independent social care provider, (i.e. the care provider is not providing the care on behalf of the local authority) it will be sent to the relevant provider as soon as reasonably practical, subject to the agreement of the complainant. The complaint details will also be sent to the relevant commissioning team and procurement team.
- 12.4 The Care Quality Commission is responsible for registering and regulating care homes and domiciliary care agencies. Complaints about the manager of an independent regulated service or about a possible breach of care home regulations should be referred to the Care Quality Commission (CQC). In certain circumstances the Commission, as the regulator, may undertake direct enquiries using its powers of inspection. The CQC website is here: <https://www.cqc.org.uk/contact-us>

General enquiries email address: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

Telephone: 03000 616161

The phone lines are open Monday to Friday, 8.30am to 5.30pm, excluding bank holidays.

## **13. Complaints involving NHS Bodies**

- 13.1 The Complaints Regulations place on local authorities, and health bodies, a duty to co-operate in respect of complaints about integrated services so that a single co-ordinated response can be sent where complaints are made across health and social care organisations.
- 13.2 If a complaint received by Lancashire County Council relates solely to an NHS body, it will be sent to the relevant NHS body as soon as reasonably practical, subject to the agreement of the complainant.
- 13.3 If part of the complaint is about an adult social care function, Lancashire County Council will send the complaint to the relevant NHS body (with the complainant's consent) and will liaise with the NHS body to determine which body will take the lead in investigating and responding to the complaint and to ensure that the complainant receives a co-ordinated response. The agency against which the major component of the complaint is made will normally take the lead in responding and the complainant will be notified accordingly.
- 13.4 Health and social care organisations will provide information relevant to the complaint and work together to resolve joint complaints. A Joint Complaints Protocol exists for joint working with health bodies in Lancashire and complaints about more than one service will be handled in accordance with that protocol.



## **14. Links to Other Procedures**

- 14.1 There are other procedures which have a significant bearing on Lancashire County Council's complaints policy and handling arrangements, for example Safeguarding Adults' Procedure, Deprivation of Liberty Safeguards (DoLS), disciplinary procedures. It is essential that complaints falling under other procedures are clearly identified so that joint action can be taken where required.
- 14.2 If a complaint made to Lancashire County Council relates to services operated by another authority or agency or has implications for the services operated by another authority or agency, the complaint will be sent to that agency, subject to the complainant agreeing to the release of any confidential information.
- 14.3 Most letters from councillors and Members of Parliament are regarded as referrals/requests for information and are dealt with through a separate process. If an MP or councillor wishes to assist their constituent to make a complaint under this policy, the MP or councillor will be informed of the process that will be followed and then, subject to the agreement of the complainant, they will be advised of the outcome once the complaint has been through the complaints process.

## 15. Dealing with Unreasonably Persistent and Vexatious Complaints

- 15.1 Lancashire County Council is committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. However, there are a small number of complainants who, because of the frequency of their contact with the county council or their failure to engage fully with the complaints process, hinder consideration of their own complaints. Such complainants often make the same complaint repeatedly (with minor differences) but never accept the outcome or seek unrealistic outcomes.
- 15.2 An unreasonably persistent complainant is likely to include some or all the following:
- the complaint arises from a historic and irreversible decision or incident;
  - contact with the county council is frequent, lengthy, complicated and stressful for staff;
  - the complainant behaves in an aggressive manner or is verbally abusive or threatening;
  - the complainant changes aspects of the complaint partway through the council's consideration of the complaint;
  - the complainant makes and breaks contact with the county council on an ongoing basis; or
  - the complainant persistently approaches the county council through different routes about the same issue in the hope of getting different responses.
- 15.3 Where the council has attempted to progress the complaint, but the complainant has either refused or delayed such progression through excessive objection to the process rather than addressing the substantive issues of the complaint, the complainant will be advised that this is causing delay and is unreasonable.
- 15.4 If the complainant does not co-operate with the consideration of their complaint but continues to correspond, the correspondence will be carefully considered to see if it raises any new matters or presents significantly new information. If no new matters are raised or new information presented, the complainant will be informed that the county council cannot proceed under the complaints arrangements and will not enter into any further correspondence about the matter. The complainant should be advised of any other courses of action which may be open to them, e.g. Local Government and Social Care Ombudsman, Judicial Review, or the Courts.
- 15.5 If the complainant continues to correspond and the further correspondence does not present significantly new matters, the correspondence will only be

acknowledged rather than acted upon. The complainant should again be advised of any other courses of action which may be open to them.

- 15.6 Where all options for resolving the complaint have been exhausted and it is considered that the county council cannot offer further assistance, this will be explained to the complainant and confirmed in writing. Once confirmation has been given that the matter is closed, no further correspondence will be entered into unless the complainant is raising a fresh complaint which is not related to that which has already been through the complaints process.

## 16. Unacceptable Behaviour

- 16.1 Staff of the County Council are expected to be patient and courteous at all times. However, staff are not expected to tolerate behaviour which is abusive, threatening or offensive. It is anticipated that 'unacceptable behaviour' on the part of the complainant will be an issue only in a very small number of cases but the Local Government and Social Care Ombudsman has advised that the following action can be taken in such circumstances to manage the situation.

### Restricting Access

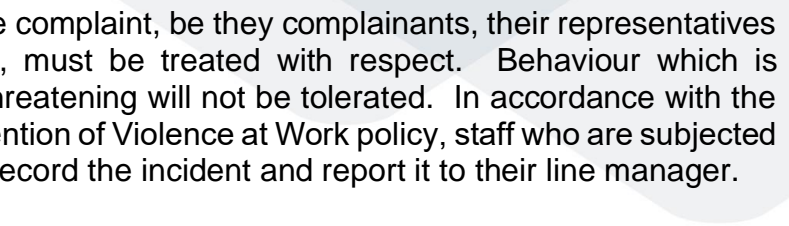
- 16.2 If Lancashire County Council considers that a complainant's behaviour is unacceptable, the complainant will be informed of this and of the reasons why the behaviour is unacceptable and be asked to change it. If the unacceptable behaviour continues, a decision may have to be taken to restrict access to the complaints process and to the county council's staff and offices. The decision to restrict access will be taken by the relevant designated complaints officer and the complaints manager in liaison with legal services and will only be taken following a prior warning to the complainant.

- 16.3 The options which may be considered are:

- requesting contact in a particular form (for example by letter only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times; and
- asking the complainant to enter into an agreement about their behaviour and/or future contact with the county council.

Depending on the circumstances, a time limit may be set on the duration of any restrictions applied.

- 16.4 If the complainant does not adhere to the restriction imposed, they will be informed that the county council will not be taking any further action and that any further correspondence which does not present significantly new matters or new information will be kept on file but not necessarily acknowledged.
- 16.5 In certain cases, the county council may consider referring the complaint to the Local Government and Social Care Ombudsman before the complaints process has been exhausted or advise the complainant that it cannot assist further and inform them of their right to approach the Local Government and Social Care Ombudsman themselves.

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- 16.6 All those involved in the complaint, be they complainants, their representatives or local authority staff, must be treated with respect. Behaviour which is abusive, offensive or threatening will not be tolerated. In accordance with the County Council's Prevention of Violence at Work policy, staff who are subjected to such behaviour will record the incident and report it to their line manager.
- 16.7 In extreme cases where the behaviour threatens the safety and welfare of staff, the matter will be reported to the Police and legal action will be considered. The complainant will not be given any warning in such cases.

## 17. Recording/Monitoring

- 17.1 Effective recording, monitoring and analysis of complaints are vital if the complaints process is to be a positive contribution to improving service provision.
- 17.2 Department of Health guidance and the Regulations require that Lancashire County Council keeps a record of all social care complaints received, including the nature of complaints, the action taken, the outcome, and those instances where timescales agreed with complainants have not been met.
- 17.3 All complaints are recorded electronically and categorised using a standardised computer database known as the customer feedback database. The customer feedback database is also used for recording comments and compliments, as well as other feedback about service users' experience of contacting Lancashire County Council obtained via the "*Your Views Count*" leaflet.

## **18. Annual Report and Evaluation**

- 18.1 In accordance with Department of Health guidance and Regulations, on a yearly basis, Lancashire County Council data and the effectiveness of its complaints handling arrangements are reviewed and a full anonymised report covering the council year is presented to senior managers and to the appropriate Committee of the County Council.
- 18.2 The annual report is a publicly available document and includes information on:
- the number of complaints received and any that were considered by the Local Government and Social Care Ombudsman;
  - which service user groups made complaints;
  - the subject matter of complaints and their outcomes;
  - compliance with agreed timescales;
  - learning points and service improvements; and
  - the number and type of comments and compliments received.
- 18.3 Regular analysis of collated data is undertaken and discussed by appropriate management teams who consider any action needed to respond to trends. In addition, Lancashire County Council's complaints team has a role in identifying learning points from complaints investigations, exploring issues with designated complaint officers and reporting to the senior management team accordingly. This is an important part of the process of using customer feedback to promote continuous improvement.

## **19. Retention and Disposal of Complaints Records / Data Protection**

- 19.1 All aspects of Lancashire County Council's complaints handling arrangements must adhere to the requirements of the UK General Data Protection Regulation and Data Protection Act 2018 and the Freedom of Information Act 2000. Any personal information obtained in relation to a complaint will only be used for the purpose of considering the complaint.
- 19.2 Complaints files will be retained and destroyed in accordance with legal requirements and Lancashire County Council policy and procedures for the retention and destruction of records.
- 19.3 Electronic records of individual complaints held on the customer feedback database will also be retained and destroyed in accordance with legal requirements and adult social care policy. Statistical reports that do not identify individuals will be retained indefinitely in order to assist with analysis of trends over time.





## **PART 2**

# **Complaints Handling Arrangements**

## 1. On Receipt of a Complaint

### Listening and Timescales

- 1.1 Complaints are received in a variety of formats, e.g. by letter, email, feedback form, on-line, telephone or in person at a local social services office or establishment. However they are received, every effort will be made to resolve complaints at their source of origin. *If it is possible to resolve the matter almost immediately, i.e. the same day or by the following day, there is no need to use the complaints process.*
- 1.2 If the complaint is made orally and is not one which can be resolved immediately, the person to whom the complaint is made will write it down and provide a copy of the written complaint to the complainant.
- 1.3 All complaints must be acknowledged in writing no later than **three working days after receiving it**. If known at this point, the acknowledgement will give the name and contact details of the person who will deal with the complaint. Complaints will usually be investigated either by the staff who have been dealing with the complainant or by the local manager with direct responsibility for the case or service in question. If this is not appropriate, they will be referred to the designated complaints officer.
- 1.4 If the complaint involves both health and social care services, Lancashire County Council will contact the relevant health body to agree which body will take the lead in investigating the complaint and responding to the complainant. The complainant will be informed of which body will take the lead and will be asked for their permission to send a copy of the complaint to the lead body. (See Part I, section 13).
- 1.5 The manager responsible for looking into the complaint will contact the complainant, either by telephone or a personal visit, to plan with the complainant the best way to deal with the complaint. The manager will listen carefully to what the complainant has to say and find out what the complainant wants to see happen as a result of their complaint and agree a timescale for doing it. The target timescales for interventions to resolve complaints is set out below.

Possible interventions by operational managers	Target timescales
Apology	5 working days
Apology in person by senior manager	10 working days
Written explanation of action taken	5 working days
Reassessment by different worker from original team	20 working days

Case Review	10 working days
Reassessment by different worker from different team	20 working days
Specialist assessment	6 weeks
Change of worker	6 weeks
Investigation by local managers	6 weeks
Investigation by manager of a different service	2 months
<b>Interventions by Complaints team and/or senior managers DCOs</b>	
Mediation	4 weeks
External or offline investigation	40 working days
Time and trouble payment	6 weeks
Financial remedy or redress	6 weeks

- 1.6 If the responsible manager is unable to meet the agreed timescale once they have started looking into the complaint, the complainant will be informed of the reasons for the delay and kept informed of progress. A revised timescale will be negotiated. The maximum time frame for the completion of all possible interventions from receipt of complaint to final sign off is **6 months**. This is a statutory requirement.

## 2. Resolving / Investigating a Complaint

### Responding / Improving

- 2.1 The information obtained following discussion with the complainant will enable the manager to produce a [complaint plan](#) (annex). In addition to details about the elements of the complaint and the complainant's desired outcomes, the plan will include the method chosen to try to resolve the complaint. The DH guidance encourages local authorities to be creative about how they resolve complaints. There are a range of options, and more than one option may be tried to resolve the complaint. However, **the DH guidance advises that the method for resolving the complaint needs to be proportionate to the issues raised in the complaint, achievable and cost effective.**
- 2.2 If the complainant does not accept the offer of a discussion and/or does not agree the complaint plan, the responsible manager will, in any event, determine the method and timescale for dealing with the complaint and inform the complainant accordingly.
- 2.3 Possible resolution options are:
- apology/good will gesture;
  - written explanation of action/policy;
  - reassessment by a different worker from the team involved with the case or by a different team;
  - detailed investigation by local manager;
  - case review;
  - mediation;
  - off-line or external investigation; or
  - financial remedy in line with the [ombudsman guidance](#).

The complaint plan will be updated as the investigation of the complaint progresses, and the complainant will be kept informed of progress as far as reasonably practicable.

- 2.4 Once the details of the complaint are clear, we will assess the severity of the complaint and its impact on both the complainant and the local authority. For example, we will consider how serious are the issues being complained about and how likely are they to re-occur. This assessment will enable Lancashire County Council to select the most appropriate option for resolving the complaint and determine how long it is likely to take.
- 2.5 Complaints and other feedback about adult social care services give Lancashire County Council a valuable opportunity to **learn and improve**. The response to the complainant, following the consideration of their complaint, will

clearly set out Lancashire County Council's decision in relation to each element of the complaint and the action which will be taken with timescales for implementation. If the complaint is not upheld, Lancashire County Council will give clear reasons for this conclusion. If this is the final sign-off letter, i.e. Lancashire County Council considers that there are no further options for resolving the complaint, the response will advise the complainant of their right to refer their complaint to the Local Government and Social Care Ombudsman (see section 3).

- 2.6 Complaints are regularly analysed for trends and reports are taken to the 'Shared Learning Panel' to ensure that lessons are learnt and mistakes are not repeated.

### **Off-line-Investigations**

- 2.7 In certain circumstances Lancashire County Council may decide to undertake an off-line or external complaint investigation. This may be appropriate if the complaint is particularly complex or serious or concerns services provided by more than one agency. It may also be offered in cases where repeated attempts to resolve the complaint locally have been unsuccessful or where the complaint has become vexatious. The decision as to whether an off-line or external investigation is appropriate will rest with the designated complaints officer in liaison with the complaints manager.
- 2.8 Off-line complaint investigations are usually carried out by external independent investigating officers or by council staff who are independent of the service and staff being complained about. Officers with the correct experience are appointed if a particular expertise or background is required.
- 2.9 The investigating officer will review the complaint plan and the action taken so far to try to resolve the complaint. The investigating officer will then commence the detailed investigation of the complaint in liaison with the complainant, the designated complaints officer and relevant staff. The investigating officer will plan how the investigation is to be carried out and will ensure that all those concerned in the process understand it and are kept informed of progress. The investigating officer has access to all relevant records and staff.
- 2.10 Upon completion of the investigation, the investigating officer will produce a report with recommendations and forward it to the relevant designated complaints officer (DCO). The DCO will consider the report and recommendations and respond to the complainant with a copy of the investigation report. The response will set out the designated complaints officer's decision in relation to each element of the complaint and the action which will be taken with timescales for implementation. If the complaint is not upheld, Lancashire County Council will give clear reasons for this conclusion. The response will also advise the complainant of their right to refer their complaint to the Local Government and Social Care Ombudsman (section 3).

## Mediation

- 2.11 Mediation is a voluntary and confidential process which aims to help people in dispute to reach agreement in order to resolve their complaint. The process is managed by an impartial and independent mediator whose role is to promote communication between the parties to encourage a better understanding of the issues affecting them. Mediation does not set out to find fault, assign blame or punish anyone; it focuses instead on problem-solving and reaching agreement.
- 2.12 If, during the discussion of the complaint plan, the manager dealing with the complaint and the complainant consider that mediation may be a way of resolving the complaint, this will be offered.
- 2.13 All mediators are trained professionals and will be independent of the service being complained about. A mediator will arrange to meet with the complainant independently to discuss the complaint, identify what the complainant hopes to gain from the process and seek their agreement to continue with mediation.
- 2.14 The mediator will then arrange a mutually suitable venue to meet both parties. The meeting will commence by sharing and summarising information. Both parties will agree the areas for discussion and be encouraged to contribute to the discussion.
- 2.15 At the close of the meeting, an agreement will be produced outlining the areas that have been agreed which both parties will sign up to as the resolution of the complaint.

### **3. Local Government and Social Care Ombudsman**

- 3.1 If the complainant remains dissatisfied with Lancashire County Council's final response to their complaint or they consider that the County Council has not responded within a reasonable time, they can complain to the Local Government and Social Care Ombudsman who is completely independent of Lancashire County Council.

The Ombudsman may investigate complaints jointly with the Health Service Ombudsman if the complaint is about both services.

- 3.2 The Ombudsman can be contacted at:

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Online complaint form: <https://complaints.lgo.org.uk/>

Alternatively, you can contact the ombudsman by telephone: 0300 061 0614.

## **PART 3**

# **Comments and Compliments process**





## 1. Comments and Compliments

- 1.1 Lancashire County Council welcomes comments from service users and members of the public to help improve services. Comments will be forwarded to the relevant manager of the service concerned who will respond and incorporate issues raised within service planning.
- 1.2 Lancashire County Council also welcomes compliments from people using the services provided by the council. Compliments will be forwarded to the relevant manager of the service concerned who will respond. The manager will ensure that a copy of the compliment is sent to the member of staff or team concerned. In the case of compliments about individual members of staff, the manager will also ensure that a copy of the compliment is placed on the staff member's personal file.
- 1.3 All comments and compliments received in Lancashire County Council will be acknowledged and recorded on the relevant customer feedback system and the information will be included in the statutory Adult Social Care Annual Report, presented to the relevant committee for consideration by county councillors.



# Annex 1

## Complaint Plan Template



# Complaint Plan

Name of Complainant:.....

Name of service user/carer:  
(if different from above).....

Complainant contact details:

Address:  
.....  
.....

Postcode:.....

Telephone Home.....

Mobile.....

Service User Group..... Service User District.....

Service area complained about (e.g. finance; EDT; domiciliary care;  
equipment/adaptations; day care; residential; etc)  
.....  
.....

Date complaint received in adult social care.....

Date of written acknowledgment [**must be within three working days after date of receipt of complaint**]  
.....



Date of contact with complainant **(can be by telephone or visit)**.

.....

Summary of complaint.....

.....

.....

.....

.....

Complainant's expectations/desired outcomes

.....

.....

.....

.....

Method of dealing with complaint.....

Manager dealing and contact details.....

.....

.....

.....

Timescale for responding to complaint

.....

Signed

Complainant \_\_\_\_\_ Date: \_\_\_\_\_ 20 \_\_\_\_

Officer/ Manager \_\_\_\_\_ Date : \_\_\_\_\_ 20 \_\_\_\_

[Copy signed and returned by complainant]

