

Complaints Handling Procedure



Hampshire
County Council

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Adults' Health and Care Directorate Procedure

02/24 v1

Complaints Handling Procedure

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Contact: Team: Customer Care Team
Email: adultservices.complaints@hants.gov.uk

Sponsors: Jess Hutchinson, Assistant Director

Accountable Officer: Strategic Service Manager for Engagement and Improvement

Content Owner: Customer Care Lead

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If you require a copy of this procedure in another language or format (such as audio, large print, or Braille), please contact: ahc.policy@hants.gov.uk



Easy Read version available at: [EasyRead-ComplaintsProcedure.pdf \(hants.gov.uk\)](#)

1. Purpose

The purpose of this procedure is to:

- Outline the approach that the Adults' Health and Care Directorate within Hampshire County Council will use when it receives a complaint.
- Define the standards the public can expect when they make a complaint.
- Recognise the importance of customer feedback about council services and performance.
- Set out how the Directorate will monitor customer feedback and use that information to learn and improve services.

2. Introduction

Adults' Health and Care aims to provide a high standard of care and support in all our services. This supports our vision which, put simply, is to help people to live long, healthy and happy lives, with the maximum possible independence. We acknowledge however, that despite our best intentions, things do sometimes go wrong. We welcome hearing your complaints to learn and improve for the future.

The views of service users, carers and their loved ones are important to us and help to ensure our services are consistently meeting people's needs. If you are unhappy with any of our services, it is important that you let us know.

3. Legislative context

The statutory complaints procedure is specifically for complaints about adult social care. The legislation that sets out how we are expected to handle these types of complaints is [The Local Authority Social Services and National Health Service Complaints \(England\) 2009](#). This legislation applies to local authorities, NHS bodies, primary care providers and independent sector providers who are responsible for providing NHS and social care.

4. Complaints standards

- We will acknowledge receipt of your complaint within five working days.
- We will protect personal information given to us.
- We will work to specific response targets: all stage one complaints within 20 working days and stage two complaints within 40 working days. If these targets are not achieved, we will explain to you why a reply may take longer.
- We will focus on fair, proportionate resolution at the earliest stage and ensure that decisions are properly and promptly implemented.
- We will learn from your feedback to improve as a Directorate.

5. What is a complaint?

A complaint is an expression of dissatisfaction or concern, however made (whether that service is provided directly by the County Council, or by a contractor or partner), about the standard of / or the delivery of service, the actions or lack of action by the County Council or its staff which affects an individual service user or group of users.

We will consider any complaint which relates to the social care functions of Adults' Health and Care or any function under arrangements made between it and an NHS body in relation to the exercise of the health-related functions of a local authority. We are only required to deal with complaints about events that happened in the past 12 months. Our complaints process cannot change decisions made by a court of law.

The Customer Care Lead has the discretion to decide whether a complaint falls within the scope of this complaints procedure and may decide that a complaint can be dealt with using other means, i.e. mediation, appeal, restorative meeting, or other Directorate related processes. For a list of exclusions see **Appendix 1**.

If a complaint alerts us to possible abuse or neglect, we will report it to the County Council's adult safeguarding team. The safeguarding team will decide how to investigate and monitor outcomes.

In contrast, a comment is a general statement about policies, practices, or a service which have an impact on multiple people and not just one individual. A comment can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services. A compliment is an expression of satisfaction, thanks, praise, or congratulations.

6. Who can make a complaint?

Any individual that uses or receives a care and support service from the County Council can make a complaint to the Adults' Health and Care directorate if they are dissatisfied with the service. Complaints can also be made by a relative, carer, friend, elected representative, or advocate on an individual's behalf. We will require permission to share your information if someone raises a complaint on your behalf.

Complaints involving regulated services (i.e. care homes or care providers) should normally be directed to the service provider in the first instance. Where the County Council is responsible for the original assessment of need that led to a placement and associated funding, then in most instances, the complainant will have recourse to this complaints process.

This Complaints Procedure does not cover complaints from members of staff, trainees, apprentices or persons on work placements, involving working conditions, pay or other internal grievances.

Anonymous complaints are accepted, however, to fully investigate a complaint and respond, they cannot be anonymised.

7. How can a complaint be made?

Individuals may make a complaint in the simplest way for them, using any of the following contact methods:

- **Online** - by completing the short form on the County Council website - <https://www.hants.gov.uk/socialcareandhealth/adultsocialcare/customer-care>
- **Email** - adultservices.complaints@hants.gov.uk
- **Letter** -
Customer Care Team
Adults' Health and Care
Elizabeth II Court, The Castle
Winchester
SO23 8UQ
- **Telephone** -
0300 555 1386
8.30am to 5pm, Monday to Thursday
8.30am to 4.30pm Friday

The Director of Adults' Health and Care does not form part of the complaints process. Any complaints addressed to the Director, or other senior managers, will be redirected through the usual complaints process.

Please let us know if you have communication or language needs. We will communicate with you in an appropriate way to make sure you are not disadvantaged in taking your complaint forward. If you require translation or interpretation services, we will access these to enable you to pursue your complaint.

8. Complaint stages

The way we manage your complaint is outlined below, however the Customer Care Lead has the flexibility to allow a complaint to be escalated at any point, if that is the best course of action for the circumstances. Please also see the flow chart of the process at **Appendix 2**.

Local resolution

Individuals should begin by raising their complaint or concerns directly with the service concerned. Staff will aim to locally resolve the issue as quickly and easily as possible, usually within 48 hours.

Stage one

In cases where the issue cannot be resolved locally or the complainant remains dissatisfied, the complaint may be filed and investigated. The individual should submit their complaint to the Directorate via the methods outlined in section six.

Our standard is to acknowledge the complaint within five working days, and to provide a full reply within 20 working days. Where this is not possible, customers will

be informed at the earliest opportunity before the completion of 20 working days when they can expect to receive a full reply.

We aim to resolve most complaints at this level however, a complaint can be immediately escalated to Stage two at the discretion of the Customer Care Lead if this is deemed appropriate.

When we send you the written response to your Stage one complaint you will be given the option to comment on the outcome and decision reached, within 30 calendar days of receipt of the response. If your comments are received after 30 days, it is at the discretion of the Customer Care Lead as to whether a further response is issued.

Stage two

If a complainant remains dissatisfied, they may have their complaint investigated by a more senior manager in Adults' Health and Care who will review the case and related evidence.

The timescale for a formal response to a Stage two complaint is 40 working days. At the conclusion of Stage two, customers must be informed of their right to escalate their complaint to the Local Government and Social Care Ombudsman.

Local Government and Social Care Ombudsman

If you are not happy with the outcome of your complaint response from the Directorate, you can refer your complaint to the Local Government and Social Care Ombudsman (LGSCO) and ask for it to be reviewed. The LGSCO provides a free independent service. You can refer your complaint to the LGSCO at any point, however the LGSCO usually expects the local authority's complaints procedure to be completed first.

You can contact the LGSCO at:

Telephone: 0300 061 0614

Online: www.lgo.org.uk

9. Remedies

Following investigation of the complaint, the manager will determine the complaint to be 'upheld' or 'not upheld'. If your complaint is upheld, that means the Directorate recognises that we were at fault. When we don't get things right, we will act to:

- Accept responsibility and apologise.
- Explain what went wrong and why.
- Put things right by making any changes required - we will tell you what we are going to do and when we expect to have completed the work.

The Directorate takes careful consideration of the LGSCO [guidance on good practice and remedies](#).

The Directorate does not offer compensation or financial remedies in most cases. A financial remedy will only apply in cases where fault has been found during the investigation and it is considered that there has been some loss or suffering. Where

a complainant has suffered an injustice and/or hardship, resulting in direct financial loss, we will consider whether a financial remedy is appropriate. In determining this, we will refer to the LGSCO guidance on remedies, referred to above.

10. Vexatious and Unreasonably Persistent Complainants

Unreasonable and unreasonably persistent complainants are those who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

The County Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact which complainants have with its staff.

The County Council does not expect staff to tolerate any behaviour which is abusive, offensive or threatening and will take action to protect staff from such situations. This is outlined in our [Zero Tolerance Statement](#). Our approach to handling unreasonably persistent and vexatious complainants is set out in County Council's [Guidance Note on the Management of Unreasonable Contact and Customer Behaviour](#).

11. Confidentiality

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act (DPA) 2018, General Data Protection Regulation (GDPR) and Freedom of Information Act 2000.

Information on informal complaints and comments will be kept for three years after resolution, while information relating to formal complaints will be retained for seven years after resolution.

A [Privacy Notice](#) is available which defines how information is collated and stored for the purposes of handling customer feedback. Further privacy information for complainants is also provided at the start of the Adults' Health and Care [online complaints form](#).

12. Complaints Monitoring

All customer complaints are logged on our complaints management system. We will collaborate and share learning from customer feedback across the Directorate. This will help us to improve our services for our customers. This insight should also be used within the business planning process.

We are committed to reducing the number of upheld Local Government and Social Care Ombudsman complaints through the thorough investigation of complaints at stages one and two.

To comply with the provisions of the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 Regulation 18, the Directorate produces an annual report detailing the number of complaints received, the numbers which were upheld, those which progressed to the Local Government and Social Care Ombudsman, a summary of the subject matter of the complaints

and a summary of any improvements made due to learning taken from complaints received. This document is agreed by the Directorate Management Team and published on the [County Council's website](#).

13. Equalities

An Equality Impact Assessment (EIA) has been completed alongside the development of this procedure. To inform the EIA, the current Complaints Register was reviewed, alongside information gathered from the Equality and Diversity questions which form an optional part of the online complaints form.

There were no negative impacts identified through the EIA, as ultimately the procedure does not intentionally treat anyone differently, whether they share a protected characteristic or not.

The EIA did however, identify areas of improvement in procedure and practice, including ensuring that communication with all complainants is inclusive and that the complaints process is accessible to everyone. As such, an Easy Read version of this procedure will be made available in addition to the standard version. This will be communicated to Learning Disabilities practitioners for their awareness as well as via the Hampshire Learning Disability Partnership Board.

It is vital that the Directorate anticipates meeting the needs of people with disabilities at the heart of everything it does. Training will therefore be offered to practitioners to ensure that they are familiar with the procedure and feel confident signposting it to individuals.

There is a duty to make reasonable adjustments whereby the needs of individuals are considered and where appropriate, the service is delivered in a different way, in order to provide additional support or remove barriers. This duty is anticipatory and additional ways in which the Directorate can consider reasonable adjustments in respect of its Complaints Procedure will also be communicated to practitioners within procedure training sessions.

Appendix 1 – Complaint Exclusions

The following type of new complaints cannot be dealt with under the Adults' Health and Care complaints procedure:

- Made later than one year after the service was delivered.
- “Requests for service”.
- Complaints in which the complainant states they are taking, or intend to take, proceedings in any court or tribunal regarding any issue linked to the complaint.
- Where the complainant is a County Council employee, and the issues are employment related.
- Made by another professional body or organisation.
- Relating to contractual arrangements or other business arrangements made with the Local Authority.
- Where the subject matter has previously been investigated by the Directorate.
- Any complaint which is being, or has been, investigated by the Local Government and Social Care Ombudsman.
- Arising out of an alleged failure to comply with a request for information under the Freedom of Information Act, 2000
- Arising out of an alleged failure to comply with a request for information under the General Data Protection Regulations 2018
- About direct payments and individual budgets. These are excluded from the procedure *once the service user has taken control of their care provision*. Complaints will be accepted and investigated however, which are about the processes involved in, for example, assessment, allocation of funds, or the support available to enable people to manage the payments.
- About a decision made by an Adult Mental Health Practitioner (AMHP) on an application under the Mental Health Act 1983 falls outside this procedure. Complaints about the process of assessment or the actions of the AMHP can be considered.
- Follows on from a safeguarding investigation, unless the complaint is about the way that investigation was handled, as opposed to simply seeking a different outcome.
- Is repeatedly submitted despite having been previously fully investigated and the findings communicated.

Appendix 2 – Complaints Flowchart

