

Statutory Procedure for Health & Social Care Complaints & Representations

Contact the Complaint & Feedback Team:

Write to: Civic Centre
Burdon Road, Sunderland, SR2 7DN

Telephone: (0191) 561 2464 or 561 7993

Email: complaints@sunderland.gov.uk

Revised – July 2018

INDEX

Page	
3	Introduction
4	Statement of Commitment
4	Key Principles
	Section 1: Scope of the Representations and Complaints Procedure
5	What is a complaint
5	Legislation
5	Responsibility for the procedure
6	What may be complained about
6	Who can use the procedure
7	When the Complaints Procedure does not apply
8	Complaints about Commissioned Services
8	Complaints about Direct Payments
9	If your complaint is about a service you self-fund
9	The Single Integrated Complaints Process
10	Time limit for making a complaint
10	Placing complaints "on hold"
10	Suspending decisions if a complaint has been made
11	Other Procedures
	Section 2 – How the Process Works
13	How to make a complaint
13	How complaints will be handled
17	Timescales
17	Resolution and Remedies
17	Withdrawing a complaint
17	Anonymous Representations
18	Advocacy & Support
18	Persistent & Unreasonable Complaints
19	Learning outcomes
20	Recording
20	Monitoring
	Section 3 – Dealing with Representations
22	Anonymous Representations
22	Informal Comments and Compliments
23	Formal Compliments and Comments

Introduction

This procedure explains what to do if you have a complaint or representation about adult social care services and it sets out the process on how these will be dealt with.

The statutory health and social care complaints procedure applies to service provision to older people, people with a physical disability, people with a learning disability, people with mental health issues and other vulnerable people.

We aim to ensure that people who complain about adult social care services can have their concerns resolved swiftly wherever possible, by the people who provide the service locally.

We view the procedure as a useful tool for indicating where services may need some adjustment, to help inform and influence service improvements, rather than a negative process to apportion blame.

We aim to develop a listening and learning culture where information is fed back to people who use services and that this information is also used by the Adult Services Directorate to make improvements.

The procedure gives people the opportunity to let the Directorate know about both their good and bad experiences of the service.

This procedure has been drawn up with full reference to information and guidance provided by the Local Government and Parliamentary & Health Service Ombudsmen and the Department of Health.

Statement of Commitment

The People Services Directorate aims to show its commitment to the new complaints requirements by:

- Ensuring there is a consistent and effective response to any comment, concern or complaint made to the Directorate.
- Supporting staff in recognising dissatisfaction, and how to deal effectively with it.
- Ensuring effective reporting systems are made available to staff.
- Ensuring staff have a knowledge and understanding of the procedure through appropriate training.
- Working in partnership with NHS bodies to ensure a single response is made to any joint complaint.
- Ensuring the public, service users and carers have access to information about the complaints procedure.
- Ensuring that lessons learned are fed back to improve service delivery.
- Sharing information appropriately, within the identified legal and ethical constraints.
- Respecting equal opportunities, anti-discriminatory practice and diversity issues.

Key Principles of our Complaints Procedure

- The procedure will be clear, transparent and easy to access
- We will treat people with dignity and respect
- We will deal effectively with all complaints
- We will act fairly and proportionately
- We will ensure the process is fair and independent
- We will monitor performance and promote learning from complaints to improve services
- When things have gone wrong we will attempt to put things right
- We will take seriously the issue of confidentiality
- People can have confidence in the procedure

Section 1:

The Scope of the Complaints and Representations Procedure

Our intention is to allow access to a statutory procedure to anyone who wishes to make complaints and representations, including complaints about the actions, decisions or apparent failings of the Adult Services Directorate and to allow any other person with sufficient interest to act on behalf of the individual concerned. Complaints of a general nature, which are not concerned with an individual person, are likely to fall outside the statutory definition, as are anonymous complaints.

What is a Complaint?

The Council has based this on the Ombudsman's definition of a complaint, i.e. *"An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council."*

Legislation

This procedure is a statutory requirement laid upon Social Services Departments by the *Local Authorities Social Services Complaints (England) Regulations 2009*. This procedure complies with the Data Protection Act 1998 and the Freedom of Information Act 2000. Any information obtained in relation to a complaint can only be used for that purpose.

Responsibility for the Procedure

All staff have certain responsibilities as any of them might receive a complaint, or be asked for information. Service Managers have further responsibilities, as they are likely to be involved in initial attempts to resolve complaints and in referring them on at appropriate points.

Staff have a responsibility to ensure that service users and carers are made aware of the complaints procedures and that they are given information in an appropriate format. Information on the procedure is available from the Complaints and Feedback Team.

Responsibility for the management of the procedure lies with the Head of Customer Service, Intelligence & ICT. Day to day responsibility for the operation of the procedure lies with the Complaints & Feedback Team.

Who Can Use the Procedure?

In general terms, anyone can make a complaint or representation to the Directorate about any of its services and people should be encouraged to do so. Not all of them, however, will be dealt with under this Statutory Procedure. The procedure can be used by or on behalf of any adult to whom the Directorate has a power or a duty to provide a service.

Complaints or representations may therefore be received from service users, parents, carers, representatives, and anyone else who the Directorate thinks has a sufficient interest in the matter concerned.

Where a complaint is received from a person acting on behalf of someone, the Directorate has the discretion to decide whether or not the person is suitable to act as a representative or has sufficient interest in the individual's welfare. If the Complaints Manager considers that the person is unsuitable or does not have sufficient interest, he/she will notify them in writing, explaining that no further action will be taken and how they may challenge the decision. The Complaints Manager will also discuss this decision with relevant operational managers as appropriate.

What Can Be Complained About?

The Regulations deliberately allow for complaints about a very wide range of issues, but we have included some examples below:

- unwelcome or disputed decisions
- concern about the quality or appropriateness of a service
- delay in decision making or provision of services
- delivery or non-delivery of services including complaints procedures
- quantity, frequency, change or cost of a service
- attitude or behaviour of staff
- the impact on an individual or the application of a policy;
- any form of discrimination.

This is not an exhaustive list. If someone is unsure whether their complaint falls within the scope of the Regulations, the Complaints and Feedback Team will be able to provide advice.

When the Complaints Procedure Does Not Apply

There are a number of circumstances where the Statutory Complaints Procedure does not apply or where it is not the most appropriate procedure to be used. The Complaints and Feedback Team can provide assistance and advice and wherever possible will provide information on other processes and procedures available to the customer in pursuit of their complaint.

The following complaints are not to be dealt with under the Statutory Complaints Procedure:

- Complaints about children's and young people's services
- Complaints made by another organisation.
- Complaints made by an employee relating to their employment.
- Complaints which have been made verbally and have been resolved to the complainant's satisfaction within 24 hours of the complaint being made.
- Complaints which have been previously investigated under these procedures.
- Complaints which have been investigated by the Local Government and Social Care Ombudsman.
- Complaints about the Freedom of Information Act 2000
- Complaints about the Data Protection Act 1998.
- Decisions made by Approved Mental Health Professionals.
- Complaints in relation to a matter that is in court proceedings
- Appeals against Court Rulings
- Where the issue of the complaint is over 12 months old, unless there are exceptional circumstances

There are other occasions when this procedure will not be appropriate, for instance when:

- The initial contact is a request for service;
- The issue is not about social care provision (the Corporate Complaints Procedure may be more appropriate);
- The complaint is an allegation of staff misconduct ;
- A criminal Police investigation is invoked;
- Multi-agency adult protection/safeguarding procedures are invoked;

Complaints about Direct Payments

It is important to understand the difference between complaints about how the Direct Payments Scheme is organised and complaints about problems you may have with an employee or service provider. We can consider a complaint under this procedure about:

- The actual process of allocating a Direct Payment or Personal Budget;
- Services that are provided directly by the Council;
- The Council managing the budget on your behalf
- Your care needs.

However, if there are problems around the employment of the carer, this is not something that this procedure can consider. Whilst not all complaints about Direct Payments or Personal Budgets will be able to be considered under the Statutory Complaints Procedure, we would still like to know about any dissatisfaction. The Complaints and Feedback Team can offer help and advice about other procedures, such as Safeguarding, and can also signpost to other services that may help bring about a satisfactory resolution to a complaint, or provide information about advocacy and mediation services if appropriate.

Complaints about a Commissioned Service

Residential Care Homes, Nursing Homes and Homecare agencies are regulated under the Care Standards Act 2000, which requires these providers to have their own complaints procedures, and are themselves subject to regulations and national minimum standards.

If your complaint is about a private care home or agency, you should contact them in the first instance as they will have their own complaints procedure to follow. If you are unhappy about their response and your care has been arranged and funded by the Council, we may review it under our procedures to ensure that the provider has carried out a robust investigation

We take seriously our responsibility as a commissioner of services to the public and we want to hear your comments and feedback about the service you receive, whether it is positive or negative.

The Complaint & Feedback Team shares information about complaints in respect of commissioned services with other agencies/teams to ensure and maintain provision of quality services. For example we will share information with the following, where appropriate:

- *The Social Work Team* - so that the social worker can take any appropriate action in respect of a care package.
- *The Commissioning Service* - who monitor the quality of the services we commission on a regular basis.
- *The Safeguarding Adults Team* - Information on safeguarding adults can be found at www.alertabuse.org.uk
- *The Care Quality Commission* - Information on the Care Quality Commission can be found on their website: www.cqc.org.uk

If your complaint is about a service you self fund

The regulations do not allow us to consider complaints from self-funded users of independent services under this Statutory Complaints Procedure. In those instances where the complainant remains unhappy with the response they have received from a care provider, they will be able to progress their complaint to the Local Government & Social Care Ombudsman. The Complaints and Feedback Team can provide an information on how to do this upon request. Information about the Ombudsman is also available on their website: www.lgo.org.uk. However, we would wish to be as helpful as possible in terms of signposting self-funders and offering advice as appropriate.

The single integrated complaints process

Sometimes a complaint crosses over boundaries between the local authority and the NHS. Where this happens, a complaint can be made in its entirety to either of the bodies involved.

A duty is placed on health and social care organisations to cooperate and work together to ensure coordinated handling and to provide the complainant with a single response that represents each organisation's final response. There will be one timescale set by the lead agency to which both agencies will be governed. The Complaints Manager will discuss with the complainant how the various elements of complaint will be addressed and seek permission to pass information to relevant bodies.

Time Limit for Making a Complaint

There is a **12 month time limit** for making a complaint. Generally, consideration will not be given to complaints made more than one year after the date of the event which gives rise to the complaint, or the date the complainant became aware of it. This is to assist the Directorate in dealing with current complaints rather than historic matters. Where a complaint is made outside of this timescale, the Complaints Manager will make a decision as to whether to accept the complaint or not, having regard to the reasons for the complaint being made late.

Should a complaint be refused on the basis of the time limit, the Complaints Manager will write to the complainant advising that their complaint will not be considered and explain the reasons why. Complainants will also be advised of their right to approach the Local Government and Social Care Ombudsman.

Possible grounds for accepting a complaint made after one year include:

- Genuine issues of vulnerability;
- The Directorate believes there is still benefit to the complainant in proceeding;
- There is likely to be sufficient access to information or individuals involved at the time, to enable an effective and fair investigation to be carried out;

Where a complaint may be placed "on hold"

When a complaint is received that is also part of an ongoing criminal investigation and/or where Court action is pending, the Complaints Manager will take advice from the Head of Law and Governance, the Police or the Crown Prosecution Service in order to determine whether progressing with the complaint might prejudice subsequent legal or judicial action. If this is the case then the complaint will be put "on hold". The Complaints Manager will keep the complainant advised of what action is being taken in respect of the complaint investigation.

Suspending Decisions if a Complaint Has Been Made

In some circumstances, decisions will have to be 'suspended' when they become the subject of a complaint. This is because implementing the decisions would render the complaints procedure ineffective or undermine public confidence in the procedure e.g. a decision to move an elderly person to another establishment when this decision has become the subject of a complaint. A decision to "suspend" will only be made following a discussion between staff involved, senior managers, the Complaints Manager and the complainant as appropriate.

Other Procedures

Complaints that fall outside the Statutory Complaints Procedure still need to be dealt with appropriately. In general these will fall into the Council's Corporate Complaints Procedure. Complaints of a very general nature and anonymous complaints are excluded. Information in respect of the Corporate Complaints Procedure is available on the Council's website www.sunderland.gov.uk

Where a matter falls into both Statutory and Corporate procedures, the Council may consider accepting these into a single investigation through the Statutory Procedure. All such cases will be considered on an individual basis.

The complaints procedure does not limit in any way a person's right to approach a local councillor or MP for advice, assistance or investigation, nor does it affect a person's right to refer a complaint to the Ombudsman, should they wish to do so. However, the Ombudsman may decide to refer the complaint back to the Council to give it the opportunity to investigate under the relevant procedure, prior to them becoming involved.

There may be some cases where the availability of another procedure e.g. the legal process, will make using the complaints procedure inappropriate. In such cases guidance should be sought from the Complaints Manager.

In some cases, a different approach will be needed because of the nature of the complaint, for example: where serious allegations are made, senior staff of the Council may need to be involved immediately; if allegations indicate a criminal offence has been committed, it may be necessary to inform the Police; should a possible adult protection issue arise, these should be dealt with under the agreed Safeguarding Adults Procedures. www.alertabuse.org.uk

If the Safeguarding Adults Procedure is activated, this takes priority and action in relation to any complaint would cease until the Safeguarding Procedure is complete. The Complaints Manager will inform the complainant in this event

The Complaints Procedure is separate from the staff discipline and grievance procedures, and from the procedure for gaining access to client records. Complaints, whilst separate, may run in parallel with action under the disciplinary procedures or on occasion, Police investigation. Decisions on how to proceed will be made on a case-by-case basis.

The Ombudsman outlines that the purpose of the complaints system is to find out whether the Council did anything wrong and, if it did, to try to put things right. This can be distinguished from disciplinary proceedings, which are there to decide whether a particular member or members of staff have broken the Council's rules or procedures in respect of employees.

Need More Information?

If you need more information about this Procedure, contact the Complaints and Feedback Team. Contact details are on the front page of this document.

Section 2:

The Complaints Procedure

The Directorate actively encourages service users to complain about adult social care services or provisions that they are not happy with.

How to Make a Complaint

Whatever the reason for your concern, we want to hear about the problem so that we can go about putting it right as quickly as possible. You can complain to us in person, in writing, by telephone or e-mail to any member of staff. If possible you should first raise your concerns with the person providing your service or their manager. You can also contact the Complaints Manager directly.

Write to:	Complaints & Feedback Team Civic Centre, Burdon Road, Sunderland, SR2 7DN
Telephone:	(0191) 561 2464 or 561 7993
Email:	complaints@sunderland.gov.uk
Website:	www.sunderland.gov.uk

There are two stages to the statutory procedure:

- Local Resolution by the Council
- Local Government and Social Care Ombudsman

The local resolution stage is about the Directorate trying to resolve complaints quickly and as close to the source of the complaint as possible.

How Complaints will be handled

Complaints will be dealt with once, rather than escalating through a number of stages, and where appropriate will receive a written response. The Directorate will also take a proportionate approach to the investigation and resolution of complaints.

- **Concerns and quick resolution (timescale 48 Hours]**

If it is possible to resolve the matter immediately (within 48 hours) there may be no need to engage the complaints process. Sometimes people may report that they have '*concerns*' regarding a social care service, but often want to avoid making a fuss or a formal complaint.

By listening to people voicing their concerns, managers can resolve mistakes faster, learn new ways to improve and prevent the same problems from happening in the future.

Where a person contacts the Directorate with an expression of dissatisfaction about adult social care, the officer receiving this must assess whether this is to be handled as a concern or a complaint. If the contact is verbal ('made orally') and the resolution is agreed locally and within one working day from the day on which it was received, it is dealt with as a concern.

Where it is felt that there is potential for an informal resolution to the complaint, something we actively encourage, the responsible manager will discuss this with the complainant. A record of the issue, the agreed means of resolution and the conclusion **must** be made on the relevant case record. Where the complainant does not agree with the informal resolution route, then the issue should be formally logged and dealt with as a formal complaint and in accordance with this complaints procedure.

It is not necessary to report matters which are regarded as "concerns" to the Complaints and Feedback Team.

- **Formal Complaint (timescale 25 working days)**

The aim is to address the complaint at this stage through investigation. Normally the service area responds to the complaint using information and evidence supplied by case officers and section managers. At times specialist advice from other officers or assistance from independent external sources may also be required. In most cases relevant local and national policies and procedures will need to be identified and referred to.

On receiving a complaint, the Complaints and Feedback Team will acknowledge it within three working days and undertake an initial Triage/Assessment of the issues raised. This will take into consideration the complexity of the case, the impact and likelihood of recurrence and whether there are any safeguarding issues to be considered as well as the involvement of other agencies. Where safeguarding issues have been identified consultation will take place with the Safeguarding and Social Care Governance Team before any other action. Where it is considered more appropriate to use the Safeguarding process, the Complaints Manager will inform the complainant.

Where the complaints process is to be used, the Complaints and Feedback Team will ensure the details of complaint are shared with the relevant manager who will consider the elements of complaint; consider what action is required to respond to them; provide a written response to the complainant (unless this would be inappropriate).

The relevant manager will also decide whether contact with the complainant is necessary. This will need to happen in cases where more information is required to properly assess the elements of complaint, but may not be required where the detail of the complaint and desired outcomes have been made clear from the outset.

Where immediate resolution is appropriate and proportionate to the complaint, we will endeavor to do this in as a timely a manner as possible. However, there will be times when a preferred resolution can only be considered after the full facts of the case have been made known.

Where the complaint relates to more than one service area, a suitable lead person should be appointed to allow for a coordinated and comprehensive response. Lead responsibility will be allocated by the Complaints Manager in consultation with the relevant service managers.

Any investigation will normally include the following elements:

- Interview with case officers and other relevant staff.
- Review files including site notes, case diaries, telephone logs etc.
- Review, if appropriate, committee reports and minutes.
- Review relevant national and local policies, procedures and practices.
- Consult senior staff and/or take appropriate independent expert advice and/or legal advice.
- Summarise issues and come to a conclusion.
- If any part of complaint has merit, consideration of a suitable remedy.

If further time is required to prepare a satisfactory reply, the complainant will be kept informed.

A written response will be made to the complainant covering all the issues raised in their complaint. It will include information in respect of any proposed recommendations or remedy together with a timescale for these to happen. The response will include information on how to escalate the complaint to the Ombudsman should the complainant remain dissatisfied.

- **Formal Complaint – high level of complexity requiring a more comprehensive consideration (timescale 90 working days)**

There will be occasions where the complexity of the complaint demands a more comprehensive consideration. Where this is necessary, an officer will be appointed to investigate the complaint. This may be an external appointment or, where an in-house officer is appointed, who will have had no previous involvement in the case.

A statement of complaint will be agreed with the complainant. This will form a written document that the complainant will be asked to sign. This will ensure a shared understanding of the issues which are the subject of the complaint and an agreement as to how the issues will be dealt with.

The investigator will attempt to come to a mutual agreement with the complainant on an initial timescale for the investigation and will also agree a level of preferred contact. For example, a weekly telephone call to provide an update on the investigation.

Once the investigation is completed, the investigating officer will share a draft with those officers involved and with the complainant for their comments. The Investigating Officer will take on board any comments made and conclude their report.

The final report is presented to the appropriate Head of Service for their consideration and for them to draw up the adjudication on behalf of the Council.

A copy of the full investigation report and letter of adjudication is provided to the complainant. The complainant is also advised of their right to take the matter to the Ombudsman if they are unhappy with the response and investigation findings.

Timescales

There are no statutory regulations about how quickly the Council should respond to complaints but the Council will aim to respond as follows:

	Timescale (within)
Concerns and quick resolution	48 hours
Acknowledgement of complaint	3 working days (in writing or verbally)
Formal complaints	25 working days
Formal Complaints (requiring a more comprehensive consideration)	90 working days (where possible)

The overall life of a complaint should be no longer than six months in total, in accordance with the Ombudsman's guidance.

Resolution and Remedies

Where some justification is found for a complaint, consideration needs to be given to the question of an appropriate remedy. An apology and/or explanation will always be needed where any part of the complaint is upheld. It may be necessary to determine who can provide remedial action and what arrangements are needed. The Council's guidance on the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss has been incurred, and where agreement has been reached with the Head of Service.

Withdrawing a Complaint

A complainant may withdraw their complaint at any time. The Complaints Manager will write to the complainant as soon as possible to confirm that the complaint has been withdrawn. The Council will consider whether or not the issue of concern requires further consideration under appropriate internal management review systems.

Anonymous Representations

Anonymous complaints are not included in the procedure but may be acted upon at the Directorate's discretion. These are recorded and referred to the Complaints Manager in the same way as other complaints.

Advocacy & Support

Anyone involved in the procedure, whether a complainant or a member of staff, can be supported or helped by someone of their choice at all stages. A complainant may wish to have the help and support of a family member. Supporters will have the right to attend meetings, have copies of relevant letters and reports, etc.

Where complainants have difficulty in presenting the complaint themselves, they should be actively encouraged to have someone advocate for them. The advocate can assist in formulating the complaint and in presenting it to the Directorate and can also provide support throughout the complaints procedure. The Complaints & Feedback Team can provide information about sources of help on request. However, there is ***no duty*** on local authorities to provide an advocacy service in respect of this procedure.

Persistent and Unreasonable Complaints

We are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. The Council does not expect its staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive or threatening, and will take action to protect staff from that behaviour. The term '*persistent and unreasonable complainant*' broadly applies to those customers who are aggressive or have demonstrated abusive behaviour as well as those who make unreasonable demands or become unreasonably persistent. Customers to whom this policy may apply include those who:

- Refuse to accept the remit of the process to be undertaken as described to them.
- Request action that is not compatible with the process or place unreasonable demands on staff.
- Introduce unrelated additional information with an expectation that this is taken into account.
- Make excessive contact with staff.
- Submit concerns or complaints about the same issues as have previously been appropriately and fully investigated and responded to.
- Engage with staff in a manner which is deemed unacceptable or inappropriate.
- Refuse to adhere to previously agreed communication plans.
- Behave in a threatening/abusive manner, having been previously advised it is not acceptable.

In all cases, the Council will write to tell the complainant why it believes the behaviour is unacceptable, what action the Council will be taking and the duration of that action. The Council will also inform the complainant how to challenge the decision if they disagree with it.

However, in cases of extreme behaviour, which threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, the complainant may not get prior warning of the action.

Learning Outcomes from Complaints

Listening to feedback about our services can identify potential service problems and affords us the opportunity of putting things right. We therefore ensure that learning from complaints is identified clearly and used to improve practice across adult social care services (Peoples Services Directorate). The Complaints Manager highlights trends and themes to the Senior Management Team in the People Services Directorate on a quarterly basis for discussion and further dissemination to relevant managers and staff.

Further Action

At the end of the procedure the complainant will be advised of any further courses of action available to them, should they remain dissatisfied, in particular, the complainant's right to refer the matter to the Ombudsman.

Support for staff

The Council recognises that being involved in responding to complaints can be a stressful experience. Staff who are named in complaints, or whose evidence might be required as part of an investigation, should receive support through the line management structure. Anyone interviewed as part of a complaints investigation is entitled to have a support person with them.

The Complaints Manager is available to give advice to all staff named in complaints and this can be in a number of ways: helping to establish the most effective way of responding to a specific complaint; facilitating face to face meetings with the complainant; offering guidance regarding written responses; team briefing sessions on the complaints procedure; training on effective responses to complaints; training on complaints handling.

Recording

The Complaints and Feedback Team will keep a record of each complaint, containing all reports, letters, records of meetings and any other relevant papers. An electronic database of all complaints will be maintained. We scan all documents when we receive them and destroy the paper copies, unless you tell us that you want your documents returned.

We may also obtain information about you and your complaint from other sources, such a care agency or provider that has been complained about, in order to process your complaint.

The service user's express consent is not required to access information about him/her for the purpose of investigating a complaint raised by that service user. Where a complaint is made by a carer or relative about issues that affect them in their role as carer or relative, consent is not required.

Where a complaint is made on behalf of a service user who has not authorised access or discussion of their records to a third party, the complaint should be investigated but care must be taken not to disclose confidential information.

Particular care is to be taken where the service user's records contain information provided in confidence by or about a third party. Only information which is relevant to the complaint should be considered for disclosure and then only to those who have a demonstrable need to know. It must not be disclosed to the service user unless the person providing the information has expressly consented to the disclosure

We keep a record of the complaint and details of our involvement for five years from the closure of the complaint.

Monitoring

Ongoing and regular monitoring of adult social care complaints will be undertaken by the Complaint and Feedback Team. The Complaints Manager will ensure that records are kept of each complaint received including; the nature of complaint, the service area involved, the outcome of the complaint and whether timescales have been met together with any learning outcomes or recommendations.

Recommendations will be monitored and reported back to the Senior Management Team in the People Services Directorate to ensure that they help inform service improvement.

The Annual Complaints Report will be presented to the appropriate Scrutiny Committee and will include details of the activities of the Complaints and Feedback Team, any changes to the statutory procedures and a review of the operation and effectiveness of the Complaints Procedure.

Section 3:

Dealing with Representations

What is a Representation?

A representation is a compliment or comment about Council activity that is not a complaint and provides useful feedback on what people value about what the Council does. We use compliments and comments to let individual staff know when they have been particularly effective in their day to day work, to know that they are valued, to make sure councillors are aware of what people appreciate, and help services focus on continuing to do more of what people value most.

Our customers often have a valuable insight into how our services could be improved, alternatively they may be very happy and pleased with the service they have received. We ensure that such comments and observations are shared with staff.

The Directorate listens to all statements made by our customers whether positive or negative and uses them to help identify areas for improvement or areas of good practice. There will also be occasions where customers want to make representations/suggestions which they do not regard or wish to have logged as a complaint.

Anonymous Representations

Anonymous representations are not included in the procedure, but may be acted upon at the Directorate's discretion. These are recorded and referred to the Complaints and Feedback Team in the same way as other representations.

Informal Comments and Compliments

Many comments and compliments will be made casually and informally, usually when the person is using the service. Such comments will be made face to face or via telephone. In these cases, notes will be taken and forwarded onto the relevant service manager.

The service manager will then decide whether any further action is required, i.e. whether the comment can be implemented to improve service delivery. If the suggestion is a sound one and can lead to service improvements, the service manager will write to the person concerned, thanking them for their input and informing them of the outcome of their comment.

If the suggestion cannot be implemented to improve service delivery, no further action need be taken.

Formal Compliments and Comments

Sometimes customers will take the time and trouble to send in their comments or compliments by letter. Such observations are dealt with in a more formal manner.

The following procedure should be adopted: -

- **Acknowledge Receipt** - All letters containing comments or compliments should be recorded when received. The letter should be acknowledged within 5 working days of receipt.
- **Evaluating Comments** - Written comments should be passed on to the relevant manager for evaluation. The manager should decide what action is appropriate and whether the suggestions could improve the service. If positive changes can be made, the customer should be informed by letter.
- **Processing Compliments** - Most compliments will not contain suggestions for improving service delivery and therefore cannot be actioned. However, staff morale can benefit from such compliments. Managers will therefore ensure that the relevant workers are notified of any compliments received.

