



Nottinghamshire County Council

Adult Social Care Complaints procedure

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1. Introduction.

The Council is committed to providing a high-quality service to everyone we deal with. We welcome any comments and need you to tell us when we don't get things quite right. We want to work with you to help you resolve your concerns as quickly as possible.

The Council will initially assess the information you provide and decide how best to manage your concerns in a fair and proportionate manner. To do this we need to know in brief terms, what has gone wrong, how this has affected you and the outcome you are seeking. Some concerns or enquires can be resolved quickly without the need for escalation and where this is not possible, we will manage the matter as a formal complaint which is a two-stage process.

We treat as a complaint any expression of dissatisfaction with our service, which calls for some form of investigation and response. We listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our services.

Some discretion may be applied to the way we handle certain types of complaints and this would depend on the specific circumstances of the case.

2. Background

The statutory complaints procedure is specifically for certain complaints about adult social care. The legislation that sets out how we are expected to handle these types of complaints is called 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.

Further information can be found by using the following links:

<https://www.nottinghamshire.gov.uk/contact-and-complaints/complaints/complaint-comment-compliment>

<https://www.lgo.org.uk/adult-social-care>

3. Our standards for handling formal complaints.

The Adult Social Care complaints procedure will consider a complaint from you or your representative if you;

- receive or have received support or services; or
- are affected by, or likely to be affected by, the action, omission or decision of the County Council in respect of its social care functions in accordance with the Care Act 2014.

A complaint may also be made by a representative acting on behalf of a person who has, or had, a right to complain and where this person;

- is unable to make the complaint themselves because of physical incapacity or lack of capacity within the meaning of the [Mental Capacity Act 2005](#)
- has requested the representative to act on their behalf
- has died

Please note: You can make a complaint directly to the Council so there is no requirement for you to employ a paid representative to act on your behalf. You can of course be supported by a friend or advocate.

If you are making a complaint on someone else's behalf, we will need to satisfy ourselves that you have the consent of the person you are representing or alternatively that you are acting in their best interests.

This procedure covers complaints about;

- the standard of service we provide and those we commission from partners or independent service providers, who will be acting on our behalf

- the behaviour of our staff
- any action or lack of action by the Council affecting an individual or group

Some complaints may involve both social care and NHS services. The Complaint Regulations state that the responsible organisations must cooperate in managing the complaint. This includes establishing whether a joint investigation is required and if so, who will lead the process; share relevant information; and, provide the complainant with a coordinated response.

This procedure does not cover all types of complaints. Examples include, but are not limited to;

- complaints which fall under certain statutory provisions, e.g. children's social care services, education, some tribunal processes such as the Mental Health Tribunal
- where the complainant has initiated or states they intend to take legal proceedings
- Council policy decisions
- complaints about Councillors
- historical issues; where the service failure arose more than 12 months ago (where the complainant was aware of the issue and able to complain at the time of the event)
- matters that have already been fully investigated via this complaints procedure
- concerns which have not or are not likely to have a direct impact on the complainant or the person/people they are representing
- anonymous complaints
- complaints about access to information where procedures and remedies are set out in legislation, e.g. Freedom of Information Act, Data Protection Act

It might be helpful to understand that we can investigate how a decision has been reached and whether the correct process has been followed. In some cases, a senior manager will review the quality of the work undertaken in a case, and the decisions made, however the complaints process will not overturn a professional decision made in the correct way.

4. How we will manage your complaint.

All formal complaints will be referred to the Complaints and Information Team who will log the complaint, assess the information to ensure it is complete and eligible for the complaints process. In some cases, we may need to make some further enquiries at the assessment stage before the complaint can commence the procedure.

Your complaint will be allocated to a named complaints officer who will be your point of contact throughout the complaints process. If your contact details change, you will need to inform the complaints team.

- We treat all complaints seriously.
- You will be treated with courtesy and we expect that you will always be courteous and fair in your dealings with our staff.
- We will acknowledge receipt of your correspondence within 5 working days.

- Complaints are usually managed in date order (date of receipt) whether by telephone or in writing.
- Customers who escalate their complaint outside this process to senior executives or Councillors will be referred to the Complaints Team to ensure due process is followed and there is one line of communication. The Ombudsman considers this is good practice.
- We will aim to respond to your complaint within 20 working days. If we cannot send a full reply within this timescale, we will tell you the reason why and let you know when we will be able to reply in full.
- If fault is found during the investigation process, then an appropriate remedy will be offered. (See page 7).
- All complaints and outcomes which are managed via the Council's complaints procedure are reported to the appropriate senior leadership teams.
- We will publish information in our annual report on the numbers and categories of complaints we receive, and the percentage of complaints upheld.
- If you remain dissatisfied with the Council's response to your complaint, you have the option of requesting an independent review by the Local Government and Social Care Ombudsman. (See page 8).
- The Governance and Ethics Committee regularly review the outcome of all complaints which are considered by the Local Government and Social Care Ombudsman.
- In some cases, when you contact us we may signpost you to a different authority or organisation, including District or Borough Councils or other local service providers. This is because we do not consider the issue relates to a County Council service. Our aim is to save you time and trouble, so you do not have to repeat your concerns to different contacts and help you achieve a prompt and satisfactory outcome.

Confidentiality

All complaints received will be dealt with in accordance with the requirements of the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK. For general reporting purposes, we anonymise all complaints so personal details are removed.

5. How to make a formal complaint, provide feedback and other enquires.

There are different ways to express your views to the Council or seek answers to general enquiries without the need to take time and trouble to pursue a concern and wait for an individual response. The Council's website provides useful information you and the most up to date information about the future of Council services. [Nottinghamshire County Council](#)

Experience tells us that many customer concerns and queries arise as a result of some form of communication issue. Most can be easily resolved if the matter is appropriately raised and directed to the right department, so before you make a formal complaint to the Council, you should discuss your concerns directly with your named worker if you have one. You can also raise issues with the Team Manager. All managers within Adult Social Care receive training in

complaints handling and this includes trying to resolve problems at the first opportunity to prevent them escalating.

You may wish to refer to the information and tips available on the Council's website or to the Local Government and Social Care Ombudsman's website (links below), both provide further information and advice about the best way of raising and resolving concerns:

[Comments, compliments and complaints | Nottinghamshire County Council](#)

<https://www.lgo.org.uk/make-a-complaint/top-tips-for-making-a-complaint>

Making a complaint.

You can submit a complaint via the Council's website by following the link below:

<https://www.nottinghamshire.gov.uk/contact-and-complaints/complaints/complaint-comment-compliment>

If you cannot access our online form and want to make a complaint, comment or compliment please use the other access channels listed below:

- By telephone: 0300 500 80 80
- Via Email: complaints@nottscc.gov.uk
- In writing: Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP

Please note we do require your full contact details including a telephone number, mobile and email address which helps if we need any further information from you. If you need any specific assistance to make your complaint, for example an advocacy or interpreter service, please let us know. On request, we can arrange to take details of your complaint over the telephone at a mutually convenient time.

We will need a brief summary of your complaint which sets out:

- what fault or service failure has occurred - including the date, location and area of service or any individual or team involved
- how this has impacted on you, or the person you are representing
- what action you are seeking from the Council to resolve your complaint

Please provide us with copies of any documented evidence to support your complaint including any previous correspondence you may have had with the Council about the matter. Please note: although you may name Council officers in your complaint and their action or conduct will be considered during the investigation, we will view the matter as a complaint against the Council.

If your concerns indicate that an adult or adults may have been or are currently at risk as a result of a service failure, we will immediately refer the complaint to our Multi-Agency Safeguarding Hub for assessment. If the matter needs to be considered through the adult

safeguarding procedures instead of the complaints process, we will notify you of this decision. Once the safeguarding process has been concluded, you can continue with the complaints procedure if you have any remaining concerns about the service you or the person you are representing has received.

A link to information about safeguarding Adults is here [Safeguarding adults - Multi-Agency Safeguarding Hub \(MASH\) | Nottinghamshire County Council](#)

6. Timescales.

Once the Complaints Team have all the relevant information your complaint will begin the first stage of the complaints procedure.

First stage

This is the first opportunity for your complaint to be investigated by the appropriate operational manager. Our aim is to resolve a complainant's dissatisfaction quickly and most complaints will be resolved at this stage. We will consider different resolution options when required. The manager will write to you within 20 working days to set out the Council's response to your complaint.

Final stage

If you are dissatisfied with this response you may request to escalate your complaint to the final stage. To do this you will need to refer your complaint back to the named complaints officer at the Complaints Team, usually within 10 working days. This stage involves an independent review of your complaint by a senior service manager or director, supported by a complaints officer, who acts independently and will ensure the review is carried out fairly and thoroughly. The senior manager or director will write to you with the Council's final decision about your complaint within 20 working days.

An overview of the process is attached to this procedure.

7. Remedies

When we don't get things right we will act to:

- accept responsibility
- 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 action we take to put matters right (i.e. redress) in response to a complaint, can include any combination of remedies which will normally include an explanation and apology. The general principle we follow is that a complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong.

The remedy chosen needs to be proportionate and appropriate to the failure in service and consider what outcome people are looking for when they complain.

The Council takes careful consideration of the LGSCO guidance on good practice and remedies; <https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-remedies>

Compensation

In most cases, compensation will not be offered. If it is evident at the outset of a complaint that the customer is seeking compensation, consideration will be given whether the matter should be referred to the Council's Risk and Insurance Team. Alternatively, the customer may be advised to seek independent legal advice.

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 complete an investigation to consider whether a financial remedy is appropriate. In determining this, the Council will refer to the LGSCO guidance on remedies, as detailed above.

The Council also has a Maladministration Policy in place which aims to offer fair remedy, but not compensation payments comparable to what a court might order. A court would consider detailed evidence in relation to liability, causation and mitigation; considerations which are beyond the scope of the council's policy.

We will always be clear and transparent about the reason for any decisions we make and it will be recorded by the decision maker and included in our response.

8. If you remain dissatisfied

If you remain dissatisfied with the Council's response, the handling of your complaint or the remedy offered at the final stage of the process, you can refer the matter to the Local Government and Social Care Ombudsman.

Please be aware that The Ombudsman would usually expect you to have completed both stages of the Council's complaints process before they will consider your complaint.

The contact details can be found here <https://www.lgo.org.uk/> or you can contact them by telephone: 0300 061 0614.

9. Persistent and or vexatious complaints and unreasonable behaviour

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.

Difficulties in handling such complaints can place strain on time and resources and can be stressful for staff dealing with these complex and challenging issues. In order to counter this, we will decide how to manage direct communication with the customer if matters are repeatedly raised or widely escalated. We may decide to limit or cease further contact with customers if we consider they are behaving unreasonably by making persistent or vexatious complaints. We may also redirect email or other correspondence received to a single point of contact.

We follow the Local Government and Social Care Ombudsman's guidance as follows:
<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>