



North Tyneside Council

North Tyneside Council Adult Social Services Statutory Complaint Process

At North Tyneside Council we care about getting things right and strive to get it right first time.

We realise that we don't always get it right, and if that happens, we want to try and fix any problems you may be experiencing. If you have a complaint about our service, we'd like you to get in touch with us first and we can try and resolve your complaint quickly and informally.

This procedure sets out how we will deal with your complaint in line with the Local Authority Social Services and National Health Service Complaints (England) Regulations which came into effect in April 2009.

The legislation provides a single complaints process for people who are receiving services from both the Local Authority Adult Social Care Department and the National Health Service (NHS). Our aim is to resolve your complaint and put you back in the position you would have been in before having to make the complaint.

Customer First Office

The Customer First Office is a single point of contact for anyone wishing to make a complaint. The team oversees all complaints and provides advice and information to complainants, members of staff and Councillors.

The team can provide information about the complaints procedure in other formats and help arrange advocates and interpreters.

The team records and acknowledges all complaints made to the Council. It provides support to Investigating Officers and monitors the progress of complaint investigations. The team uses the information it collects about complaints to identify any topics and trends to help improve services and is responsible for producing the annual report on complaints, received under this procedure.

The team also carries out customer satisfaction surveys to ensure people are satisfied with the way we handle their complaints.

The team is also the central point of contact for the Local Government and Social Care Ombudsman.

Making a Complaint

What is a complaint?

A complaint can be described as an expression of dissatisfaction with a service which the Authority provides, and which requires a response.

This procedure deals with complaints about Adult Social Care services.

How to Make a Complaint

Customer First Officers are available to help you through this process. If you require any assistance in submitting your complaint, please do let us know.

You can make a complaint by:

Tel: 0191 643 2280

Email: customerfirstoffice@northtyneside.gov.uk

Writing: Customer First Office, North Tyneside Council, Quadrant, Cobalt Business Park, NE27 0BY

Who can complain?

You can make a complaint using this procedure if you are receiving an Adult Social Care service or if you are someone who is affected by something a service has or has not done. You can also complain on behalf of such a person.

If you make a complaint on behalf of another person, we need that person's consent. If we receive such a complaint without consent, we will contact you and advise you of the need to get the person's consent. We may contact the person to confirm they consent and that they agree with the content of the complaint. If you are unable to obtain consent, we are unlikely to investigate the complaint. If your complaint raises concerns about someone's safety or wellbeing, we may treat it as a safeguarding referral. We will always explain our decision and what is going to happen.

If you are making a complaint on behalf of someone who is deemed not to have capacity as defined by the Mental Capacity Act the complaint will only be considered if you have Lasting Power of Attorney (LPA) or are acting in that person's best interest. If we have reason to believe you are not acting in that

person's best interest, we will not consider the complaint and inform you of the reason for our decision. In such cases you have the right to refer the complaint to the Local Government and Social Care Ombudsman.

Advocacy

If you need some help to make your complaint, we can arrange for an advocate who will speak on your behalf.

Anonymous Complaints

If you make an anonymous complaint, we will investigate the matter but we will not be able to provide you with a response. If you do not want to give your name because you are worried that it might affect the service you receive, please be assured this will not be the case. Following an investigation into an anonymous complaint the Investigating Officer will decide what, if any, actions should be taken as a result of the investigation.

Non-qualifying Complaints

Some complaints involve matters which are more appropriately dealt with under other Council procedures or are outside of the Council's jurisdiction. In these cases we will let you know which elements of your complaint, if any, we can look at and under which procedure we will investigate the matter.

Direct Payments and Individual Budgets

Service users and their representatives cannot raise issues under this procedure about services that they arrange and pay for through a Direct Payment or Individual Budget. However, we will look at issues about our role in organising your Direct Payment/Individual Budget, for example, assessing your needs or any advice and assistance given in setting up your Direct Payment/Individual Budget.

If you are unhappy about a service, you arrange and pay for through a Direct Payment or Individual Budget you may make a complaint directly to the Local Government and Social Care Ombudsman.

Staff Behaviour and Attitude

If your complaint is about the attitude or behaviour of a member of a staff it may be appropriate to investigate the matter under the Council's employment procedures. Where this is the case, we will let you know how we will deal with the matter, however, due to the confidential nature of employer-employee relations we will not be able to provide you with details of the outcome.

Mental Capacity Act

Under the Mental Capacity Act health or social care professionals can assess a person as lacking capacity and make decisions or carry out actions on behalf of that person. When we make such a decision you cannot challenge it using this procedure. Guidance on how you can challenge decisions made under the Mental Capacity Act is included in the Mental Capacity Act Code of Practice which is available from the Department of Health.

If you feel that there has been a fault in the decision-making process it may be appropriate for you to use the complaints procedure, however there are a number of other resolution options available. You should discuss these with the relevant care manager. Although a best interest decision cannot be overturned through the complaint procedure, if it is found that there was a fault in the decision-making process a re-assessment may be carried out.

Time Limit

We will not usually investigate your complaint if 12 months have passed since the date you learned that something went wrong. However, we may accept your complaint for one or more of the following reasons:

- You are a vulnerable adult and did not complain because you were concerned about what might happen.
- We believe that there would be a benefit to you in looking into your complaint.
- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.

There may be other reasons why we would consider your complaint that are not included in this list, we will consider each case on its merits.

Other Non-qualifying Complaints

The following types of complaints do not qualify to be dealt with under this procedure:

- A complaint about matters which have been fully dealt with under this or other appropriate procedures.
- A complaint by an employee about any matter relating to their employment.
- A complaint which is made orally and is resolved no later than the next working day.

- A complaint about matters which are, or have been, investigated by the Local Government and Social Care Ombudsman or the Health Service Ombudsman.
- A complaint about matters decided by a Court.

Legal Proceedings

You cannot use this complaints procedure to challenge decisions of a Court. Where it is intended that there will be, or there are, ongoing legal proceedings in relation to your complaint we may investigate the matter unless we feel it could prejudice the legal action. If we decide not to investigate your complaint, we will contact you to inform you of this. We may investigate your complaint after the legal proceedings have finished.

Social Care Provider Complaints

Arranged by the Local Authority

If we assess your needs and arrange services to meet them, you can make a complaint to us even if you pay for the service. You can also make a complaint directly to the organisation providing the service. If you make the complaint to us we will contact you to ask for your consent to pass your complaint to the provider organisation to be dealt with in the first instance.

If your complaint is about both the standard of care provided by the provider organisation and the service provided by us, for example your assessment, we will contact you to let you know which part of the complaint will be handled by us and ask for your consent to forward the other elements of your complaint to the organisation providing the service. In such cases we will work with the organisation and provide you with one response covering all the issues raised where possible.

Private Arrangements

If you have arranged and pay for your own care we will not be able to investigate your complaint about the service provided. Since October 2010 complaints made by people who arrange and pay for their own social care came under the jurisdiction of the Local Government and Social Care Ombudsman.

Safeguarding

If your complaint involves concerns about your own or someone else's safety, we will make an adult and/or child protection referral and follow the Authority's Safeguarding Policies and Procedures. Where possible we will carry out a complaint's investigation at the same time.

Joint Health and Social Care Complaints

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 place a duty on local authorities and the NHS to work together when considering complaints about services provide jointly.

Accessibility and Equal Opportunities

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure our complaints procedure is easily accessible we:

- use plain language.
- accept complaints over the phone or in person, in writing, by e-mail and via our website.
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed.
- provide translators (including sign language translators) where needed.

The Complaints Process

You can make an Adult Social Care complaint to any member of staff within the Council. Whoever receives your complaint should forward it to the Customer First Office, who will work with you to complete a Statement of complaint.

The Complaints Manager will decide whether or not your complaint should be dealt with under this procedure, or the Councils Corporate complaint process, and this will be included in your acknowledgement.

How long will it take?

20 working days up to a maximum of six months. While the regulations allow a maximum of six month to investigate a complaint, we will try to respond to your complaint within 20 working days. If it is not going to be possible to investigate your complaint within 20 working days, the Investigating Officer will contact you and explain the reason why.

We may need to extend the timescale for response where people are unavailable due to sickness absence, annual leave, or other commitments or where we are waiting for an advocate or translator to be appointed.

Joint Investigations

Sometimes Adult Social Care complaints will involve other organisations, predominantly health services. The time needed to complete a joint investigation will vary according to the number of issues raised and the number of services involved. For each joint investigation complaints managers from the different organisations will work together.

Who will investigate your complaint?

We will decide on a 'case-by-case' basis who will be best to investigate your complaint. This person will be referred to as the 'Investigating Officer'.

Once the Investigating Officer has looked into the matter, they will write up their findings and share them with you and what the Council intends to do to put things right. They will also let you know what to do should you remain dissatisfied.

Putting things Right

When you make a complaint, we will ask you what you would like us to do to put things right. We will take your views into account, but it may not always be possible to give you exactly what you want. Where this is the case, we will discuss the matter with you and come to an agreement.

If we uphold or partly uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result.

Referring your complaint to the Ombudsman

If you are unhappy with the outcome of your complaint you have the right to refer your complaint to the Local Government or Health Service Ombudsman at any time. However, the Ombudsman is unlikely to consider your complaint unless we have investigated it fully under the Adult Social Care Complaints Procedure.

You can contact the Local Government and Social Care Ombudsman's office by telephone on 0300 061 0614 or 0845 602 1983 (You can also text 'call back' to 0762 480 4299), or in writing to PO Box 4771, Coventry, CV4 0EH.

There is more information about the Local Government and Social Care Ombudsman on their website: <https://www.lgo.org.uk/>

Public Information

We will provide information on how to make a complaint on our website. We will also make leaflets available in all Council buildings and include a leaflet in the information pack given to service users and carers at their assessment.

Satisfaction Surveys

Once we have dealt with your complaint, we might ask you to complete a satisfaction survey. This is about how you feel we handled your complaint. For example, whether or not we kept you informed, met timescales and so on, it is not

about the outcome of your complaint. We would appreciate you taking the time to fill this in and help us improve the way we handle complaints.

Unreasonable and Unreasonably Persistent Complainants

We do not normally limit contact with our offices. However, if complainants display unreasonable behaviour, for example, offensive or threatening behaviour towards staff we may take action to limit their contact. Similarly, if you are unreasonably persistent for example, you contact our offices so many times that it hinders our handling of your complaint, we may take action to limit your contact. In these cases, we will follow the Council's Unreasonable Behaviour Policy.

This document will be reviewed December 2023