

Good Practice guidance for handling complaints concerning adults and children social care services (England)

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Local Government OMBUDSMAN

When we co-published 'My Expectations for Raising Complaints and Concerns' we encouraged organisations to use the research as a framework for developing and reassessing how they handle complaints. It is encouraging to see the National Complaints Managers' Group taking this up, and we welcome this good practice guidance.

We hope to see all councils adopting the guidance as a tool for effective handling of social care complaints, and in the future we aim to use it as a benchmark for assessing complaint handling during our investigations.

Dr Jane Martin
Local Government Ombudsman

These good practice principles have also been endorsed by:



Statement of support from ADASS:

The Association of Directors of Adult Social Services (ADASS) represents Directors of Adult Social Services in Local Authorities in England. As well as having statutory responsibilities for the commissioning and provision of social care, ADASS members often also share a number of responsibilities for the commissioning and provision of housing, leisure, library, culture, arts, community services and increasingly, Children's Social Care within their Councils.

"ADASS supports the effective use of intelligence from service users' complaints as a tool for continuing service development and improvement. The work undertaken by the National Complaints Managers' Group contributes to our aims regarding effective complaints handling. ADASS therefore welcomes this good practice guidance document and would encourage all senior managers and staff across adult social care services to use it." - Harold Bodmer, ADASS President.

The National Complaints Managers' Group

The National Complaints Managers' Group (NCMG) is a forum representing Adults, Children & Families Social Care Complaints Managers from Local Authorities in England.

NCMG represents the views and experiences of Local Authority complaints managers to Government Departments and other stakeholders, including Association of Directors of Adult Social Services (ADASS), Association of Directors of Children's Services, the Department of Health and the Local Government Ombudsman.

This document has been developed by complaints managers representing Local Authorities across England.

Background and context

NCMG issued good practice guidance in 2009 with the objective of improving best practice for handling complaints. In November 2014 'My Expectations for Raising Concerns and Complaints' was published by the Local Government Ombudsman, Health Watch and the Parliamentary and Health Service Ombudsman. Subsequently, in December 2015, the Care Quality Commission (CQC) published Complaints Matters – which endorsed My Expectations and outlined how its principles would be used within CQC's regulatory framework. In addition, under the Ofsted single inspection framework, Children's Services are required to evidence strategic learning and service improvements resulting from complaints and customer feedback. In light of these developments, NCMG has reviewed and updated its existing principles in order to reflect current national requirements and expectations for handling complaints across the children and adults social care sector.

Statement of purpose

These principles should be used as the minimum requirement for the handling of social care complaints and a source of good practice. It is the expectation of NCMG that these principles will be used as a tool to evaluate the customer experience of raising concerns and complaints, as well as being used to assess the performance of the complaints service and to what extent these are meeting the needs of the public.

Adults, children, young people and their families experience of social care services, both positive (compliments) and negative (complaints), together with comments and concerns are often manifested through the complaints representation and feedback process. Complaints and customer feedback is a barometer for the quality of service delivery and are used as a quality assurance tool and consequently a means through which to interrogate and improve how we deliver interventions tailored to reflect the service user's needs and expectations.

The good practice guidance for complaints handling is informed by:

- The Children Act 1989 Representation Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, and the associated guidance (Listening, Responding, Improving)
- The Department for Education statutory guidance for children social care complaints (Getting the Best from Complaints 2006)
- My Expectations for Raising Concerns and Complaints, published by the Local Government Ombudsman, Health Watch and the Parliamentary and Health Service Ombudsman in 2015.
- Regulatory requirements (e.g. CQC and Ofsted)

Principles

The five principles underpinning this good practice guidance for handling adult and children social care complaints are:

- Principle one:** ensure that the complaints process is accessible
- Principle two:** ensure that the complaints process is straightforward for service users and their representatives
- Principle three:** ensure that appropriate systems are in place to keep service users informed throughout the complaints process
- Principle four:** ensure that the complaints process is resolution focused
- Principle five:** ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback

Principle one: ensure that the complaints process is accessible

Underpinning user-led vision:

Considering a complaint- complainants felt confident to speak up

- 1.1 Complaints literature is visible and accessible to all service users.
- 1.2 Equality and diversity is recognised, promoted and facilitated throughout the complaints process.
- 1.3 The complaints handling and support services are highly visible and impartial.
- 1.4 Information on how to complain is published on the council's website and available through other mediums.
- 1.5 Information about the complaints procedure is provided to all service users and carers at commencement of service and annual reviews.
- 1.6 The complaints process delivers assurance to service users that making a complaint will not affect their service.
- 1.7 The service user is able to authorise others to complain on their behalf.
- 1.8 Information on the outcomes and service improvements from complaints are publicly available, thereby reinforcing the positive value of the complaints processes.
- 1.9 Service users are made aware that the organisation is open to customer feedback and complaints.
- 1.10 Staff are trained and made aware of the complaints processes.
- 1.11 There is senior ownership and accountability of the complaints processes.
- 1.12 All providers of commissioned services are made aware of the statutory complaint regulations and their duty to comply with them.

Principle two: ensure that the complaints process is straightforward for service users and their representatives

Underpinning user-led vision:

Making a complaint- simple process for service users

- 2.1 Appropriate advocacy or support services are available at the point of access for those wishing to complain.
- 2.2 Staff are informed of and actively promote the availability of advocacy services to service users.
- 2.3 Service users and those acting on their behalf are able to complain through the various channels using the method of their choosing.
- 2.4 All staff within the organisation are empowered and encouraged to accept a complaint and deal with it appropriately.
- 2.5 Complainants are treated with respect and concerns are taken seriously when raised.
- 2.6 Protocols are in place between the local authority social care services, local health services and other key partners for responding to complaints which involve more than one organisation.
- 2.7 There are clear systems in place for referring child protection or safeguarding adult issues to the appropriate services. When a complaint includes such issues this is recognised and acted upon and, where appropriate, the complaints process contributes to the response to those concerns.
- 2.8 There are clear protocols and a joined up approach with the Local Safeguarding Children's Board (LSCB) for the management of complaints that fall within the remit of LSCB complaints procedure.
- 2.9 There are clear channels and processes for the referral of allegations and safeguarding alerts to the Local Authority Designated Officer (LADO) and Multi Agency Safeguarding Hub (MASH).
- 2.10 At the time of commissioning social care services, the local authority ensures that the contract between it and the provider clarifies how complaints about those services should be handled.

Principle three: ensure that appropriate systems are in place to keep service users informed throughout the complaints process

***Underpinning user-led vision:
Staying informed- complainants felt listened to and understood***

- 3.1 Complaints are acknowledged in keeping with statutory timescales.
- 3.2 The nature of the complaint and the desired outcomes are discussed and agreed with the complainant at the outset.
- 3.3 Complainants are informed of who will be investigating and responding to their complaints.
- 3.4 Complainants are given the choice regarding how they wish to be contacted.
- 3.5 Complainants are advised of the timescales for responding to their complaints and kept informed of any delays or changes.
- 3.6 Appropriate consideration is given to anonymous complaints.
- 3.7 All complaints will be treated confidentially and only shared on a 'need to know' basis.

Principle four: ensure that the complaints process is resolution

Underpinning user-led vision:

Receiving outcomes - effective and appropriate communication

- 4.1 The complaints handling process is flexible and offers complainants options for resolving their complaint, depending on the seriousness and nature of the concerns (i.e. mediation, face-to-face meeting, letter, investigation), whilst being mindful of statutory requirements.
- 4.2 The complaint response is customer friendly, clear, easy to understand and responds to all the concerns raised.
- 4.3 Any resolution should consider the complainant's desired outcome.
- 4.4 Learning points and actions specific to the complaint are included within the response, together with timescales for completion and the staff member responsible.
- 4.5 The complainants should be updated on actions taken as a result of their complaint, subject to confidentiality.
- 4.6 Any remedy should be proportionate, follow a consistent approach and take account of individual circumstances of the complaint.

Principle five: ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback.

Underpinning user-led vision:

Reflecting on the experience - the complaint has made a difference

- 5.1 Systems are in place to record and capture themes, trends and outcomes from complaints to enable organisational learning.
- 5.2 An annual report is published in keeping with statutory regulations.
- 5.3 Customer feedback is actively encouraged on the experience of making a complaint in order to inform learning and improvement of the complaints process.
- 5.4 Systems are in place to follow up on the recommendations and actions from complaints to ensure that they are implemented and the complainant is informed.
- 5.5 Evidence of learning outcomes, service changes and improvements are captured in order to inform organisational learning and service development.
- 5.6 Robust arrangements are in place for monitoring and learning from complaints made concerning commissioned services

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