

# Adult Social Care Complaints Policy

# 2025

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1. **Introduction**

Our 20-year vision is:

**Our South Tyneside – A place where people live healthy, happy and fulfilled lives**

To make our vision a reality, it is important that people have the opportunity to let us know how they feel about the services we provide. Our Adult Social Care Complaints Policy is one way people can do this.

Complaints allow us to put things right where they have gone wrong and identify any faults which can then be addressed. We aim to reach a speedy resolution and will try wherever possible to put people back in the position they would have been in before having to make a complaint.

This policy explains how we will deal with complaints in accordance with the Complaints or representations regarding Adult Social Care under the Local Authority Social Services Complaints and National Health Service Complaints (England) Regulations 2009.

If a complaint is about a Children Social Care Service, Public Health Service, general Council services, certain housing matters, or an elected official, it will be dealt with under a separate policy.

The following are our principles when dealing with complaints:

* We will deal with complaints impartially, objectively and professionally. People who complain will receive no adverse treatment of themselves or their families because they have made a complaint.
* We will keep people informed about the progress of their complaint. Where complaints are complex or are likely to take time to investigate, people will be kept informed of progress and, if there is going to be a delay, will be told why.
* Where complaints cross organisational boundaries for example with the NHS, we will aim to coordinate a single response.
* The identity of the person making a complaint will be managed in line with the Data Protection Act and only shared when it is necessary to do so to enable the investigation of the complaint. We will not make a complainant’s identity public.

1. **Values and behaviours**

We have also agreed a set of 'Council Values' to define what we stand for as an organisation and the things that are most important in terms of how we work and act.



These **PROUD** values will be embedded into our Adult social Care complaints, compliments policy.

**Behaviours**

Under each Value sits a set of behaviours that we agree to in order to deliver on each specific Value, these include:

**Professional - we uphold high standards**

* Welcome people and offer help
* Be accountable
* Accept feedback and learn from mistakes
* Manage our time and resources well

**Respectful - we value people**

* Be polite, thoughtful and kind
* Listen to what others have to say
* Notice and thank others for their efforts
* Treat sensitive information appropriately with care

**Open and Honest - We trust each other**

* Share helpful information and ideas
* Work together to get great results
* Speak up against behaviours we do not want to see
* Use clear, jargon free information where possible

**Understanding and Engaging - We care about people**

* Accept and appreciate our similarities and differences
* Respect different needs and try to meet them
* Show we care and offer support
* Work together through any challenge to get the right outcome

**Deliver what we say we will - We provide great services**

* Always do what we say we will do
* Look to improve 'what we do' and 'how we do it'
* Reply in good time
* Keep you up to date with everything we do

1. **Information and Feedback Team**

Our Information and Feedback Team oversees the Adult Social Care Complaints Policy. The team are available to provide any advice and information relating to complaints relating to Adult Social Care.

The team can provide advice about the complaints procedure, as well as signpost people to any external advocacy or support services available. The team can also provide advice to Council officers who are investigating complaints.

The team will record and acknowledge all complaints made under the Adult Social Care Complaints Policy, provide support to staff responding to complaints and monitor the progress of complaint investigations.

The team also acts as the central point of contact for any enquiries from the Local Government and Social Care Ombudsman.

Complaints can be made verbally, in writing or electronically to any member of staff of South Tyneside Council. However, to ensure a rapid response, it is recommended that a complaint is made by:

Website: <https://www.southtyneside.gov.uk/complaints>

Email: [complaints@southtyneside.gov.uk](mailto:complaints@southtyneside.gov.uk)

Telephone: 0191 424 6028

Letter: Information and Feedback Team

South Tyneside Council

Town Hall and Civic Offices

Westoe Road

South Shields

NE33 2RL

It is important to recognise that not all concerns raised will progress to formal complaints procedures. Where a concern is raised that can be dealt with at the point of contact, staff will aim to resolve the issue(s). Where this is not possible, the person will be advised how to escalate their concern as a formal complaint.

1. **What is an Adult Social Care complaint?**

**Defining a complaint**

South Tyneside Council has based this on the Local Government and Social Care Ombudsman’s definition of a complaint:

**“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.”**

Our intention is to allow access to anyone who wishes to make complaints about the actions, decisions or apparent failings of adult social care services. Complaints which are not concerned with an individual person are likely to fall outside the statutory definition, as are anonymous complaints, though they may be dealt with under another procedure such as the Corporate Complaints procedure.

1. **Unreasonable Actions**

In a small number of cases people interact with services in a way that is unreasonable. This may include being unreasonably persistent in relation to their contact, which can prevent the Council from providing services to the individual and others and have a significant impact on staff wellbeing. These actions can occur during delivery of a service, while a complaint is being investigated, or once an organisation has finished the complaint investigation.

The decision to restrict access to services should not be taken lightly. Careful consideration should be given to our duties under equality and human rights act legislation and the Council will consider the circumstances of each individual case.

The Council has a Managing Unreasonable Actions Policy which defines unacceptable actions and sets out the measures we can take to deal with people who display this behaviour.

1. **Who can make an Adult Social Care complaint?**

The Adult Social Care complaints procedure is available to people who are receiving an adult social care service or has been affected by an adult social care service which is provided for, or on behalf of South Tyneside Council. This also applies to a person acting on behalf of someone else.

If you make a complaint on behalf of another person we may need that person’s consent. If we receive a complaint without consent, we may need to ask you to get the person’s consent. We may also contact the person to confirm they consent. If you are unable to obtain consent, we are unlikely to investigate the complaint. However, if your complaint raises concerns about someone’s safety or wellbeing we may treat it as a safeguarding concern.

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 you do not have the relevant LPA we may need to undertake a Capacity Assessment/Best Interest Decision.

1. **What does this policy cover?**

Complaints can be made about issues that relate to statutory social care service functions. 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 or changes to a service
* dispute around costs
* 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 Information and Feedback Team will be able to provide advice.

**Social Care Provider Complaints - arranged by the Council**

If the Council assesses your needs and arrange services to meet these, you can raise a complaint 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 may contact you to ask for your consent to pass your complaint to the provider organisation to be dealt with in the first instance. If you have any concerns, you can discuss them with the information and Feedback Team.

**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.

If a complaint is received that includes services provided by both Health and Social Care, the service with which the majority of the complaint lies will be responsible for the investigation and final response. The Complaints Team will manage any cross-service complaints, with assistance from the Advice and Complaints Services Manager, South Tyneside and Sunderland NHS Foundation Trust to ensure a joined-up response.

1. **What does this policy not cover?**

There are a number of circumstances where the Adult Social Care complaints procedure does not apply, or is not the most appropriate procedure to be used. The Information and Feedback Team will provide information on alternate processes and procedures available if needed.

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

* When the person wishing to complain does not met the requirements of ‘who may complain’
* The complaint is unclear, or considered frivolous or vexatious
* Complaints which have been investigated by the Local Government and Social Care Ombudsman
* Complaints where an alternative appeals process already exists
* Decisions made by Approved Mental Health Professionals
* Where the issue of complaint is over 12 months old, unless there are exceptional circumstances
* The initial contact is a request for service
* The issue is not about social care provision
* A criminal police investigation is invoked
* Multi-agency adult protection/safeguarding procedures are invoked

**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. If you send your complaint to us we will contact you and ask if you are happy for us to send it to the Local Government and Social Care Ombudsman to investigate.

**Direct Payments and Individual Budgets**

Complaints cannot be raised under this procedure about services that are arranged and paid for through a Direct Payment or Individual Budget. However, we can consider complaints about the Council’s role in organising Direct Payments and Individual Budgets.

**Anonymous complaints**

Anonymous complaints can play a significant part in revealing poor practice, particularly in relation to vulnerable people. If there are no means to provide a response in relation to issues raised, these this will be recorded as an initial report of concern and investigated as considered appropriate by the Lead Officer. The Council will be unable to provide a response to anonymous complaints.

**Staff Behaviour and Attitude**

Where a complaint involves the conduct or attitude of a member of staff, this may be more appropriate to investigate under the corporate complaints procedure to ensure that the customer receives a response to the concerns raised. The complaints procedure is a separate process from any internal disciplinary procedures that may follow as a result of the investigation of a complaint.

**Complaints subject to legal proceedings**

If a complainant or the Council has, or intends to take legal action in relation to the substance of a complaint, the Council may decide not to investigate the issue as a complaint if this could prejudice the conduct of those proceedings. If the Council has already started to look into a complaint, it may be put it on hold until after the legal proceedings have finished.

The Council’s complaints process cannot overturn any decision made by a Court.

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.

1. **Safeguarding**

If your complaint involves concerns about your own or someone else’s safety we will make an adult protection referral and follow the South Tyneside Council Safeguarding Policies and Procedures: [Safeguarding policies and procedures - South Tyneside Council](https://southtyneside.gov.uk/article/13720/Safeguarding-policies-and-procedures).

**The Safeguarding Adults Process** addresses allegations of harm, or risk of harm, to a vulnerable adult. This includes physical, sexual, financial, institutional and emotional abuse as well as acts of neglect and discrimination.

**Receiving a referral/complaint**

Safeguarding referrals and complaints can be made across the Council and in a number of ways. The person making the representation is not required to identify the most appropriate process to address their concerns but should be supported by the person receiving the representation to clarify the issues to enable a decision to be made at an early point.

If the worker receiving the representation is clear about the most appropriate process then the matter should be forwarded to either the Safeguarding Manager or Complaints Manager accordingly. If not, the matter should be referred to either manager for advice.

If either the Safeguarding or Complaints Teams receive the representation direct, the issue should be screened to confirm the right process is being used.

**Which process?**

If it is not clear at the start which of the two processes should be used the advice from the Safeguarding Adults Manager should be sought. The Safeguarding Adults Manager will then decide whether the issues constitute a safeguarding alert and progress this accordingly.

If it is decided that the issues are not safeguarding concerns, but are complaints, the issues will then be addressed by the complaints process. The Complaints Manager should be informed at an early stage in order to make the necessary arrangements.

If at any time a complaint investigation raises issues of a safeguarding nature the complaint process should be halted and advice sought from the Safeguarding Manager.

**Representations concerning safeguarding and complaint issues**

A safeguarding concern or complaint may contain a number of issues that are both complaints and safeguarding concerns. It is possible in such circumstances for both processes to run side by side. This should be arranged in consultation between the Safeguarding Manager and Complaints Manager.

Where possible the referrer should receive a single response and this should be coordinated between Safeguarding and Complaints.

1. **Assistance with complaints**

In some cases, customers may need some help from an advocate to make a complaint. An advocate is someone who can speak on behalf of someone else.

Customers may prefer for a friend or relative to make a complaint on their behalf. If this is the case, the Council will need to establish that the person has consent from the customer to act on their behalf, and that the customer is happy for the Council to share any information with their chosen advocate. Consent must be given freely and can be removed at any time.

If someone is 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 proof can be provided that the advocate has Lasting Power of Attorney (LPA), or are acting in that person’s best interest. If this cannot be provided, the Council may undertake a Capacity Assessment/Best Interest Decision.

If the Council believes that an advocate is inappropriate, or is not acting in a customer’s best interest, we will not consider the complaint but will inform the advocate and customer of the reasons for our decision. Customers have the right to appeal this decision with the Local Government and Social Care Ombudsman.

**Assistance from Councillors or Members of Parliament (MPs) with complaints**

In some cases, customers may seek assistance from their local Councillor or MP with enquiries or concerns. Councillors or MPs might include signposting customers to the correct route to submit an enquiry or concern, or submitting this directly on their behalf.

In cases where the Council investigates a complaint submitted by Councillor or MP on a customer’s behalf, we will copy them into any complaint responses, unless the customer requests otherwise.

The Council cannot reinvestigate issues that have previously been investigated through the Council’s complaints procedure and/or considered by the Local Government and Social Care Ombudsman. If the Council receives a request from a Councillor or MP to open a complaint about an issue that has previously been investigated, we will advise them of this and provide them with the previous response.

1. **Adult Social Care Complaints Procedure**

The Council operates a single local resolution stage procedure followed where necessary, by a single system for independent review by the Local Government and Social Care Ombudsman.

If a concern is not something that can be resolved immediately as part of our day-to-day business, customers will be offered the opportunity to make a complaint.

The Council will appoint an officer to investigate and respond to a complaint, who will do the following:

* clarify with the customer any aspects of the complaint they are unclear about
* deal with complaints on their merits
* act independently, and have an open mind
* provide the customer a fair chance to set out their position
* take measures to address any actual or perceived conflict of interest
* consider all relevant information and evidence carefully

If a response to a complaint will fall outside the timescales, the investigating officer will inform the customer of when the response will be provided, as well as the reasons for the delay.

The Council will make reasonable adjustments for customers where appropriate under the Equality Act 2010. The Council will keep a record of any reasonable adjustments agreed and keep these under active review.

The Council will keep a full record of a complaint, and the outcomes. This will include the original complaint and the date received, all correspondence with the customer, correspondence with other parties, and any relevant supporting documentation such as reports. This will be retained in line with the Council’s data retention policies.

The Council is responsible for ensuring that third parties manage complaints in line with the policy.

During the complaints process it may be necessary to share personal details with Council officers. We will only share details that are relevant to the complaint.

The aim is to address the complaint at this stage through investigation using information and evidence supplied by case officers and section managers. At times specialist advice from other officers such as the Council’s Legal Team, 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.

If the Complaints Manager decides it would not be appropriate to deal with your complaint under this procedure they will inform you of the reasons why and explain how we will deal with the matter.

On receiving a complaint, the Information 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 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 Information and Feedback Team will ensure the details of complaint are shared with the relevant Service Lead to determine the appropriate Investigating Officer who will:

* consider the elements of complaint
* decide whether contact with the complainant is necessary, such as if clarification or more information is needed
* consider what action is required to respond
* provide a written response to the complainant
* keep the complainant informed of any changes to the proposed timescales.

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 social care case recordings, 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 been upheld, consideration of a suitable remedy.

Where a complaint is so serious to warrant a greater degree of investigation and independence to address and resolve, the option to appoint either an external independent investigator officer (IIO) or an in-house officer who will have had no previous involvement in the case will be considered. This decision will be taken by the relevant Service Lead and the Complaints Manager.

1. **Timescales**

The regulations allow a maximum of six months to respond to a complaint. However, we will try to respond to your complaint sooner depending on the type of complaint:

* Concerns and quick resolution 48 hours
* Acknowledgement of complaint 3 working days (in writing or verbally)
* Formal complaints 25 working days\*

\*up to 6 months for more complex cases requiring a more comprehensive consideration.

Should the person making the complaint amend the content, scope, or preferred outcomes of their complaint, then the timescale for completing the investigation will need to be reviewed. If it is not possible to complete the investigation within the designated timescale, the Investigating Officer will contact the complainant to decide a revised target date.

**Joint investigations**

The time needed to complete a joint investigation will vary depending on the number of organisations involved and complexity of the complaint. In these cases, the complaint investigators from each organization will work together to decide a reasonable timescale and agree this with you.

1. **Findings**

Following completion of the investigation, the appropriate Service Lead, or a senior manager acting on their behalf, will review and approve the findings and recommendations. This involves considering the complaint and the investigating officer’s response and the proposed actions to resolve the issues raised.

A written response will then be sent to the complainant which will:

* Set out the Local Authority’s explanation of how the complaint has been considered, conclusions reached based on the facts and an explanation of what action, if any, the Local Authority intends to take as a consequence and relevant timescales for this.
* Inform the complainant that they can take the case to the Ombudsman should the complainant remain dissatisfied.

1. **Putting things right**

Where something has gone wrong, the Council will acknowledge this and set out the actions we have already taken, or intends to take, to put things right. These can include:

* apologising
* acknowledging where things have gone wrong
* providing an explanation, assistance or reasons
* taking action if there has been delay
* reconsidering or changing a decision
* amending a record or adding a correction or addendum
* providing a financial remedy
* changing policies, procedures or practices.

Any remedy offered will reflect the impact on the customer as a result of any fault identified. The remedy offer will clearly set out what will happen and by when, in agreement with the complainant where appropriate. Any remedy proposed will be followed through to completion.

If a proposed remedy cannot be delivered, the complainant will be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman.

The Council will take account of the good practice guides issued by the Local Government and Social care Ombudsman when deciding on appropriate remedies.

1. **Learning from Complaints**

Complaints provide valuable opportunities for learning and improvement within the Council. They offer direct insight into areas where services or processes may not be meeting expectations. By actively listening to complaints and analysing their root causes, the Council can identify patterns, address recurring issues and implement meaningful changes to improve the services it provides.

A proactive approach to complaints promotes a culture of continuous improvement and accountability, ensuring that feedback is seen as a tool for growth rather than criticism. When handled effectively, complaints can not only resolve immediate concerns, but also strengthen trust.

Service will take responsibility for considering learning points from complaints and will track any actions resulting from complaint findings to ensure they are implemented and monitored to asses their effectiveness.

1. **What if you are not happy with the outcome?**

In the first instance you should contact the Complaints Manager to discuss the matter providing any further evidence in support of your complaint where possible. They will share your views and any additional evidence with the Investigating Officer and the Service Lead who will consider the following:

* The reasons for the dissatisfaction.
* Whether this is a new complaint.
* Whether the investigation adequately answered the issues in the first instance.
* Whether there is any new information.

If it is felt that after this consideration there are grounds to revisit some or all elements of the complaint, then this will be agreed with you and a supplementary investigation and response provided. If it is decided there are not grounds to review the response, or if following a supplementary response it is not possible to resolve the matter based on the additional evidence provided and you remain dissatisfied, you may refer the matter to the Local Government and Social Care Ombudsman (or Health Services Ombudsman for some joint complaints).

1. **The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman is an independent service set up by the Government to investigate complaints about Council matters.

Customers can refer their complaint to the Local Government and Social Care Ombudsman at any time. However, the Ombudsman is unlikely to consider a complaint until it has been fully investigated under the Council’s complaints procedure.

Customers can visit the Ombudsman’s website: [www.lgo.org.uk](http://www.lgo.org.uk) or contact their advice line on 0300 061 0614.

1. **Performance reporting**

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

The Council will also provide quarterly performance reports on all complaints across the Council, including Adult Social Care complaints to the Council’s Standards Committee who have oversight of the Council’s complaints handling procedures to ensure that the complaints are managed appropriately and that residents, customers and service users have confidence that any complaints are dealt with in a professional manner.