



the care forum

COMPLAINTS PROCEDURE

SELF-HELP PACK

The Care Forum

The Vassall Centre

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INTRODUCTION

This self-help guide aims to help you to understand the process involved in making a complaint about Health and Social Services.

Complaints Procedure Advocacy may be able to offer you advocacy to support you through the process.

If, after reading this pack, you need any further help or information, please feel free to contact us.

HOW CAN CPA HELP?

This service is a free and independent service to support people making a complaint about Social Services within Bristol, Bath and North East Somerset, South Gloucestershire and North Somerset.

We may be able to:

- Explain how the complaints procedure works
- Assist with letter writing
- Advise and assist in deciding what information you need to gather to support your complaint
- Support you by attending meetings with you
- Visit you at home

Complaints Procedure Advocacy is part of Advocacy Services at The Care Forum, based at The Vassall Centre, Gill Avenue, Fishponds, Bristol BS16 2QQ.

We can be contacted by telephone on 0117 958 9305

Or by fax on 0117 965 0200

Or by e-mail at cpa@thecareforum.org.uk

WHY MAKE A COMPLAINT?

People make complaints to achieve a variety of things, such as

- To get an explanation as to what exactly happened and why
- To get an apology
- To receive a different or an improved service
- To receive financial compensation to make up for things that could have been done better

WHAT SORT OF THINGS CAN I COMPLAIN ABOUT?

You can use the procedure to complain about anything that is the responsibility of Social Services, such as

- Staff being rude or unhelpful
- Poor service or the lack of a service
- Failures to follow policies or procedures
- Delays in things happening
- Discrimination or harassment
- Inaccurate or misleading information

WHO CAN COMPLAIN?

Adults and children using Social Services or wanting to use Social Services can make a complaint. You can also complain on behalf of a person using a service, with their consent. People such as carers, parents, and staff would usually be considered as appropriate people to make a complaint on behalf of a service user.

Local Authorities will not usually allow complaints about events which happened more than 12 months ago, unless you can provide very good reasons for a delay in making a complaint.

There are also some matters, such as things which are going to Court, which cannot be complained about. The Complaints Manager is responsible for telling you about this.

HOW DO I MAKE A COMPLAINT?

You can contact the person who usually provides you with a service or ask to speak to their manager. They can give you a complaints leaflet or you may choose to submit a complaint on-line on the Council website. You may prefer to write a letter outlining your complaint.

CONTACT DETAILS FOR LOCAL COMPLAINTS OFFICERS

- BATH AND NORTH EAST SOMERSET : Sarah Watts
Complaints Manager
Bath and North East Somerset Social Services
PO Box 334
BATH BA1 2ZH
sarah_watts@bathnes.gov.uk
- BRISTOL ADULTS: Gill Winn
Complaints Manager
Social Services and Health
PO Box 30
Amelia Court
Pipe Lane
Bristol BS99 7NB
gill.winn@bristol.gov.uk
- BRISTOL CHILDREN: Jackie Brown
Complaints Manager
Children and Young People Service
PO Box 57
Room U27
Council House
College Green
Bristol BS99 7EB
jackie.brown@bristol.gov.uk
- NORTH SOMERSET: Christopher Orlik
Consumer Services Manager
North Somerset Social Services Dept.
14, Fenswood Road
Long Ashton
BS41 9BS
christopher.orlik@n-somerset.gov.uk

- SOUTH GLOUCESTERSHIRE ADULTS: Alison Parker
 South Gloucestershire Council
 St. Luke's Close
 Emersons Way
 Emersons Green
 South Gloucestershire
 BS16 7AL
alison.parker@southglos.gov.uk

- SOUTH GLOUCESTERSHIRE ADULTS: Fabian Fick
 South Gloucestershire Dept. For Children and Young People
 CQRU Fiveways
 New Cheltenham Road
 Kingswood
 South Gloucestershire
 BS15 4RR
fabian.fick@southglos.gov.uk

COMPLAINTS PROCESS – CHILDREN'S SERVICES

If your complaint concerns **Children's Services**, there is a 3 Stage process:

1. **Stage One** is an **informal complaint**. The manager responsible for the Service about which you are complaining has the opportunity to offer an apology formally and to offer a solution to your complaint, if appropriate.

It is not essential to put your complaint in writing at Stage 1, but it is a good idea to do so and to keep a copy. This will mean you have a record of your complaint from the start.

If you have more than one area of complaint, it is a good idea to divide your letter into separate parts, perhaps with **sub-headings** eg. Lack of Consultation; Reduction in Service etc. This can help avoid confusion by Social Services as to exactly what you are complaining about.

It is important where possible to include **dates** of any incidents you are complaining about and the **names** of anyone involved. This means that Social Services can look back on files and be clear what you are referring to.

At the end of your letter, you need to **list the results or outcomes** you wish to achieve as a result of your complaint. This helps Social Services to understand what they can do to put things right for you.

Finally, you need to ask who will be dealing with your complaint. You will receive an acknowledgement of your letter from the Complaints Officer.

You should receive a written response to your Stage 1 Complaint. This is usually to be expected within about 28 days, although there is no legal limit. You should be kept informed and given reasons for any delay.

2. **Stage Two** is a **formal registered complaint**. If you are not satisfied with the outcome of your complaint at Stage 1, you have the right to proceed to Stage 2. You need to tell the Complaints Manager, within a maximum of 20 days, that this is what you wish to do. At this Stage, a manager who has not had any role in providing you with a service is brought in to investigate your complaint formally. This could be a manager of another part of Social Services or an external investigator. The Investigating Officer may interview people in person or by telephone. These people are likely to include you (as the complainant), the person receiving the service if appropriate, carers, social workers, managers etc. They will also read case files and Social Services policies and procedures.

Stage 2 investigations should be completed within 28 days, but an extension up to a maximum of three months is permitted, as long as this is explained to you with reasons.

At the end of the enquiries, you will receive a copy of the Investigating Officer's report. You will also receive a letter from a senior Social Services manager (the Adjudicating Officer) who will tell you what Social Services will do in response to the Investigator's findings.

3. **Stage Three** involves an **independent complaints review panel**. If you are not satisfied with the response at Stage 2, you have the right to go to Stage 3, the final stage of the procedure.

You need to make a request for a Stage 3 in writing within 28 days of receiving the Stage 2 decision (25 days for Bath and North East Somerset). The Local Authority is responsible for organising a Review Panel to meet within a further 28 days of receiving your request. This time frame may be exceeded for practical reasons, but you should be kept informed of this.

The Panel consists of three people, with an Independent Person (not someone employed by the Local Authority) acting as chair. The other two panel members could include local councillors, senior council officers and a second Independent Person.

The Stage 3 Panel is conducted as informally as possible. Those who attend can include:

- You and/or your advocate, supporter and personal assistant
- Anyone who has written a report during the complaint (a manager at Stage One, the Investigating Officer at Stage 2)
- The Complaints Manager
- The Stage 2 Adjudicating Officer from Social Services
- A legal representative from the Council (if appropriate)

Invitations for the Panel are sent 10 days in advance and a copy of all the paperwork is sent to all participants.

You are advised to prepare a written submission for the Panel, which will also be sent to all other Panel members. This should outline your remaining areas of complaint and include any comments about the way your complaint has been investigated to date eg. the right people not being spoken to, lack of evidence to support Social Services' viewpoint, no apology offered etc.

At the Panel hearing, you may be asked questions by Panel members and you will be given an opportunity to talk about the issues you are still not satisfied with.

The Panel's findings will be sent to you in writing within a few days. The Council has 28 days to write to you with their response to the Panel's findings and recommendations.

LOCAL GOVERNMENT OMBUDSMAN

After Stage 3, the Social Services complaints process has been completed. However, if you are still dissatisfied, you may wish to take your complaint to the Local Government Ombudsman. To do this, you can telephone their advice team on **0845 602 1983**.

COMPLAINTS PROCEDURE – ADULT SOCIAL SERVICES

If your complaint concerns **Adult Social Services**, there is a new, more flexible process in place for complaints from 1st April 2009. This will involve an individually-tailored response to your particular complaint.

- In the first instance, you can talk to your key worker, social worker or their manager about your problem to see if they can resolve the issue. If things cannot be resolved informally, you can refer the matter to the Complaints Manager. Alternatively, you can contact the Complaints Manager immediately (addresses above) with a brief outline of your concerns.
- Your complaint will be acknowledged within 3 working days. A manager will be assigned to contact you, either by telephone or in writing, to talk about your complaint and in some cases to arrange a meeting to discuss your complaint further.
- During the initial telephone call or at that meeting, you will be able to discuss your concerns in some detail and a plan will be agreed with you as how your complaint will be handled. You may wish to have a meeting with the social worker or carer present as well as the person looking into your complaint or you may wish to ask for an independent investigator to become involved. You will know who is going to deal with your complaint and when and how often you can expect to hear from them. You will know who they are going to speak to. A time frame will be agreed for the person dealing with your complaint to get back to you and their response will be in writing.

If you are not happy with the outcome of your complaint, you are entitled to refer the matter straight to the **Local Authority Ombudsman**. You can do this by telephoning **0845 602 1983**.

FURTHER ADVICE

If you would like further advice or if you would like to have the support of an advocate from The Care Forum to help you through the complaints process, please contact:

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