

Royal Borough of Greenwich  
Health & Adult Services

# Statutory Complaints Policy & Procedure





**This policy sets out a framework for the management of complaints. It fulfils the current provisions of the Local Authority Social Services and NHS Complaints Regulations 2009.**

## **1. Introduction**

The Royal Borough of Greenwich is committed to delivering high quality services for all our residents. We recognise mistakes can happen and when they do, we will always try our best to put things right.

The purpose of this procedure is to set out how we handle complaints made in relation to Adult Social Care in Greenwich.

The Royal Borough of Greenwich recognises the importance of complaints and welcome them as an important form of feedback. We aim to learn from complaints and use this learning to make improvements in the services we provide. We try to resolve all complaints quickly and effectively.

The process for Adult Social Care complaint handling is set out in law. This procedure meets the requirements of the complaints legislation for Adult Social Care which is set out in the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

Our complaint handling is overseen by the Local Government and Social Care Ombudsman. They deal with complaints about local authorities and care providers. They may consider a complaint if the Council has not managed to resolve the complaint directly and the Council complaints process has been completed.

## **2. Complaint handling principles**

Our complaint procedure supports the six principles of complaint handling as detailed in the Local Government and Social Care Ombudsman's guide on Effective complaint handling for Local Authorities.

- Getting it right
- Being customer focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement



### 3. How we handle a complaint

A complaint is an expression of dissatisfaction about a service that requires a response. We will consider each complaint on its own merit and deal with it as efficiently as possible.

#### Step 1

In the first instance, if a customer is dissatisfied, we encourage them to contact a member of staff involved with their care, or that person's manager. Some issues can be resolved quickly at the informal stage.

#### Step 2

Our formal complaints process begins if the customer is not satisfied with how the service has responded at step one or they wish to make a formal complaint. We handle complaints in line with the Local Government and Social Care Ombudsman's guide on 'Effective Complaint Handling for local authorities.

##### 1. Identifying and accepting a complaint

The complaint will be triaged and acknowledged within three working days of receipt.

##### 2. Define the complaint

We will define the complaint with the customer setting out what the customer says went wrong and the impact this has had on them and identifying the desired resolution.

If necessary, we will signpost the complainant to the appropriate external agency.

##### 3. Investigate

The complaint is investigated by the appropriate senior manager.

##### 4. Making and communicating a decision

The senior manager will write to the complainant, detailing the outcome of the investigation. The complaint will be upheld, partially upheld or not upheld. They will aim to do this within 15 working days.

##### 5. Putting things right

Actions arising from the complaint response will be put into place.

##### 6. Learning from complaints

The complaint file is reviewed to determine whether there are any additional learning needs.

#### Step 3

The complainant or their representative remains dissatisfied, they can request an Assistant Director Review. They will need to inform us what part(s) of the complaint have not been satisfactorily addressed, including what outcomes are being sought and the actions the customer would like the Council to take. The request for a review will be acknowledged within three working days from receipt of the requests and will include an expected time-scale for completion of the review.



If it is determined there can be no reasonable expectation for an alternative outcome, then a review may not be agreed. This will be put in writing and the complainant will be advised to contact the Local Government and Social Care Ombudsman, if they wish to take the matter further.

#### Step 4

The Local Government and Social Care Ombudsman is the final step for the customer if they remain dissatisfied with the response from the Council.

Whilst they may consider a complaint at any time, if the complaint has not been considered at each stage of our procedure, the Ombudsman will usually refer the complaint back to the Council for investigation first. More information can be found on their website: **[lgo.org.uk](https://lgo.org.uk)**.

#### Who can complain

We will consider a complaint from any person who is receiving or has received services from Adult Social Care and anyone who is affected, or likely to be affected by the delivery of our services.

A complaint may also be made by a representative acting on behalf of another person. We will request the affected individual's consent before the complaint is accepted, where they have capacity to provide it.

The Council has discretion to decide whether a representative is suitable to act in this role or has

enough interest in the person's welfare. If this is the case, the representative will be informed in writing and explained no further action will be taken.

#### Time limit for making a complaint

A complaint should be made within 12 months of any matter arising. Exceptions may be considered particularly if a person was prevented from raising a complaint sooner. In some cases, it may not be possible to fully investigate complaints relating to events in the past. Staff may have left, or there may not be enough recorded information to reach a robust decision. If this happens, we will write to the customer and explain why we will not accept the complaint. We will also provide the details for the Local Government and Social Care Ombudsman in case the customer wishes to take it further.

#### When we may not investigate a complaint

There are some reasons a complaint may not be investigated. These include:

- The matter has already been considered through this formal procedure.
- Legal proceedings are pending.
- We cannot investigate any complaints where the Court has made a decision about the subject of the complaint.
- If there is an open Safeguarding investigation.
- Where the complaint is from an unreasonably persistent complainant.



## Data protection and confidentiality

The Data Protection Act 2018 regulates the way in which organisations can use personal information. The Council's privacy notice explains how we use personal information and how we protect privacy.

**[royalgreenwich.gov.uk/privacy-health-and-adults](https://royalgreenwich.gov.uk/privacy-health-and-adults)**

The nature and content of a complaint will be dealt with in strict confidence. If while dealing with a complaint, the Council has any concerns about the welfare of an individual we will pass details of a concern on to the relevant parties. This includes, but is not limited to the Contact Assessment Team, Adult Safeguarding, the Police and Health.

In line with our retention policy, complaints files are kept for six years.

## Support for complainants

The Council can offer an independent advocate to support someone making a complaint. Details of advocacy organisations can be found on the Greenwich Community Directory website.

**[greenwichcommunitydirectory.org.uk](https://greenwichcommunitydirectory.org.uk)**

## Complaints across Adult Social Care and Health

Where complaints are about both Adult Social Care and our Health partners, we have a duty to cooperate with those organisations.

The complaint will be triaged. On occasion a joint response may be appropriate. The complainant's consent will be sought before details of their complaint are shared. Where the complainant does not want their details shared, they will be advised which points of the complaint the Council will be able to respond to and signposted accordingly.

## Reporting

The Council will produce an annual report on complaints dealt with under this procedure.

*Updated June 2023*

