

Social Services Complaints Policy

Social Services and Well-being (Wales) Act 2014

Vale of Glamorgan Council



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Complaints Policy

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Please note that wherever possible, policies should not be printed or downloaded. It is your responsibility to ensure that you are accessing the most recent and up-to-date policy which is available on the intranet.

1. Introduction

- 1.1 The Vale of Glamorgan Council (the council) is committed to dealing effectively with any concerns or complaints about Social Services. In this document, the term 'complaint' refers to a concern, a representation or a complaint.
- 1.2 We aim to clarify any issues about which service users or complainants are not sure. We will aim to provide any service to which a person is entitled, where we have failed to do so previously, without good reason. We will apologise if we get something wrong, and where possible try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

2. Legislative Context – Summary

- 2.1 This policy has been established in accordance with The Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014. This policy takes effect from 1 August 2014 as prescribed.
- 2.2 The above regulations are made under the Social Services and Well-being (Wales) Act 2014. They bring the complaints handling process for Social Services in line with the *Welsh Government Model Concerns and Complaints Policy and Guidance*, and the NHS Complaints Procedure *Putting Things Right*.
- 2.3 This policy also encompasses the requirements of the Children Act 1989, the Adoption Of Children Act 2002, the Community Care Act 2014 and is issued in accordance with Section 7 of the Local Council Social Services Act 1970.

3. Principles

- 3.1 The Social Services Directorate (Social Services) aim to provide high quality services to eligible residents of the Vale of Glamorgan.

- 3.2 There will be times when people using or wanting to use our services will want to make comments or complaints about the service they receive. When we receive a complaint, we will usually respond in the way we explain below.
- 3.3 We have developed our Social Services complaints policy to ensure we resolve complaints quickly and effectively.
- 3.4 We recognise that a robust complaints framework allows service users to become empowered. Outcomes from complaints are used by Social Services to ensure that lessons are learned where things have gone wrong, in order that continuous improvement can be made to service delivery.
- 3.5 We will deal with complaints in an open and honest way.
- 3.6 We will make sure that complainants' dealings with us in the future do not suffer just because they have expressed a concern or made a complaint.
- 3.7 We will normally communicate with the complainant in the same way they have contacted us, unless they request we respond differently or we have good reason not to do so. Where a complainant has contacted us by email, we will assume an implied consent to respond electronically unless we are instructed otherwise.

4. Summary of Key Duties and Requirements

- 4.1 This policy applies to both adults and children. A person may be eligible to make a complaint about Social Services under this policy, if they:
 - 4.2 Have received (or were entitled to receive) a service from Social Services (e.g. a care leaver)
 - 4.3 Have suffered due to the inappropriate actions of Social Services.
- 4.4 A complaint may be brought forward in respect of a child (i.e. a person under the age of 18):

- (a) By a child either being looked after by Social Services, or not being looked after by them but is in need
 - (b) By a parent of such a child
 - (c) By a person with parental responsibility for such a child
 - (d) By a local council foster carer
 - (e) Where the council considers that the complainant has a sufficient interest in a child's welfare to warrant it considering their representations
- 4.5 If a person is unable to make a complaint or representation themselves, they can authorise someone to make a complaint on their behalf.
- 4.6 Children in need, looked after children and care leavers have a right to receive assistance from an independent advocate to assist them when making a complaint. In these circumstances, we will therefore provide an advocate if asked to do so.
- 4.7 A representative may make a complaint on another person's behalf where that person:
- is a child; or
 - has requested the representative to act for them; or
 - lacks capacity to make their own complaint; or
 - has died.
- 4.8 Any representative making a complaint on another person's behalf without their expressed permission must be considered to have sufficient interest in that person's welfare and be a suitable person. The Complaints Officer will determine the eligibility of a complainant.
- 4.9 If an individual intends expressing a concern on behalf of another person who satisfies the criteria set out in paragraph 4.1, we may require confirmation of their agreement to that person acting on their behalf. Should that person not be eligible to make a complaint under the terms of this policy, they may still be able to make a complaint under our Corporate Complaints procedure, details of which can be found on the Council's website.
- 4.10 Details of those who may bring forward a representation are set out in the *Children Act 1989* (See Sections 26(3), 26 (3B) and 26 (3C)). They include the child, their parent, foster carer or someone who has parental responsibility.

- 4.11 Normally, we will only be able to look at complaints if we are told about them within 12 months. This is because it's better to look into complaints while the issues are still fresh in everyone's mind.
- 4.12 In exceptional circumstances the council may be able to look at concerns which are brought to our attention later than this. However, we will need strong reasons why the matter has not been brought to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly.
- 4.13 There may be reasons why the council will not, or cannot consider a complaint under this policy (e.g. if there are court proceedings in relation to those matters, or if the complaint identifies a safeguarding issue). If this is the case, the Complaints Officer will explain why the complaints cannot be considered and confirm the decision in writing.
- 4.14 Furthermore, a complaint cannot be made under this policy where:
- 4.15 The complaint relates to a matter that has previously been investigated under this or the former complaints procedure;
- 4.16 The complaint is being or has been investigated by the Public Services Ombudsman for Wales;
- 4.17 The matter relates to a Freedom of Information or Data Protection issue;
- 4.18 The complaint has previously been made orally, and resolved to the satisfaction of the person making complaint, by the end of the working day following the day on which the complaint was made.

5. Putting Policy into Practice

How to complain

- 5.1 Complaints can be made in any of the ways below:
- 5.2 By contacting the Complaints Officer by telephone on 01446 704800
- 5.3 Via our website at <http://www.valeofglamorgan.gov.uk>
- 5.4 By e-mail at SocialServicesComplaints@valeofglamorgan.gov.uk
- 5.5 In writing, at the following address:
The Complaints Officer
Dock Offices
Subway Road
Barry CF63 4RT

5.6 We aim to have complaint information available at all of our service outlets and public areas and also at appropriate locations in the community (e.g. libraries and Housing offices).

5.7 Copies of this policy and the complaint form can be made available in other formats if required (e.g. audio, large print etc).

5.8 **Stage 1 of the Complaints Process – Local resolution**

5.9 We believe that where possible it is best to deal with things straight away rather than try to sort them out later. Ideally, complainants should raise their complaint with the person they are dealing with. He or she will try to resolve it there and then.

5.10 If we are unable to resolve a complaint immediately, we will acknowledge the complaint within 2 working days of receipt of the complaint and tell the complainant who we have asked to look into the matter. Details of our complaints procedure will be enclosed with the acknowledgement.

5.11 We will set out our understanding of the complainant's concerns and ask them to confirm that we have got it right. We will also ask them to tell us what outcome they are hoping for.

5.12 We will offer the complainant a discussion (either face to face or over the telephone) in an attempt to resolve matters. If a discussion is required, arrangements will be made for this to take place within 10 working days of the date of acknowledgement.

5.13 In the case of a Representation, arrangements will be made for any required discussion take place within 10 working days of the complaint start date as defined in Regulation 17(4) of The Representations Procedure (Wales) Regulations 2014.

5.14 When the complaint has been resolved, we will provide a response to the complainant in writing within 5 working days of the date of resolution.

5.15 If it is not possible to provide the complainant with a response within the timescales set out in 6.4 or 6.5 above, we will contact the complainant to discuss the reason for the delay.

5.16 We might suggest mediation or another method to try to resolve disputes. It is hoped that all concerns can be resolved by Social Services without a need for further action.

5.17 **Stage 2 of the Complaints Process - Formal complaints**

5.18 If a complaint has been considered at the first stage of the complaints process and the complainant is dissatisfied with the outcome, they may ask for the complaint to be investigated by a person who is independent of the council.

- 5.19 We will commission someone from outside the council to conduct the investigation. This person is referred to as an Independent Investigator.
- 5.20 The Independent Investigator will interview all parties and produce a report of their findings which will be provided to the person making the complaint and principal parties to the complaint. As a consequence of this report the Director of Social Services will provide the complainant with a written response to the report which will include their summary and details of any action to be taken.
- 5.21 In the case of a child, at this stage an independent person is also appointed to take part in the formal consideration and any discussion about the action the council should take (in accordance with the Children' Act 1989). The Independent Person's role is to oversee the handling of the complaint. This person may be an employee of the council but must not be associated with Social Services in any way.
- 5.22 We will compile a formal written record of the complaint (as we understand it) within 5 working days of the date it is received.
- 5.23 Before the investigation starts, the complainant will be required to confirm that our understanding of the issues to be investigated is comprehensive and correct. They will also be asked to specify (or confirm) their required outcomes from the investigation. If these issues have not been clearly set out in our summary of the complaint, the complainant will need to speak to the Complaints Officer to clarify matters.
- 5.24 The date on which the content of the complaint is agreed by both the council and the complainant will be the start date for the complaint.
- 5.25 A response to a Stage 2 complaint should be issued within 25 working days of the start date. If this is not possible, we will inform the complainant and explain why, giving an indication when they can expect to receive a response. In any event, a response to a complaint must be provided within 6 months.
- 5.26 Whilst it is recommended that a complainant tries to resolve their complaint informally at first, they have the right to ask for a complaint to be considered at this stage from the outset.

5.27 **Outcomes of investigations**

5.28 Following the investigation of a complaint, we will let the complainant know the outcome of the investigation using their preferred form of communication (e.g. by letter or email). If necessary, we will produce a longer report. We will explain how and why we came to our conclusions.

5.29 If we find that we got it wrong, we will explain what errors were made and how it happened.

5.30 If we find there is a fault in our systems or the way we do things, we will explain what it is and how we plan to change things to stop it happening again. If we got it wrong, we will always apologise.

5.31 **Putting things right - when we get things wrong**

5.32 If we didn't provide a service that should have been given, we will aim to provide it if that's possible. If we didn't do something well, we will aim to put it right. If a person has lost out as a result of a mistake on our part we will try to put them back in the position they would have been in if we had got it right.

5.30 If a person had to pay for a service themselves, when they should have received that service from us, or if they were entitled to funding they did not receive, we will usually aim to make good what they have lost.

5.33 **Learning lessons**

5.34 We take complaints seriously and try to learn from any mistakes we have made. Our senior management team considers a periodic summary of all complaints. Details of lessons learned from complaints are also included in an Annual Report.

5.35 Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. If it is appropriate, we will let complainants know when the changes we have promised to make have been implemented.

5.36 **Confidentiality and how we handle your Data.**

5.37 All complaint information is confidential, and will be handled in line with the General Data Protection Regulation which came in to effect on May 25th 2018 and the Data Protection Act 1998 was replaced in the UK with the Data Protection Act 2018. We have developed a Privacy Notice Leaflet which explains how we use personal information about you and how we protect your privacy in accordance with the requirements of this legislation. The leaflet explains how we process the information we collect. For a copy of this leaflet, please contact Contact One Vale on 01446

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700111. You can access the Vale of Glamorgan Council Corporate Privacy Notice on our website: www.valeofglamorgan.gov.uk.

Written information on complaints is kept separately from care management records.

- 5.38 Requesting an investigation gives permission for the Investigating Officer to look at the personal data contained in care management records for the scope of the complaint.
- 5.39 All council staff, including those commissioned for a specific piece of work, are bound by the rules of confidentiality.
- 5.40 Any data supplied by you will be processed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act (2018) requirements and by supplying it you consent to the Vale of Glamorgan Council processing the data for the purpose for which it is supplied. All personal information provided will be treated in the strictest confidence and will only be used by the above or disclosed to others for a purpose permitted by law.
- 5.41 Information held in complaints files will be retained in accordance with the Vale of Glamorgan Council Retention Schedule section 2.13 – 2.16. Please see below.

Enquiries and Complaints				
Ref	Function Description	Retention Action	Example	Notes
2.13	The management in summary form of enquiries and complaints directed to the council	Permanent. Offer to Archivist for review. Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Indexes • Registers 	LGG of RMS of GB
2.14	The management of enquiries, submissions and complaints which result in significant changes to policy or procedures	Permanent. Offer to Archivist. Transfer to place of deposit after administrative use is concluded	<ul style="list-style-type: none"> • Reports • Returns • correspondence 	LGG of RMS of GB
2.15	Detailed responses on complaints	Destroy 6 years after administrative use is concluded	<ul style="list-style-type: none"> • Reports • Returns • Correspondence • Ombudsman 	LGG of RMS of GB
2.16	The management of routine responses on council actions, policy or procedures	Destroy 2 years after administrative use is concluded	<ul style="list-style-type: none"> • printed material • form letters 	LGG of RMS of GB

5.42 **Concurrent investigations**

5.43 Where other investigations are in progress / under consideration in relation to issues raised by the complainant (e.g. court matters, police investigations, disciplinary or other legal proceedings), no investigation will be undertaken in line with this policy.

5.44 No complaint investigation will be made under this policy where it is considered that such action may compromise any adult or child protection process, and the complainant will be informed if the complaint is being treated as a safeguarding issue.

5.45 Should this occur, we will notify the complainant in writing and invite them to re-submit their complaint when those other matters are concluded.

5.46 **What if there is more than one public body involved?**

5.47 If a complaint covers more than one body (e.g. if the complaint is about both the council and Health Board) we will usually work with them to decide who should take a lead in dealing with the matter. In such cases, the name of the person responsible for communicating with the complainant will be provided.

5.48 If the complaint is about a body working on our behalf (e.g. agency care workers, private residential homes) the matter may be raised informally with, and dealt by, that body first. However, if the complainant wants to complain formally, we will look into this ourselves and respond.

5.49 **Deferring or Freezing Decisions**

5.50 If a complaint is about a proposed change to a care plan, a placement or a service, the council may consider deferring or freezing the decision until the complaint is resolved.

5.51 Decisions to defer / freeze such changes will normally be made following discussion between the Complaints Officer and appropriate officers, and each case will be considered on its own merit.

5.52 Should it be required, the decision of the Director of Social Services on such matters will be final.

5.53 **Public Services Ombudsman for Wales**

5.54 If we do not succeed in resolving a complaint, the complainant may refer the matter to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into complaints where the complainant or service user -

- (i) has been treated unfairly or received a bad service through some failure on the part of the body providing it

- (ii) has been disadvantaged personally by a service failure or has been treated unfairly.

5.55 The Ombudsman expects complainants to bring concerns to our attention first and to give us an opportunity to put things right.

5.56 The Ombudsman can be contacted in the following ways:

- By e-mail: ask@ombudsman-wales.org.uk
- Via the Ombudsman website: www.ombudsman-wales.org.uk
- In writing, or by telephone, at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5LJ
Tel: 0300 790 0203

5.57 There are also other organisations that consider complaints. For example, the Welsh Language Commissioner can deal with issues about services in Welsh. We can provide advice about such organisations.

5.58 **What if a complainant needs help?**

5.59 Our staff will aim to help complainants to make their concerns known to us. If extra assistance is needed, we will try to put complainants in touch with someone who can help.

5.60 **Older People**

Age Cymru provides advice for all older people in Wales. They can be contacted any of the ways below:

- Using their Online Form: <http://www.ageuk.org.uk/cymru/contact-us/>
- Via the Age Cymru website: <http://www.ageuk.org.uk/cymru/>
- In writing, or by telephone, at:

Age Cymru
Tŷ John Pathy
13/14 Neptune Court
Vanguard Way
Cardiff CF24 5PJ
Tel: 0300 790 0203

5.61 Advocacy services for adults with a learning disability can also be found by contacting:

Advocacy Matters (Wales)

Canton House
435 Cowbridge Road East
Cardiff
CF5 1JH

And at:

Barry YMCA Hub
Court Road
Barry
Vale of Glamorgan
CF63 4EE

Telephone Cardiff - 029 2023 3733 Barry - 01446 724007| E-Mail
info@advocacymatterswales.co.uk

5.62 Children & Young People

5.63 This policy includes complaints made by people under the age of 18. If a young person wishing to complain needs help, they can speak to someone on the Meic Helpline (phone 080880 23456, www.meiccymru.org).

5.64 They can also contact the Children's Commissioner for Wales:

- By email, at: post@childcomwales.org.uk
- In writing, or by telephone, as shown below:

South Wales Office:

Oystermouth House
Phoenix Way
Llansamlet
Swansea SA7 9FS
Tel: 01792 765600

North Wales Office:

Penrhos Manor
Oak Drive
Colwyn Bay
Conwy LL29 7YW
Tel: 01492 523333

5.65 Advocacy services for children & young people can also be provided by NYAS on <https://www.nyas.net/freephone>

5.66 What we expect from complainants

- 5.67 In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.
- 5.68 We believe that all complainants have the right to be heard, understood and respected. However, we expect complainants to be polite and courteous in their dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.
- 5.69 We have a separate policy to manage situations where we find that someone's actions are unacceptable. Details of our Unreasonable Customer Behaviour Policy can be found on the Staffnet.

6. Policy Approval and Review

Policy Approved By:	Natasha James
Date Approved:	September 2019
Review Frequency:	Every three years
Date Policy To Be Reviewed:	April 2022
Responsible Officer(s):	Amanda Green

